



Tithe an Oireachtais

**An Comhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus
Cearta na mBan**

**Tuarascáil Eatramhach maidir leis an Tuarascáil ón gCoimisiún
Fiosrúcháin Neamhspleách faoi Bhuamáil Bhaile Átha Cliath agus
Mhuineacháin**

Nollaig 2003

Houses of the Oireachtas

Joint Committee on Justice, Equality, Defence and Women's Rights

**Interim Report on the Report of the Independent Commission of
Inquiry into the Dublin and Monaghan Bombings**

December 2003

Joint Committee on Justice, Equality, Defence and Women's Rights

Interim Report on the Report of the Independent Commission of Inquiry
into the Dublin and Monaghan Bombings

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Joint Committee on Justice, Equality, Defence and Women's Rights

Interim Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings

The Joint Committee on Justice, Equality, Defence and Women's Rights wishes to express its deepest sympathy with the victims and relatives of the victims of the Dublin and Monaghan bombings of 1974. As has been stated by Mr Justice Henry Barron, "the true cost of these atrocities in human terms is incalculable. In addition to the loss of innocent lives, hundreds more were scarred by physical and emotional injuries. The full story of suffering will never be known and it is ongoing in many cases. There are those who to this day are marked by injuries and illnesses caused by the bombings."

On 19 December 1999, the Taoiseach Bertie Ahern T.D., announced the appointment of Mr. Justice Liam Hamilton to undertake a thorough examination, involving fact finding and assessment of all aspects of the Dublin, Monaghan and Dundalk bombings in 1974. The terms of reference were agreed on 15 February 2000, and were as follows:

‘ To undertake a thorough examination, involving fact finding and assessment, of all aspects of the Dublin/ Monaghan bombings and their sequel, including

- the facts, circumstances, causes and perpetrators of the bombings;
- the nature, adequacy and extent of the Garda investigation, including the co-operation with and from the relevant authorities in Northern Ireland and the handling of evidence, including the scientific analyses of forensic evidence;
- the reasons why no prosecution took place, including whether and if so, by whom and to what extent the investigations were impeded; and
- the issues raised by the Hidden Hand T.V. documentary broadcast in 1993.

The ‘Dublin/Monaghan bombings’ refer to

- the bomb explosions that took place in Parnell Street, Talbot Street, and South Leinster Street, Dublin, on 17 May, 1974
- the bomb explosion that took place in North Street, Monaghan, on 17 May, 1974.’

The results of the examination by Mr Justice Hamilton [who was succeeded by Mr Justice Henry Barron] were to be presented to the Government, to be followed by an

examination of the report in public session by the Joint Committee on Justice, Equality, Defence and Women's Rights, or a sub-Committee of that Committee. It was also envisaged that the Joint Committee would advise the Oireachtas as to what further action, if any, would be necessary to establish the truth of what happened.

The establishment of the Independent Commission of Inquiry was a genuine attempt to respond to the legitimate needs and concerns of those injured or bereaved as a result of the bombings and to move towards closure for people who had suffered too long.

By a Motion of referral by Dáil Éireann and Seanad Éireann, on Wednesday 10 December, 2003, and in accordance with its Orders of Reference, the Joint Committee on Justice, Equality, Defence and Women's Rights, hereinafter called 'the Committee', has received the report by Mr. Justice Barron on his investigation into the 1974 Dublin and Monaghan bombings entitled 'Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings' for consideration.

The text of the Motion is as follows:

'That Dáil Éireann requests the Joint Committee on Justice, Equality, Defence and Women's Rights, or a sub-Committee thereof, to consider, including in public session, the Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings, and to report back to Dáil Éireann within three months concerning:

- whether the Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings of 1974 addresses all of the issues covered in the terms of reference of the Inquiry.
- the lessons to be drawn and any actions to be taken in the light of the Report, its findings and conclusions.
- whether, having regard to the Report's findings, and following consultations with the Inquiry, a further public inquiry into any aspect of the Report would be required or fruitful.

Provided that the Committee may accept, including in public session, submissions on the Report from interested persons and bodies.'

The Motion of Referral by Seanad Éireann was worded in a similar manner to the Motion of Referral by Dáil Éireann

The Committee met in private session with Mr Barron on Wednesday, 10 December 2003, to consider the matter. It has considered the report in some detail and has annexed it to this Interim Report for submission to the Houses of the Oireachtas in

the public interest, for the purpose of facilitating the Committee in such further action as it deems appropriate, and in conducting hearings, as it deems necessary.

The Joint Committee has decided to establish a Sub-Committee to consider, including in public session, the Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings, and to report back to the Joint Committee concerning the following matters:

- whether the Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings of 1974 addresses covered in the terms of reference of the Inquiry.
- the lessons to be drawn and any actions to be taken in the light of the Report, its findings and conclusions.
- whether, having regard to the Report's findings, and following consultations with the Inquiry, a further public inquiry into any aspect of the Report would be required or fruitful.

Provided that the Sub-Committee and the Joint Committee, may accept, including in public session, submissions on the Report from interested persons and bodies.

The Joint Committee has also decided to:

- publish an Interim Report annexing the text of the report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings:
- that submissions, both written and oral, will be sought from interested persons and bodies:
- that a series of hearings will be held, in public session, to commence in January 2004: and
- that the Sub-Committee will in due course, submit a report to the Joint Committee which will, in accordance with the terms of the Motion of Referral, report back to the Houses within three months.

The Joint Committee has agreed a deadline of 9 January 2004, for receipt of submissions, which it intends to examine to assist it in its deliberations during the hearings. The report of the Committee to both Houses, will detail the submissions received, the hearings held, and such comments, recommendations or conclusions as the Committee may decide to make, and the said report will be published.

Séan Ardagh, T.D.
Chairperson.
10th December 2003.

Appendix A

JOINT COMMITTEE ON JUSTICE, EQUALITY, DEFENCE AND WOMEN'S RIGHTS.

ORDERS OF REFERENCE.

Dáil Éireann on 16 October 2002 *ordered*:

- “(1) (a) That a Select Committee, which shall be called the Select Committee on Justice, Equality, Defence and Women’s Rights, consisting of 11 Members of Dáil Éireann (of whom 4 shall constitute a quorum), be appointed to consider -
- (i) such Bills the statute law in respect of which is dealt with by the Department of Justice, Equality and Law Reform and the Department of Defence;
 - (ii) such Estimates for Public Services within the aegis of the Department of Justice, Equality and Law Reform and the Department of Defence; and
 - (iii) such proposals contained in any motion, including any motion within the meaning of Standing Order 157 concerning the approval by the Dáil of international agreements involving a charge on public funds,
- as shall be referred to it by Dáil Éireann from time to time.
- (b) For the purpose of its consideration of Bills and proposals under paragraphs (1)(a)(i) and (iii), the Select Committee shall have the powers defined in Standing Order 81(1), (2) and (3).
- (c) For the avoidance of doubt, by virtue of his or her *ex officio* membership of the Select Committee in accordance with Standing Order 90(1), the Minister for Justice, Equality and Law Reform and the Minister for Defence (or a Minister or Minister of State nominated in his or her stead) shall be entitled to vote.
- (2) (a) The Select Committee shall be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on Justice, Equality, Defence and Women’s Rights to consider-
- (i) such public affairs administered by the Department of Justice, Equality and Law Reform and the Department of Defence as it may select, including, in respect of Government policy, bodies under the aegis of those Departments;
 - (ii) such matters of policy for which the Minister for Justice, Equality and Law Reform and the Minister for Defence are officially responsible as it may select;
 - (iii) such related policy issues as it may select concerning bodies which are partly or wholly funded by the State or which are established or appointed by Members of the Government or by the Oireachtas;

- (iv) such Statutory Instruments made by the Minister for Justice, Equality and Law Reform and the Minister for Defence and laid before both Houses of the Oireachtas as it may select;
- (v) such proposals for EU legislation and related policy issues as may be referred to it from time to time, in accordance with Standing Order 81(4);
- (vi) the strategy statement laid before each House of the Oireachtas by the Minister for Justice, Equality and Law Reform and the Minister for Defence pursuant to section 5(2) of the Public Service Management Act, 1997, and the Joint Committee shall be authorised for the purposes of section 10 of that Act;
- (vii) such annual reports or annual reports and accounts, required by law and laid before both Houses of the Oireachtas, of bodies specified in paragraphs 2(a)(i) and (iii), and the overall operational results, statements of strategy and corporate plans of these bodies, as it may select;

Provided that the Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act, 1993;

Provided further that the Joint Committee shall refrain from inquiring into in public session, or publishing confidential information regarding, any such matter if so requested either by the body concerned or by the Minister for Justice, Equality and Law Reform or the Minister for Defence;

- (viii) such matters relating to women's rights generally, as it may select, and in this regard the Joint Committee shall be free to consider areas relating to any Government Department; and
- (ix) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas,

and shall report thereon to both Houses of the Oireachtas.

- (b) The quorum of the Joint Committee shall be five, of whom at least one shall be a Member of Dáil Éireann and one a Member of Seanad Éireann.
 - (c) The Joint Committee shall have the powers defined in Standing Order 81(1) to (9) inclusive.
- (3) The Chairman of the Joint Committee, who shall be a Member of Dáil Éireann, shall also be Chairman of the Select Committee.”.

Seanad Éireann on 17 October 2002 ordered:

- “(1) (a) That a Select Committee consisting of 4 members of Seanad Éireann shall be appointed to be joined with a Select Committee of Dáil Éireann to form the Joint Committee on Justice, Equality, Defence and Women’s Rights to consider –
- (i) such public affairs administered by the Department of Justice, Equality and Law Reform and the Department of Defence as it may select, including, in respect of Government policy, bodies under the aegis of those Departments;
 - (ii) such matters of policy for which the Minister for Justice, Equality and Law Reform and the Minister for Defence are officially responsible as it may select;
 - (iii) such related policy issues as it may select concerning bodies which are partly or wholly funded by the State or which are established or appointed by Members of the Government or by the Oireachtas;
 - (iv) such Statutory Instruments made by the Minister for Justice, Equality and Law Reform and the Minister for Defence and laid before both Houses of the Oireachtas as it may select;
 - (v) such proposals for EU legislation and related policy issues as may be referred to it from time to time, in accordance with Standing Order 65(4);
 - (vi) the strategy statement laid before each House of the Oireachtas by the Minister for Justice, Equality and Law Reform and the Minister for Defence pursuant to section 5(2) of the Public Service Management Act, 1997, and the Joint Committee shall be so authorised for the purposes of section 10 of that Act;
 - (vii) such annual reports or annual reports and accounts, required by law and laid before both Houses of the Oireachtas, of bodies specified in paragraphs 1(a)(i) and (iii), and the overall operational results, statements of strategy and corporate plans of these bodies, as it may select;

Provided that the Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act, 1993;

Provided further that the Joint Committee shall refrain from inquiring into in public session, or publishing confidential information regarding, any such matter if so requested either by the body concerned or by the Minister for Justice, Equality and Law Reform or the Minister for Defence;

- (viii) such matters relating to women's rights generally, as it may select, and in this regard the Joint Committee shall be free to consider areas relating to any Government Department;

and

- (ix) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas.

and shall report thereon to both Houses of the Oireachtas.

- (b) The quorum of the Joint Committee shall be five, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann,
 - (c) The Joint Committee shall have the powers defined in Standing Order 65(1) to (9) inclusive,
- (2) The Chairman of the Joint Committee shall be a member of Dáil Éireann.”.

JOINT COMMITTEE ON JUSTICE, EQUALITY, DEFENCE AND WOMEN'S RIGHTS.

Powers of the Joint Committee

The powers of the Joint Committee are set out in Standing Order 81(Dáil) and Standing Order 65 (Seanad). The text of the Dáil Standing Order is set out below. The Seanad S.O. is similar.

"81. Without prejudice to the generality of Standing Order 80, the Dáil may confer any or all of the following powers on a Select Committee:

- (1) power to take oral and written evidence and to print and publish from time to time minutes of such evidence taken in public before the Select Committee together with such related documents as the Select Committee thinks fit;
- (2) power to invite and accept written submissions from interested persons or bodies;
- (3) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;
- (4) power to draft recommendations for legislative change and for new legislation and to consider and report to the Dáil on such proposals for EU legislation as may be referred to it from time to time by any Committee established by the Dáil (whether acting jointly with the Seanad or otherwise) to consider such proposals and upon which has been conferred the power to refer such proposals to another Select Committee;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss policy for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy;
- (6) power to require that a member of the Government or Minister of State shall attend

before the Select Committee to discuss proposed primary or secondary legislation (prior to such legislation being published) for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such proposed legislation;

- (7) subject to any constraints otherwise prescribed by law, power to require that principal office holders in bodies in the State which are partly or wholly funded by the State or which are established or appointed by members of the Government or by the Oireachtas shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: provided that such an office holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;
- (8) power to engage, subject to the consent of the Minister for Finance, the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
- (9) power to undertake travel, subject to—
 - (a) such rules as may be determined by the sub-Committee on Dáil Reform from time to time under Standing Order 97(3)(b);
 - (b) such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 98(2)(a); and
 - (c) the consent of the Minister for Finance, and normal accounting procedures."

Appendix B

JOINT COMMITTEE ON JUSTICE, EQUALITY, DEFENCE AND WOMEN'S RIGHTS

List of Members

- Deputies** Seán Ardagh (FF) (*Chairman*)
Joe Costello (LAB)
Máire Hctor (FF) (*Government Convenor*)
Dinny McGinley (FG)
Finian McGrath (Techn.Grp)
Paul McGrath (FG) (*Vice Chairman*)
Breeda Moynihan-Cronin (LAB) (*Opposition Convenor*)
Seán O Feargháil (FF)
Charlie O'Connor (FF)
Denis O'Donovan (FF)
Peter Power (FF)
- Senators** Tony Kett (FF)
Sheila Terry (FG)
Joanna Tuffy (LAB)
Jim Walsh (FF)

Appendix C

Motions of the Dáil and Seanad

Tá Dáil Éireann tar éis an tOrdú seo a leannas a dhéanamh:

“Go n-iarrann Dáil Éireann ar an gComhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan, nó ar Fhochoiste den Chomhchoiste sin, breithniú a dhéanamh, lena n-áirítear breithniú i seisiún poiblí, ar an Tuarascáil ón gCoimisiún Fiosrúcháin Neamhspleách faoi bhuamáil Bhaile Átha Cliath agus Mhuineacháin agus tuairisciú do Dháil Éireann laistigh de thrí mhí maidir leis na nithe seo a leanas:

- cibé acu a thugtar aghaidh sa Tuarascáil ón gCoimisiún Fiosrúcháin Neamhspleách faoi bhuamáil Bhaile Átha Cliath agus Mhuineacháin i 1974 ar na saincheisteanna go léir a chuimsítear i dTéarmaí Tagartha an Fhiosrúcháin.
- na ceachtanna atá le foghlaim agus aon bhearta atá le déanamh i bhfianaise na Tuarascála, fhionnachtana na Tuarascála agus thátail na Tuarascála.
- cibé acu, ag féachaint d'fhionnachtana na Tuarascála, agus tar éis dul i gcomhairle leis an bhFiosrúchán, a bheadh fiosrúchán poiblí eile faoi aon ghné den Tuarascáil riachtanach nó tairbheach.

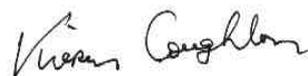
Ar choinníoll go bhféadfaidh an Coiste glacadh le haighneachtaí, lena n-áirítear aighneachtaí i seisiún poiblí, ar an Tuarascáil ó dhaoine agus ó chomhlachtaí leasmhara.”

Dáil Éireann has made the following order:

“That Dáil Éireann requests the Joint Committee on Justice, Equality, Defence and Women’s Rights, or a sub-Committee thereof, to consider, including in public session, the Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings, and to report back to Dáil Éireann within three months concerning:

- whether the Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings of 1974 addresses all of the issues covered in the terms of reference of the Inquiry.
- the lessons to be drawn and any actions to be taken in the light of the Report, its findings and conclusions.
- whether, having regard to the Report’s findings, and following consultations with the Inquiry, a further public inquiry into any aspect of the Report would be required or fruitful.

Provided that the Committee may accept, including in public session, submissions on the Report from interested persons and bodies.”



Cléireach na Dála.

10 Nollaig, 2003

Our Ref: S13/6 (iii)

Cléireach na Dála,

Tá Seanad Éireann tar éis an tOrdú seo a leanas a dhéanamh:

“Go n_iarrann Seanad Éireann ar an gComhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan, nó ar Fhochoiste den Chomhchoiste sin, breithniú a dhéanamh, lena n_áirítear breithniú i seisiún poiblí, ar an Tuarascáil ón gCoimisiún Fiosrúcháin Neamhspleách faoi bhuamáil Bhaile Átha Cliath agus Mhuineacháin agus tuairisciú do Sheanad Éireann laistigh de thrí mhí maidir leis na nithe seo a leanas:

- cibé acu a thugtar aghaidh sa Tuarascáil ón gCoimisiún Fiosrúcháin Neamhspleách faoi bhuamáil Bhaile Átha Cliath agus Mhuineacháin i 1974 ar na saincheisteanna go léir a chuimsítear i dTearmaí Tagartha an Fhiosrúcháin.

- na ceachtanna atá le foghlaim agus aon bhearta atá le déanamh i bhfianaise na Tuarascála, fhionnachtana na Tuarascála agus thátail na Tuarascála.

- cibé acu, ag féachaint d’fhionnachtana na Tuarascála, agus tar éis dul i gcomhairle leis an bhFiosrúchán, a bheadh fiosrúchán poiblí eile faoi aon ghné den Tuarascáil riachtanach nó tairbheach.

Ar choinníoll go bhféadfaidh an Coiste glacadh le haighneachtaí, lena n_áirítear aighneachtaí i seisiún poiblí, ar an Tuarascáil ó dhaoine agus ó chomhlachtaí leasmhara.

Seanad Éireann has made the following Order:

That Seanad Éireann requests the Joint Committee on Justice, Equality, Defence and Women’s Rights, or a sub-Committee thereof, to consider, including in public session, the Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings, and to report back to Seanad Éireann within three months concerning:

- whether the Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings of 1974 addresses all of the issues covered in the terms of reference of the Inquiry.

- the lessons to be drawn and any actions to be taken in the light of the Report, its findings and conclusions.

- whether, having regard to the Report’s findings, and following consultations with the Inquiry, a further public inquiry into any aspect of the Report would be required or fruitful.

Provided that the Committee may accept, including in public session, submissions on the Report from interested persons and bodies.”

Deirdre Lane.
Cléireach an tSeanaid.
10 Nollaig, 2003

c.c. Clerk,
Joint Committee on Justice, Equality, Defence and Women’s Rights

Appendix D

MR JUSTICE HENRY BARRON'S STATEMENT TO OIREACHTAS JOINT COMMITTEE, 10 DECEMBER 2003

THE WORK OF THE INQUIRY:

The Dublin and Monaghan bombings of 17 May 1974 remain the most devastating attack on the civilian population of this State to have taken place since the 'Troubles' began. Thirty-three people, including one pregnant woman, died as a result of the explosions. Many more were injured.

The Inquiry is fully aware of the distress that has been caused to the injured and bereaved victims of the bombings, not only by virtue of the events themselves, but also by reason of the years which passed during which the authorities in the State appeared to them to have done nothing to alleviate that distress. The time taken to produce this report has no doubt added to the frustration and pain which many understandably feel. This report cannot remove the scars of nearly thirty years; but it is hoped that the information contained in it will help to ease the feelings of isolation and abandonment felt by many survivors and by friends and relatives of those murdered on 17 May 1974.

The Commission of Inquiry began its work in February 2000, with a minimal staff consisting of the Sole Member (the former Chief Justice, Liam Hamilton), a legal assistant and a secretary. Mr Justice Hamilton worked on the Inquiry until October 2000, when illness forced him to resign his position.

Under its terms of reference, the Inquiry agreed:

To undertake a thorough examination, involving fact finding and assessment, of all aspects of the Dublin / Monaghan bombings and their sequel, including

- the facts, circumstances, causes and perpetrators of the bombings;
- the nature, extent and adequacy of the Garda investigation, including the co-operation with and from the relevant authorities in Northern Ireland and the handling of evidence, including the scientific analyses of forensic evidence;
- the reasons why no prosecution took place, including whether and if so, by whom and to what extent the investigations were impeded; and
- the issues raised by the Hidden Hand T.V. documentary broadcast in 1993.

The magnitude of this task should not be underestimated. In the first place, it required the acquisition of as much documentary and oral evidence as possible. The passage of nearly thirty years made this task time-consuming and difficult. Filing records were incomplete or in some cases non-existent; documents had been lost or destroyed; witnesses had to be identified, traced and interviewed.

The second difficulty was that information, once acquired, often raised questions that had not previously been asked by the Inquiry. As a result, some witnesses had to be approached several times, and documents had to be re-examined in the light of subsequently acquired facts or allegations. This is particularly so in relation to the second half of the report, which deals with the many allegations that have been made over the years concerning who might have been responsible for the bombings.

In the nine months prior to his resignation, Mr Hamilton acquired a significant amount of documentary material from An Garda Síochána and various Government departments. He also had more than twenty meetings with various groups and individuals during that time.

When I was appointed as Sole Member in October 2000, it took some time to assimilate the material collected by my predecessor. In many cases, I felt it necessary to re-interview persons seen by Mr Hamilton, in order to form my own view as to the reliability of their information. It also became clear that there was further material of relevance which needed to be sought and examined. A summary of the information sought and received by the Inquiry is contained in chapter two of the Report.

Almost all those with whom the Inquiry requested an interview were willing and able to co-operate. In all, more than 130 interviews took place. Attendance at such meetings was entirely voluntary, and the Inquiry is extremely grateful to all who co-operated with it in the course of its work.

The Inquiry is especially grateful for the assistance provided by Justice for the Forgotten, who not only provided significant amounts of documentary material, but also helped the Inquiry make contact with a number of witnesses and other persons whose knowledge and expertise have helped inform the report.

Within the jurisdiction of the State, the Inquiry is satisfied that it has received all relevant documentation from official sources that has not been lost or destroyed in the thirty years since the bombings took place. Both An Garda Síochána and the Defence Forces appointed liaison officers, through whom all requests for information were channelled. This procedure worked well.

From the early stages, the Inquiry received assurances of co-operation from the British Government and the Police Service of Northern Ireland – formerly known as the RUC. In due course, requests for documentary material were made to the PSNI, the Northern Ireland Office of the British Government and to court officials in Northern Ireland.

In the first instance, the Inquiry expected to obtain information from the then RUC through the Northern Ireland Office having taken the view that liaison would be better conducted through one correspondent. When the delay in correspondence from this Office became excessive the Inquiry sought and obtained permission to go directly to the RUC. The Inquiry later met serving and retired members of the RUC, on separate occasions in Belfast and Dublin.

From its dealings with the RUC / PSNI, the Inquiry received a considerable amount of information. This included records relating to the arrest and questioning in December 1978 of a number of RUC officers suspected of participating in attacks on catholic civilians.

The RUC also made available for inspection original police files relating to the finding of the two guns used in the murder of one John Francis Green, near Castleblayney on 10 January 1975. Further ballistic evidence relating to a number of weapons and the incidents in which they were used was also provided to the Inquiry.

Although the documentary evidence furnished to the Inquiry was of considerable assistance, there were some inaccuracies in reports and in information supplied at meetings. These are detailed in the body of the Report as and where they are relevant.

Correspondence with the Secretary of State for Northern Ireland began with a letter from the Inquiry dated 10 November 2000. Further correspondence took place throughout 2001, but no information was supplied until February 2002. The Inquiry had been told at a meeting in London in January that the main reason for the delay was that some 68,000 files of possible relevance existed in the Northern Ireland Office alone. The number of files in the Ministry of Defence could be counted in millions. Many of these files were not computerised. The team examining the files had finished at the end of 2001, and it was hoped to provide information to the Inquiry within weeks.

The promised information came in the form of a ten-page letter from the Secretary of State for Northern Ireland dated 26 February 2002. A further six pages appended to the letter gave details concerning the structure and control of intelligence gathering in Northern Ireland during the relevant period.

Of the information supplied in the letter itself, some had already been obtained by the Inquiry from Irish Army and Garda sources. The information supplied was divided into pre-attack, immediate post-attack, and later material. It was followed by conclusions. The letter contained a number of quotes taken from intelligence reports, but no copies of any original documents were forthcoming.

Further requests for specific information were responded to and did produce some additional information in a form similar to that adopted in the letter of 26 February. Little or no original documentation was supplied.

Correspondence with the Northern Ireland Office undoubtedly produced some useful information; but its value was reduced by the reluctance to make original documents available and the refusal to supply other information on security grounds. While the Inquiry fully understands the position taken by the British Government on these matters, it must be said that the scope of this report is limited as a result.

THE DUBLIN AND MONAGHAN BOMBINGS:

The nature of the allegations made about the Dublin and Monaghan bombings – particularly those concerning the possible complicity of members of the security forces – meant that the bombings could not be considered in isolation. A proper assessment of those claims required a thorough

examination of many other incidents which were alleged to be connected in some way with the bombings or the alleged perpetrators. Some of these incidents, when followed up by the Inquiry, proved either entirely irrelevant or completely without foundation and have been omitted from the report on the basis that to include them would only foster confusion and detract from more important material.

From the outset, the Inquiry was aware of a widely held belief that the bombings were carried out by loyalist paramilitaries, assisted by members of the security forces in Northern Ireland. The Inquiry did not start with that assumption, and it has not sought to fit the information received into any preconceived notion of who may have carried out the bombings. The Inquiry has concerned itself solely with the accumulation of credible evidence, and where appropriate has pointed to inferences which it feels might reasonably be drawn from that evidence.

THE GARDA INVESTIGATION:

Over the months following the Dublin and Monaghan bombings, an intensive investigation was carried out by a team of 40 or more Garda detectives. The information collected by the investigation team could be divided as follows:

- (1) Eyewitness accounts;
- (2) Forensic evidence;
- (3) Intelligence information.

Eyewitness accounts:

Most of this information related to sightings of the bomb cars, though there were a number of witnesses who claimed to have seen one or more of the perpetrators.

The Parnell Street and South Leinster Street bomb cars were seen by two witnesses near Sheephouse, Co. Louth at around 1 p.m. One of the witnesses gave descriptions of some of the occupants. There was another car, a brown Austin 1100, which seemed to be travelling in convoy with the Parnell Street car. There were no further sightings of this car, and the two bomb cars were not reliably identified again until shortly before parking in Dublin.

One witness told Gardaí that in or about 4.20 p.m. she met a man at the corner of Westmoreland Street and D'Olier Street from whom she sought directions to Dawson Street. He gave them to her and she saw him get into a car which resembled the Parnell Street car. She described the man, and said she was nearly certain that he had an English accent. Some time later, she saw the same car coming up North Earl Street. When it came to the lights, it braked hard and swung around to its right into O'Connell Street – against the flow of traffic. She said the same man was driving.

At 5.12 p.m., the Parnell Street bomb car was seen by two witnesses who had been parked in the space subsequently occupied by the bomb car. One of the witnesses gave a description of the

driver.

Perhaps the most promising information was given by a witness who saw the South Leinster Street bomb car being parked. The driver then left the car minutes before it exploded. On leaving, he walked past the witness' own vehicle, heading towards Grafton Street. The witness gave a detailed description of the man he saw.

The Talbot Street car may have been seen near Drogheda at 12.30 p.m. The next reliable sighting was at Doyles Corner, Dublin at 4 p.m. No one saw the car being parked.

There were few sightings of the Monaghan bomb car, none of which reliably identified the registration number. Nor was it seen being parked outside Greacen's pub. There was evidence, however, to suggest its probable route and that it was parked as late as five minutes before the explosion.

Photographs:

At an early stage in the investigation, the bombings were suspected to have been the work of loyalist paramilitaries. Gardaí visited the RUC in Belfast and Portadown to acquire photographs of likely suspects. With these photographs a number of albums were made and shown to witnesses. The albums have been missing from Garda files since 1993 at least. As a consequence, the only names known to have been included are those picked out by witnesses and named in the Garda reports.

For the Dublin investigation team, showing photographs produced one firm result: three separate witnesses identified David Alexander Mulholland, a known UVF member, as being in the car which contained the Parnell Street bomb.

The witness who saw the South Leinster Street bomber was not shown the photograph albums. In 1976, he claimed to have seen the man again in Dublin. Photographs were not shown to him on this occasion either.

In Monaghan, a number of identifications were made, though none as reliable as that of Mulholland. Samuel Whitten, a known UVF member, was picked out as resembling a passenger in the bomb car, seen en route to Monaghan at around 5 p.m. He was also identified by another witness as the driver of a red sports car in Monaghan town on the previous evening. Another named UVF member was also identified as a passenger in the bomb car at 6.50 p.m. Three known loyalist paramilitaries, including Stewart Young and Ronald Michael 'Nikko' Jackson were seen acting suspiciously in the Portadown car park from which the bomb car was stolen, albeit some 90 minutes before the car was said to have been parked there.

Photofits:

A number of photofits were assembled with the help of some witnesses, but it appears that limited use was made of them.

Forensic evidence:

The collection of samples for forensic analysis was the responsibility of members of the Garda ballistics section. They were assisted in the search for unexploded bomb portions or fragments of timing devices by members of Army Explosives Ordnance Disposal (EOD). No such portions or fragments were found in Dublin, though in Monaghan, a cog wheel which may have come from a clock timer was discovered.

There was no dedicated forensic laboratory in the State at that time. On 20 May Detective Sergeant Jones, who examined Parnell Street, took samples to Dr Donovan at the State Laboratory, apparently on his own initiative. He delivered further samples to him three days later. On 28 May, Mr R. A. Hall of the Northern Ireland Department of Industrial and Forensic Science received a quantity of samples taken from each of the Dublin and Monaghan bomb scenes.

Forensic analysis in both cases was fatally compromised by the delay in getting samples to the laboratories and in the manner in which the samples were handled and stored. The most significant finding was of metal fragments taken from the Monaghan bomb scene, which suggested that the bomb had been in a beer barrel or similar container. The implication was that it was made with improvised 'low' explosive which required containment to achieve detonation. This was characteristic of most loyalist bombs at that time.

Due to the loss of Garda records, It is no longer possible to construct an unbroken chain of possession for the forensic samples between their collection and their arrival in Belfast. It is not known at what point these records became lost.

Intelligence information:

Gardaí received no specific intelligence warning of the attacks, although a general warning issued on 15 May asked key-holders to be on the alert for fire bombs.

A large number of intelligence items of varying credibility were investigated. In some cases, the RUC was asked for information, or to carry out further inquiries. One in particular involved an anonymous call from a long-distance lorry driver who claimed to have seen three men getting from a minibus into a lorry belonging to a named haulage firm which was parked near the border at around 6.30 p.m. The RUC interviewed the owner and all of the drivers for the firm except one who was based in the State. One of the drivers admitted to have been parked in a lay-by north of Dundalk between 4.30 and 8 p.m. He was singled out for mention in the Dublin report, but no comment was made. There were a number of other steps that could have been taken by Gardaí to follow up this information, but it seems that nothing else was done.

Gardaí contacted the RUC on a number of occasions seeking information on persons named in confidential information received. The responses to these requests varied, and in some cases were disappointing. The RUC offered to question David Alexander Mulholland, the man allegedly seen in the Parnell Street car, in the presence of Gardaí. The offer was declined, apparently on the basis of information that Mulholland crossed the border regularly and might be arrested in the State. This did not occur, and it seems that no steps to review the situation were taken.

The Monaghan team received a number of pieces of confidential information, mostly from RUC Special Branch sources. Perhaps the most significant was information, said by an anonymous source to have been overheard on UDA premises, which linked Stewart Young and Ronald Michael Jackson with the theft of the bomb car. The RUC were not asked to arrest or interview any persons named either by eyewitnesses or by informants in the course of the Monaghan investigation.

At a meeting with British Intelligence sources in London on 1 June 1974, Irish Army Intelligence officers received information to the effect that the Dublin and Monaghan bombings were “the co-ordinated efforts of two ‘Heavy Gangs’ within the UVF”, and that the attacks took place without the approval of UVF leadership. It was also believed that the bombers had remained overnight in Dublin, returning to Belfast on the following day. This was the first time the existence of such gangs had been mentioned in these reports.

At the same meeting, it was said that a British Army raid on loyalist strongholds in Belfast on 26 May had resulted in a number of arrests, including at least two of those responsible for the Dublin bombings. Irish Intelligence were told that there was “good intelligence” on this, though the nature of it was not revealed.

At a meeting in September 1974, Irish Government representatives including the Taoiseach and the Minister for Foreign Affairs were told by the Prime Minister and the Secretary of State for Northern Ireland that the people who had bombed Dublin had been interned. This was repeated at a similar meeting in November. It appears that the arrests of 26 May were the basis for these statements, but the matter does not seem to have been pursued by the Irish Government.

By the end of June 1974 it seems that little further progress was being made with the Garda investigation. A memo from the Chief Superintendent in charge of the investigation dated 9 July noted that “the investigation unit... have returned to their stations.” A report on the Monaghan investigation was issued on 7 July 1974. The Dublin investigation report was completed on 9 August 1974.

A number of further inquiries were carried out between 1974 and 1976, again with the assistance of the RUC when requested, but nothing of consequence resulted.

THE ‘HIDDEN HAND’ PROGRAMME:

In 1993, Yorkshire Television broadcast a documentary on the bombings entitled ‘The Hidden Hand’. The programme purported to give a detailed account of how the bombing operations had taken place. It named several loyalist paramilitaries whom it believed were or ought to have been on the Gardaí’s list of suspects. It also suggested that the Garda investigation had ended

prematurely because of a lack of assistance from the authorities in Northern Ireland. Finally, it raised the possibility that members of the security forces in Northern Ireland may have assisted in planning or carrying out the bombings.

The principal achievement of the 'Hidden Hand' programme was to place the Dublin and Monaghan bombings once more at the forefront of the public mind. Although constrained by the limitations of the television documentary format and by a lack of full access to Garda and RUC records, it succeeded in making the case that there were questions to be answered in relation to the conduct of the original investigation. The issues and allegations raised by it were the catalyst for a campaign by Justice for the Forgotten and others. It was as a result of that campaign that the Government set up this Commission of Inquiry.

The programme was the subject of a Garda inquiry which did not seek to review the allegations in general terms, but simply to establish whether those who made the programme had any substantive evidence which might lead to persons being made amenable for the bombings. No such evidence was found. The programme makers believed this approach to be too narrow, arguing that the main thrust of the Garda review should have been to establish why the original investigation ended when it did, and whether the Gardaí, the Irish Government or the security forces in Northern Ireland could have done any more at the time.

Following criticisms of the report of this inquiry by the Department of Justice, Gardaí interviewed a number of contributors to the programme, as well as certain persons named in the programme as possible suspects for the bombings. Again, no evidence capable of sustaining a prosecution emerged from these interviews.

The Commission of Inquiry is satisfied that the main sources for the allegations made in the programme concerning the perpetrators of the bombings and the possibility of collusion by members of the security forces in Northern Ireland were former RUC officer John Weir, former British Army Senior Information Officer Colin Wallace and former British Army Captain Fred Holroyd. Our report considers the claims made by these persons in some detail.

John Weir is a former RUC Sergeant. He is also a convicted criminal: between 1980 and 1992, he served a prison sentence for his part in the murder of one William Strathearn. During and after his imprisonment he had made a number of allegations involving members of the RUC, UDR and RUC Reserve, as well as known loyalist paramilitaries. His allegations were based on personal knowledge as well as on information from third parties. His claims have been the subject of inquiries by the RUC and An Garda Síochána.

He claims to have been part of a group of policemen, UDR officers and loyalist extremists who carried out a series of attacks in the mid-1970s. He says many of their operations were planned and prepared at a farm owned by RUC reserve officer James Mitchell at Glenanne, Co. Armagh. He claims that both Mitchell and UVF member Stewart Young confessed their own involvement in the Dublin and Monaghan bombings to him, and gave him the names of a number of others who they said were also involved.

Having regard to his own admitted conduct, and his relationships with those with whom he was admittedly involved at Glenanne, John Weir was certainly in a position through conversations and

observation to have obtained the information which he now claims to be true. While it is possible that he obtained all these details from other sources since his conviction, this is unlikely. The amount of details on which he has been proven correct suggests that his sources were authentic and contemporary.

Bearing in mind that Weir was an active member of the security services, and that his allegations relating to the period from May to August 1976 have received considerable confirmation, the Inquiry believes that his evidence overall is credible, and is inclined to accept significant parts of it. Some reservation is appropriate in relation to his allegations against police officers having regard to his possible motive in going public, and also in relation to his own part in the offences which he relates.

This view is one based also on a meeting with Weir, in which he came over as someone with considerable knowledge of the events which were taking place in the areas where he was stationed and who was prepared to tell what he knew. The Garda officers who interviewed him were of the same opinion. In the light of all the above, the Inquiry agrees with the view of An Garda Síochána that Weir's allegations regarding the Dublin and Monaghan bombings must be treated with the utmost seriousness.

Colin Wallace was a civil servant engaged in propaganda and psychological operations work for the security forces between 1972 and 1975, when he was removed from Northern Ireland, ostensibly for safety reasons. He was then disciplined for attempting to pass restricted information to a journalist, and asked to resign from the Civil Service. In 1980 he was convicted of manslaughter following the death of the husband of a work colleague. He was released on parole in 1986. In 1990, the British Government admitted for the first time the true nature of Wallace's work in Northern Ireland; a subsequent inquiry found that he had been unjustly removed from the Civil Service and he received compensation. Following this, his manslaughter conviction was referred to the Court of Appeal by the Home Secretary, and was subsequently quashed.

Based on his knowledge and experience, Wallace claims that the security forces in Northern Ireland knew the names of those most likely responsible for the bombings within days of the attacks taking place. He believed then and now that some of those involved had links with either the RUC Special Branch, military intelligence or MI5. Finally, he believes there are reasons for suggesting that elements of the security forces acted to discourage a proper investigation into the bombings, in order to protect certain loyalist extremists.

When speaking of matters directly within his own experience, the Inquiry believes Wallace to be a highly knowledgeable witness. His analyses and opinions, though derived partly from personal knowledge and partly from information gleaned since his time in Northern Ireland, should also be treated with seriousness and respect.

Fred Holroyd arrived in Northern Ireland in January 1974 as a Military Intelligence Officer. He was removed from his position at the end of May 1975, ostensibly on medical grounds. He resigned from the Army in September 1976.

Since that time Captain Holroyd has persistently accused the British Army of having engaged in very serious unlawful acts including murder and kidnapping; of encouraging and assisting

loyalist paramilitaries in the commission of such acts; of recruiting agents from the ranks of the security forces of this State; and of acts of gross incompetence which resulted in loss of life.

He has claimed to have received reliable information during his period in Northern Ireland concerning the perpetrators of the Dublin and Monaghan bombings. He has also made other allegations that are important to the Inquiry because they have been frequently used to support the theory that the bombings were part of a pattern of collusion between elements of the security forces in Northern Ireland and loyalist paramilitaries.

His allegations have been the subject of a number of RUC and Garda reports. The RUC have discounted his allegations while the Gardaí regard him as a liar and not worth further investigation. The Inquiry considers this portrayal to be unfair. Given that Holroyd's evidence accuses both the Northern Ireland security forces and the Gardaí of improper behaviour, one must also consider the possibility that those who investigated his allegations would have had, even subconsciously, a desire to find them false. Some of the RUC officers interviewed by the Inquiry, in their apparent eagerness to deny Holroyd any credibility whatsoever, themselves made inaccurate and misleading statements which have unfortunately tarnished their own credibility.

A number of Holroyd's allegations are not completely true, but they relate to events that did happen. Insofar as they raise serious questions concerning the behaviour of the security forces, North and South during the 1970s, they are of relevance to the work of this Inquiry, and have contributed to the Inquiry's view on the possibility of collusion between elements of the security forces in Northern Ireland and loyalist paramilitaries.

CONCLUSIONS:

The conclusions of the Commission of Inquiry are contained in the Report itself and I will not repeat them in full here. Every effort has been made to address all the issues raised by the terms of reference, to the extent that the available evidence allows this to be done.

The facts, circumstances, causes and perpetrators of the bombings:

The Dublin and Monaghan bombings were carried out by two groups of loyalist paramilitaries, one based in Belfast and the other in the area around Portadown / Lurgan. Most, though not all of those involved were members of the UVF. It is likely that the bombings were conceived and planned in Belfast, with the mid-Ulster element providing operational assistance.

The bombings were primarily a reaction to the Sunningdale Agreement - in particular to the prospect of a greater role for the Irish government in the administration of Northern Ireland – though there were other specific events in April and May 1974 which might have influenced the timing of the attacks.

The loyalist groups who carried out the bombings in Dublin were capable of doing so without help from any section of the security forces in Northern Ireland, though this does not rule out the

involvement of individual RUC, UDR or British Army members. The Monaghan bombing in particular bears all the hallmarks of a standard loyalist operation and required no assistance.

It is likely that the farm of James Mitchell at Glenanne played a significant part in the preparation for the attacks. It is also likely that members of the UDR and RUC either participated in, or were aware of those preparations.

The nature, extent and adequacy of the Garda investigation, including the co-operation with and from the relevant authorities in Northern Ireland and the handling of evidence, including the scientific analyses of forensic evidence:

The Garda investigation failed to make full use of the information it obtained. Certain lines of inquiry that could have been made pursued further in this jurisdiction were not pursued. There were other matters, including the questioning of suspects, in which the assistance of the RUC should have been requested, but was not.

The State was not equipped to conduct an adequate forensic analysis of the explosions. This was because the importance of preservation, prompt collection and analysis was not appreciated. The effect of this was that potentially vital clues were lost.

Although the investigation teams had in their opinion no evidence upon which to found a prosecution, there is no evidence that they sought the advice of the Attorney General, in whose name criminal prosecutions were at that time still being brought. Had the Attorney General reviewed the file, it is likely that advices would have been given as to what further direction the investigation might take.

The reasons why no prosecution took place, including whether and if so, by whom and to what extent the investigations were impeded:

A number of those suspected for the bombings were reliably said to have had relationships with British Intelligence and / or RUC Special Branch officers. It is reasonable to assume that exchanges of information took place. It is therefore possible that the assistance provided to the Garda investigation team by the security forces in Northern Ireland was affected by a reluctance to compromise those relationships, in the interests of securing further information in the future. But any such conclusion would require very cogent evidence. No such evidence is in the possession of the Inquiry. There remains a deep suspicion that the investigation into the bombings was hampered by such factors, but it cannot be put further than that.

There is evidence which shows that the informal exchange of information between Gardaí on the border and their RUC counterparts was extensive. There is some evidence to suggest that some Garda officers, unwittingly or otherwise, may have been giving information to members of the British Army or Intelligence Services. The Inquiry has found no evidence to support the proposition that such exchanges in some way facilitated the passage of the Dublin and Monaghan bombers across the border. Similarly, no basis has been found for concluding that the Garda investigation was in any way inhibited because of a fear of exposing such links.

The Inquiry has examined allegations that the Garda investigation was wound down as a result of political interference. No evidence was found to support that proposition. However, it can be

said that the Government of the day showed little interest in the bombings. When information was given to them suggesting that the British authorities had intelligence naming the bombers, this was not followed up. Any follow-up was limited to complaints by the Minister for Foreign Affairs that those involved had been released from internment.

The issues raised by the 'Hidden Hand' t.v. documentary broadcast in 1993:

There is no evidence that any branch of the security forces knew in advance that the bombings were about to take place. This has been reiterated by the current Secretary of State for Northern Ireland and is accepted by the Inquiry. If they did know, it is unlikely that there would be any official records. Such knowledge would not have been written down; or if it was, would not have been in any files made available to the Secretary of State. There is evidence that the Secretary of State of the day was not fully informed on matters of which he should have been made aware. On that basis, it is equally probable that similarly sensitive information might be withheld from the present holder of that office.

The Inquiry believes that within a short time of the bombings taking place, the security forces in Northern Ireland had good intelligence to suggest who was responsible. An example of this could be the unknown information that led British Intelligence sources to tell their Irish Army counterparts that at least two of the bombers had been arrested on 26 May and detained. Unfortunately, the Inquiry has been unable to discover the nature of this and other intelligence available to the security forces in Northern Ireland at that time.

As is made clear in the Report, there are grounds for suspecting that the bombers may have had assistance from members of the security forces. The involvement of individual members in such an activity does not of itself mean the bombings were either officially or unofficially state-sanctioned. If one accepts that some people were involved, they may well have been acting on their own initiative. Ultimately, a finding that there was collusion between the perpetrators and the authorities in Northern Ireland is a matter of inference. On some occasions an inference is irresistible or can be drawn as a matter of probability. Here, it is the view of the Inquiry that this inference is not sufficiently strong. It does not follow even as a matter of probability. Unless further information comes to hand, such involvement must remain a suspicion. It is not proven.

Appendix E:

**The Report of the Independent Commission of Inquiry into the Dublin and
Monaghan bombings**

**REPORT OF THE INDEPENDENT
COMMISSION OF INQUIRY INTO
THE DUBLIN AND MONAGHAN
BOMBINGS**

**PRESENTED TO AN TAOISEACH, BERTIE AHERN ON 29
OCTOBER 2003.**

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PREFACE

The Dublin and Monaghan bombings:

At about 5.30 p.m. on Friday 17 May 1974, three car bomb explosions took place in Dublin city centre at Parnell Street, Talbot Street and South Leinster Street. Just prior to 7.00 p.m., another car bomb exploded in Monaghan Town on the North Road, outside a licensed premises known as Greacens'. Thirty-three people, including one pregnant woman, died from these explosions. This remains the highest number of people killed in a single day of the Troubles.

The cars used in the Dublin bombings had been stolen or hijacked in Belfast between 8 and 10 a.m. The car that exploded in Monaghan was stolen from a car park in Portadown between 3.30 and 4.30 p.m. The bombings were widely assumed to be the work of one or more loyalist paramilitary groups.

Over the following months, an intensive investigation into all four bombings was carried out by a team of 40 or more Garda detectives. However, the evidence uncovered was deemed insufficient to support any prosecutions in relation to the attacks. Though the investigation was never officially closed, no further progress was made.

The 'Hidden Hand' programme:

In 1993, Yorkshire Television broadcast a documentary on the bombings entitled 'The Hidden Hand'. The programme purported to give a detailed account of how the bombing operations had taken place. It named several loyalist paramilitaries whom it believed were or ought to have been on the Gardaí's list of suspects. It also suggested that the Garda investigation had ended prematurely because of a lack of assistance from the authorities in Northern Ireland. Finally, it raised the possibility that members of the security forces in Northern Ireland may have assisted in planning or carrying out the bombings.

There followed a lengthy campaign for a public inquiry into the issues raised by the programme, spearheaded by Justice for the Forgotten - an organisation set up to represent the relatives of those killed in the bombings. Following the signing of the Good Friday Agreement on 10 April 1998, the matter was referred to the newly created Victims Commission for consideration. In his report, published in July 1999, the Victims Commissioner proposed the setting up of an independent, private inquiry, chaired by a former Supreme Court judge.

The Commission of Inquiry:

On 25 November, 1999, the Oireachtas Joint Committee on Justice, Equality and Women's Rights met a delegation from Justice for the Forgotten. Following that meeting, the Government decided to set up a private inquiry along the lines of that suggested by the Victims' Commission. The report of that inquiry would then be referred to the Joint Committee, who would advise the Oireachtas as to what further action, if any, should be taken.

The Hon. Liam Hamilton, then Chief Justice of Ireland, was asked to undertake the task of conducting the inquiry. He agreed to do so following his retirement as Chief Justice on 31 January 2000. Sadly, due to ill health, Mr Hamilton was forced to resign on 2 October 2000. The Government appointed former Supreme Court judge, the Hon. Henry Barron, in his place.

Terms of reference:

Following talks between the Department of An Taoiseach and Justice for the Forgotten, terms of reference for the Dublin / Monaghan bombings were agreed on the 15th February 2000. They were as follows:

“To undertake a thorough examination, involving fact finding and assessment, of all aspects of the Dublin / Monaghan bombings and their sequel, including

- the facts, circumstances, causes and perpetrators of the bombings;*
- the nature, extent and adequacy of the Garda investigation, including the co-operation with and from the relevant authorities in Northern Ireland and the handling of evidence, including the scientific analyses of forensic evidence;*
- the reasons why no prosecution took place, including whether and if so, by whom and to what extent the investigations were impeded; and*
- the issues raised by the Hidden Hand T.V. documentary broadcast in 1993.*

The ‘Dublin / Monaghan bombings’ refer to

- the bomb explosions that took place in Parnell Street, Talbot Street and South Leinster Street, Dublin, on 17 May, 1974*
- the bomb explosion that took place in North Street, Monaghan, on 17 May, 1974.”*

Subsequently, the Commission was asked to conduct similar inquiries into the bombing of Kay's Tavern, Dundalk on 19 December, 1975 and the shooting of Seamus Ludlow on 2 May, 1976. It has also been asked to look into the shooting of Brid Carr in 1971; bombings in Dublin on 1 December 1972 and 20 January 1973; and other bombings within the State. These inquiries shall be dealt with separately.

The report into the Dublin and Monaghan bombings:

The completed report was presented to An Taoiseach on 29 October 2003. Prior to making a decision concerning the publication of names mentioned in the report, the Government had the benefit of the assistance of the Department of the Taoiseach, the Department of Foreign Affairs, the Department of Defence, An Garda Síochána, the Department of Justice, the office of the Attorney General and with the Commission of Inquiry itself. The Government decided, having considered all relevant matters, that only five names would be redacted from the version of the report to be published.

PART ONE

BACKGROUND INFORMATION

THE DUBLIN AND MONAGHAN BOMBINGS

1. THE BOMBINGS
2. VICTIMS
3. EMERGENCY RESPONSE
4. SETTING UP OF THE GARDA INVESTIGATION

THE BOMBINGS:

Parnell Street:

The first of the three Dublin bombs went off at approximately 5.28 p.m. in Parnell Street East near its junction with Marlborough Street. Forensic and eyewitness evidence suggest that the bomb car was parked in the second of three parking spaces outside Barry's supermarket and "The Welcome Inn" public house.

Garda McKenna was directing traffic at the Parnell Monument at the time of the explosion. He described the scene as follows:

"After the explosion I saw flames bursting out beside the Welcome Inn. The area was immediately littered with glass from windows of all premises in the area. I directed the traffic out of Parnell St. and then went to see if I could assist any of the injured....

When all the injured and dead were taken away, I helped clear the area of onlookers, I then took a note of the external and visible damage to the area. I noted damage to buildings on Parnell Street North (Garden of Remembrance side) up as far as Hill Street. I also noted damage to some of the buildings on the South side of Parnell Street (O'Connell St. side). On the 18/5/1974 I noted damage to a building in O'Connell Street Upper, also at Rotunda Hospital and buildings in Cavendish Row and North Great Georges Street."¹

Fifteen-year old Esma Crabbe of Lower Erne St., Dublin, was one of two St. John's ambulance girls who arrived on the scene within minutes of the explosion:

"Her first call was to the man lying motionless beside a Fiat car in the street. 'I took his pulse and he was dead. Then I was called to a man covered by a plank. When I lifted it up one of his legs was missing and lying nearby. One side of his head was completely ripped away and was lying on the ground. A child aged about 12 lay nearby. At the scene there were bodies all over the place; many people were in deep shock, and there were terrible injuries.'"²

¹Statement of Garda Michael McKenna, 18 May 1974.

²*Evening Press*, 18 May 1974.

In all, eleven people lost their lives as a result of this explosion:-

Marie Butler, 21, single, from Belleville, Cappoquin, Co. Waterford.

John Dargle, 80, single, from Portland Row, Dublin.

Patrick Fay, 47, married, 1 child, from McAuley Road, Artane, Dublin.

Antonio Magliocco, 37, married, 3 children, from Parnell St., Dublin; Main St., Shankill, Co. Dublin, and Casselattico, Italy.

John O'Brien, 24, married, 2 children, from Lr Gardiner St., Dublin.

Anna O'Brien, 22, married to John O'Brien.

Jacqueline O'Brien, 16.5 months, daughter of John and Anna O'Brien.

Anne Marie O'Brien, 4.5 months, daughter of John and Anna O'Brien.

Edward O'Neill, 39, married, 5 children, from Lr Dominick St., Dublin.

Breda Turner, 21, single, from Mitchel St., Thurles, Co. Tipperary.

A further victim was Martha O'Neill, daughter of Edward: she was stillborn in August 1974.

Talbot Street:

Within 90 seconds or so of the Parnell Street bomb, a second explosion took place in a car outside O'Neills on Talbot Street.

“Seconds after the blasts, as the pall of smoke rose from the streets, dazed survivors saw the normal home-going rush of people turned into a scene of carnage. There were bodies, some limbless, some blasted beyond recognition, some burned, lying on the pavements. Scores of others badly injured and many knocked out by the blast or shocked by the impact were hurled into windows and side streets. For some time it was impossible to distinguish between the dead and the injured.”³

Amongst the witnesses was Dr. John Cooper, an anaesthetist in Belfast's Mater Hospital. He told a reporter from the *Irish Independent*:

“The scene was horrifying. I ran back to see a woman on the pavement decapitated; another woman lay dead with a piece of a car engine embedded in her back; a man was dying with an iron bar through his abdomen.

There were injured people all around and many of them could have had but a 50-50 chance of surviving...

³*Irish Press*, 18 May 1974.

It appeared to me that several of those who had lost limbs were unlikely to survive. Two priests moved among the injured and the dead giving what spiritual and practical aid they could...’’⁴

The following lost their lives as a result of the Talbot Street bomb:

Josie (Josephine) Bradley, 21, single, from Kilcormac, Co. Offaly.
Anne Byrne, 35, married, two children, from Carndonagh Park, Donaghmede, Dublin.
Simone Chetrit, 30, single, from Foxfield Lawn, Raheny, Dublin and Paris, France.
Concepta Dempsey, 65, single, from Chord Road, Drogheda, Co. Louth.
Colette Doherty (with child), 20, married, 1 child, from Sheriff St., Dublin.
Elizabeth Fitzgerald, 59, married, from Phibsboro Place, Dublin.
Breda (Bernadette) Grace, 34, married, 1 child, from Portmarnock, Dublin and Tralee, Co. Kerry.
May McKenna, 55, single, Talbot St., Dublin and Dungannon, Co. Tyrone.
Anne Marren, 20, single, from Casimir Ave., Dublin and Ballymote, Co. Sligo.
Dorothy Morris, 57, single from Larkfield Ave., Kimmage, Dublin.
Marie Phelan, 20, single, from Philipsburg Ave., Dublin and Woodstown, Co. Waterford.
Siobhán Roice, 19, single, from Thomas St., Wexford Town, Co. Wexford.
Maureen Shields, 44, married, 3 children, from Rosemount Ave., Artane, Dublin.
John Walshe, 27, single, from Crumlin, Dublin.

South Leinster Street:

The third Dublin bomb exploded a couple of minutes after 5.30 p.m. The car had been left in a parking bay on the College Park side of South Leinster Street, opposite the opening to Leinster Lane. Two passers-by were killed outright. They were:-

Anna Massey, 21, single, from Sallynoggin, Co. Dublin.
Christina O’Loughlin, 51, married, two children, from Townsend St., Dublin.

Immediately after the explosion, gardaí were contacted by the managing director of nearby Chubb’s Alarms, Mr Seán Flood, who had a direct line to the police and fire authorities. Emergency services arrived at the scene within minutes.⁵

North Road, Monaghan:

Just prior to 7 p.m. on the same day, the Monaghan car bomb exploded, killing six people and injuring others. It had been parked outside Greacens’ pub, on the western side of the

⁴*Irish Independent*, 18 May 1974.

⁵*Evening Press*, 18 May 1974.

North Road at a point roughly in the centre of Monaghan town. The following persons were killed instantly or died later in hospital:-

Patrick Askin, 44, married, four children, from Donagh, Glaslough, Co. Monaghan.

Thomas Campbell, 52, single, from Crumlin, Co. Monaghan.

Thomas Croarkin, 36, single, from Tyholland, Co. Monaghan

Archibald Harper, 72, married, one child, from Rockcorry, Co. Monaghan.

Thomas John Travers, 28, single, from Park St., Monaghan.

Peggy White, 40, married, four children, from Belgium Park, Monaghan.

George Williamson, 73, single, from Tirfinnóg, Castleshane, Co. Monaghan.

VICTIMS:

The true cost of these atrocities in human terms is incalculable. In addition to the loss of innocent lives, hundreds more were scarred by physical and emotional injuries. The full story of suffering will never be known, and it is ongoing in many cases. There are those who to this day are marked by injuries and illnesses caused by the bombings.

Here are some accounts of persons who suffered as a result of the bombings:

Colette O'Doherty was nine months pregnant and due to enter the hospital that evening to have her baby. She was killed instantly when a piece of shrapnel pierced her heart. Her 22-month old daughter, whom she had been pushing in a buggy, was later found wandering the streets, barefoot.

Frank Massey was looking forward to his daughter Anna's wedding, then six weeks away. Anna was one of twins, and they had celebrated their 21st birthday only five days previously. Around 11.30 p.m. on the night of the bombings, Gardaí arrived at his house and asked Frank and his wife to go with them to a hospital. They were informed there that their daughter was dead. At about 1.30 a.m., they identified her dead body at the city morgue.

Edward O'Neill had just come out of a barber's shop on Parnell Street with his two sons when the bomb exploded. He was killed instantly. Six-year old Billy had been having his hair cut in preparation for his first communion the following day. As they left the shop, he bent down to pick up a button on the ground and was spared the full impact of the blast, though he was still seriously injured. The younger son, four-year old Edward jr., suffered horrific injuries, including pieces of shrapnel protruding from his face and head. In addition to recurring physical pain, nightmares and bouts of depression, Edward has had to undergo many surgical operations relating to his injuries and to the presence of shrapnel fragments in his body. The latest of these was in May 2003.

Paddy Doyle lost his daughter, son-in-law and two baby grand-daughters in the bombings. In 1993, he described his feelings as follows:

“I don’t think I’m really the same ever since that. I think it was the scenery in the morgue, I think that really knocked a bit out of me, you know. It was like going into a slaughterhouse; bits of bodies everywhere. I identified the son-in-law and the two kids but the daughter, I couldn’t place her.

But it was an awful sight to go in; when you went in you had to step over legs and arms, where they were putting legs and arms just to make up a body...”⁶

Antonio Magliocco was visiting his brother’s shop in Parnell Street when the bomb exploded. He was killed instantly. In a submission prepared for the Joint Oireachtas Committee, journalist Don Mullan gave the following account of a visit to Italy to meet Antonio’s widow, Anna:

“According to the family, I was the first Irish person to visit them and Antonio’s grave in almost 25 years.

I found a genuine love for Ireland amongst the community of Casalattico and was pleasantly surprised to discover that St. Patrick’s Day is celebrated here every year because sons and daughters of the valley have emigrated to Ireland over several generations to open traditional fish and chip cafés and shops. But I also found a deep hurt amongst the community of Casalattico and the Magliocco family in particular. Antonio’s sister, Savina Borza, summed up their experience following his murder when she said, ‘We feel very abandoned.’ It should be noted that her comment is phrased in the present tense.”⁷

EMERGENCY RESPONSE:

Dublin:

Within minutes of the explosions, Dublin emergency services reacted according to the Dublin Red Alert procedure, established six years previously by An Garda Síochána, the Fire Service and the Irish Medical Association. Hospitals across the city were placed on standby to receive casualties, and emergency response personnel of all kinds descended on the bomb sites - gardaí, fire officers, civil defence auxiliary fire units, medical staff and practitioners, St. John’s Ambulance and other first aid workers, priests and ministers. Many ordinary people also did what they could to help.

“Rescue operations and the movement of ambulances and police cars were hampered by the chaotic traffic situation in Dublin since the bus strike began.

⁶ Transcript of ‘Hidden Hand – the Forgotten Massacre’, Yorkshire Television documentary broadcast on 6 July 1993.

⁷ ‘Bombed and abandoned’, Don Mullan, November 1999.

Survivors, feeling that help was not coming fast enough, lifted bodies of dead and injured, wrapped them in coats and bundled them into cars, vans and buses, to get them to the nearest hospital. They even carried people into the Rotunda maternity hospital for urgent treatment.

All city hospitals were alerted to take the injured, and special temporary theatres were set up in rooms to deal with the emergency. Hospital staffs turned in from all over the city as soon as they heard the news and garda squad cars escorted surgeons through the crowded streets to attend the injured.

Many people, appalled at what they saw, went straight to Pelican House and queued to offer blood to the bank to help out in the emergency. In some cases, people away from the city centre walked miles to the blood bank when the hard-pressed gardaí told them they just couldn't ferry them by squad car.”⁸

According to the Dublin investigation report, Garda officers cordoned off the bomb blast areas immediately following the explosions. While some Gardaí were attempting to prevent onlookers from gaining access within minutes of the explosions, the areas were not fully secured until all the dead and injured had been removed. Once those on the streets were dealt with, searches for further victims were conducted in nearby buildings. Ambulances arrived between 5.45 p.m. and 5.55 p.m. to take all those who had not been brought to hospital in Garda cars or private vehicles. Exact times cannot be pinpointed at this remove, but it seems likely that all injured persons and bystanders were removed from the Dublin bomb areas by 6 p.m., and barriers were put in place. At some point in the early evening, all three areas were visited by a team of senior Garda officers including Deputy Commissioner Michael Fitzpatrick; Chief Superintendents John Joy, Eamon Doherty, John Sheehan and Anthony McMahon; Detective Superintendent Dan Murphy; and Superintendents J. Robinson and T. Devane.

At 5.45 p.m., orders were given to call out national cordons 2 and 3, followed shortly afterwards by cordon 7. The cordons were aimed at preventing the bombers from crossing the border into Northern Ireland. Other Garda officers were sent to Connolly Station, Busarus, Dublin Airport, B&I Car Ferry Port and the Mail Boat at Dun Laoghaire. At 6.28 p.m., the Dublin-Belfast train was stopped at Dundalk and searched by a team of fifteen uniformed Gardaí led by an Inspector.

Over the course of the evening, Garda officers from the Ballistics, Photography, Mapping and Fingerprint sections visited all three Dublin bomb sites. At 6.21 p.m., Gardaí requested Irish Army Explosives Ordnance Disposal (EOD) officers to examine further suspected bombs at Nassau Street and Parnell Square. At 7.09 p.m., Gardaí requested the further assistance of EOD officers in examining the blast areas with a view to establishing the type and quantity of explosives used. EOD were subsequently called out to examine other suspected bombs at Westmoreland St (7.50 p.m.) and Busarus (8.10 p.m.).

Monaghan:

⁸Irish Press, 18 May 1974.

In Monaghan, the Garda station was situated 300-400 yards from the site of the explosion. The first officer on the scene was Sergeant Martin de Hora, who had been temporarily assigned to duties in Monaghan from Kiltrush, Co. Clare. He was followed within minutes by other Garda personnel, including Chief Superintendent J.P. McMahon who then took charge of the rescue operation. The following extract from Sgt De Hora's statement gives a picture of the initial chaos and confusion at the scene:

“When I reached Greacen's licensed premises I saw that it had been destroyed as a result of a bomb blast. Thick heavy smoke was present and smelled like that of gelignite. I saw two dead men lying - one almost on top of the other - on the footpath outside the window of the television room.... I then saw another man seated motionless behind the wheel of his car opposite the bank. He was alive and his entire head and part of his body was covered with blood. I called on somebody present to give me a hand and we placed him in a car which I stopped and ordered to be taken to hospital immediately.

I then ran into the bar through a shattered window. There were about eight men there. Somebody shouted that there were two men dead in the bar.... Then somebody outside shouted to get out quickly as the house was beginning to cave in. We all ran out and almost immediately afterwards we ran back in again. I tried to get upstairs to the lounge and failed to find the stairs. With some others we began to pull apart the rubble seeking more bodies. Again somebody outside shouted that another bomb was about to go off. We again ran out. All this took place in the space of three or four minutes.”

Following his search of the bar, Sgt De Hora conducted a quick search of nearby buildings for other victims. He then assisted in the preservation of the scene. According to the Monaghan report, the scene was preserved by a roster of eight Gardaí from 7 p.m. on Friday 17 May until 2.30 p.m. on Sunday 19 May, by which time the technical examination of the area had been completed. Members of the Garda Ballistics and Army EOD sections were flown from Dublin to conduct the examination.

SETTING UP OF THE GARDA INVESTIGATION:

Within hours of the explosions, a full-scale Garda investigation was underway. Although there was no specific evidence linking the Monaghan attack with those in Dublin, it was decided to treat all four incidents as one inquiry. With this in mind, a special investigation team was created under the supervision of C/Supt John Joy, assisted by the head of the Technical Bureau, C/Supt Anthony McMahon. Incident rooms were set up in Dublin Castle and in Monaghan Garda Station. The day-to-day running of the investigation was handled mainly by D/Supt Dan Murphy.

Although C/Supt J.P. McMahon was the officer in charge in Cavan / Monaghan at the time, the investigation there was conducted by officers from the Dublin investigation team led by D/Sgt Colm Browne - an officer with considerable experience investigating subversive crime in the Border counties. Once the team was established in Monaghan, C/Supt McMahon devoted his energies to enhancing security with a view to preventing further attacks. Although not directly involved in the investigation, he remained aware of its progress.

It was some twenty-six years later when this Commission of Inquiry was set up to examine the progress and results of the Garda investigation into the bombings.

THE COMMISSION OF INQUIRY

1. OVERVIEW
2. SOURCES AND MATERIALS

OVERVIEW:

The Commission of Inquiry differs from other Inquiries in the State that were set up to examine matters of public importance. It was not established under the Tribunals of Inquiry (Evidence) Act 1921, and has no powers to compel the disclosure of evidence or the attendance of witnesses. It was asked to conduct its work in private, without public hearings.

Other Tribunals of Inquiry have had the benefit of teams of senior and junior counsel to assist the chairperson in their work. Witnesses and other interested bodies at such Tribunals have also had full legal representation. This has not been the case with this Inquiry.

The Inquiry began its work on 1 February 2000, in offices at Government Buildings, Upper Merrion Street, Dublin. Its staff at that time consisted of the Sole Member, Liam Hamilton; Éanna Hickey BL, Legal Assistant; and Patricia Sharkey, secretary¹.

Mr. Hamilton was replaced as Sole Member by Henry Barron in October 2000. On 4 December 2000 Michael Buckley, solicitor, joined the team.

Following a further request by Mr. Barron for additional staff, Rossa Fanning BL and Remy Farrell BL were engaged to assist the Inquiry on a part-time basis. They did so from April 2001 until June 2003.

Michael Buckley left the Inquiry in December 2002. From March 2003, the Inquiry obtained the services of Michael O'Higgins SC in an advisory capacity.

The total cost of the Inquiry to date is estimated at 1.5 million euro.

Procedures:

Any information provided to the Inquiry has been given on a voluntary basis, and the Inquiry is grateful to all who have co-operated in that manner. Much of the information received was given in confidence.

¹ Patricia Sharkey was replaced on 11 July 2001 by Neil Buckley, who was replaced in turn on 17 September 2001 by Antonia Melvin. On 1 September 2002, she was replaced by Linda Cronin. The present secretary, Andrew Fergus, took over from the latter on 3 February 2003.

In keeping with the private and informal nature of the Inquiry, it was decided not to make audio or video recordings of interviews conducted by the Inquiry, in the belief that the presence of such recording equipment might deter interviewees from speaking freely. Notes were taken, however; and the substance of all remarks attributed to interviewees in this report has been confirmed.

Once established, the Inquiry sought information from a wide range of official and unofficial sources. In announcing that the outgoing Chief Justice had been asked to take up the Inquiry, the Taoiseach had stated on 19 December 1999 that:

“The Government intend and will ensure that the Chief Justice will have full access to all relevant files and papers of Government Departments and the Garda Síochána. The Government will also direct that all members of the Public Service and the Garda Síochána extend their full co-operation to him. Furthermore, the Taoiseach intends that the Government will seek the co-operation of the British authorities with the Chief Justice’s examination.”

From the early stages, the Inquiry received further assurances from representatives of the Garda Síochána, the Army, the Government and the Attorney General. At a later date, requests for co-operation made to the British Government and the RUC Chief Constable met with similar assurances. In due course, requests for documentary material were made to the RUC, the Northern Ireland Office of the British Government and to court officials in Northern Ireland.

Within the State, files and other documents were obtained from several Government Departments: the Department of An Taoiseach; the Department of Justice; the Department of Defence and the Department of Foreign Affairs as well as the Director of Public Prosecutions. A significant amount of documentary material was obtained from the An Garda Síochána and from the Defence Forces. The Inquiry has also obtained information from non-governmental organisations (such as the British-Irish Rights Watch and the Pat Finucane Centre) and from individuals including present and retired members of An Garda Síochána, members of the Defence Forces, members of the Government of the day, civil servants, members of the Dáil and journalists.

Interviews were sought with everyone whom the Inquiry believed might possess information of relevance. Some persons were interviewed a number of times. Information received in confidence was treated as such. In addition, the Inquiry has examined a variety of secondary materials, including newspaper and magazine articles, books, radio and television programmes and submissions from interested parties. Towards the end of January 2001, a general request for information and assistance was published in all national and several local newspapers. The response to this request was limited and provided very little information.

The Inquiry is especially grateful for the assistance provided by Justice for the Forgotten, who have provided significant amounts of documentary material since the onset of the

Inquiry, and who have also helped the Inquiry make contact with a number of witnesses and other persons whose knowledge and expertise have helped inform this report.

Difficulties:

The Inquiry has encountered the following difficulties which should be borne in mind when the rest of this report is being considered:

- (1) Some documentation has been lost or destroyed at different points over the last thirty years. In some cases, there is no longer even an index of the kind of information that might have existed in the first place.
- (2) Many people who might have been in a position to give valuable information to the Inquiry are dead.
- (3) The memory of every single person who gave information to the Inquiry is affected to a greater or lesser extent by the passing of three decades since the bombings took place.
- (4) The passage of time also renders it difficult to separate truly contemporary evidence from opinions based on the accretion of further information over the years.
- (5) The Dublin and Monaghan bombings are a topic of intense controversy and emotional weight, even thirty years on. This is true for soldiers, policemen, politicians, victims, paramilitaries and witnesses. The value of all information supplied to the Inquiry, from whatever source, must therefore be judged subject to the knowledge that the source may be acting with a view to protecting his or her own interests, whatever they may be.

This is particularly true of organisations that have a longstanding (and often necessary) culture of secrecy, such as police or government departments.

- (6) In some cases, information has been refused. Where this has occurred, the Inquiry has not speculated as to what that information might have been. In certain cases, the Inquiry has entertained a suspicion that it was being withheld because of a belief on the part of the person or body concerned that it might be detrimental to their interests.

Within the jurisdiction of the State, the Inquiry has in general been provided with such information as it sought. Both An Garda Síochána and the Defence Forces appointed liaison officers, through whom all requests for information were channelled. This procedure has worked well. The Defence Forces have provided all of the information for which they were asked.

An Garda Síochána provided a large volume of documentation, but were initially reluctant to include intelligence material. However, when this was insisted upon, the Garda Commissioner made it quite clear that whatever was sought would be provided. As a result, the Inquiry has been furnished with Crime and Security files at Garda Headquarters, without reserve, as well as similar files from the border divisions. More recently, the names of Gardaí who reported such intelligence information were also supplied.

SOURCES AND MATERIALS:

An Garda Síochána:

The investigation of crime in the State, however serious, is an operational matter for the Garda Authorities and is under their sole control. To that extent the main work of the Inquiry relating to the investigation in the State has centred on the work done by An Garda Síochána.

In its work, the Inquiry was conscious that its approach was of necessity different to that of An Garda Síochána. The latter were concerned only with seeking evidence which could be established to a criminal standard of proof. The Inquiry on the other hand sought to obtain information from any source willing to provide it, whether or not such information would have been admissible in court of law, and thereby build up a general picture from which specific conclusions might be possible.

The relationship between the Inquiry and the Garda liaison officer was very good. However, through no fault of the liaison officer, he was unable to supply certain information.

Firstly, some relevant security files that should have been retained at Garda Headquarters were missing. The Inquiry was furnished with the Monaghan security file, but not with that for Dublin. In relation to loyalist paramilitary organisations, the general file started in 1966 contains no information prior to the early 1980s. While there are annual files relating to the UVF/UDA, none are available for the years 1974 and 1975. The Special Detective Unit kept files on these bodies, and those have been made available to the Inquiry. But the files kept by Security and Intelligence (C3) at Garda Headquarters would have included more than just the files kept by the Security and Intelligence (C3) division, of which SDU was merely a part. These have not been seen by the Inquiry.

Secondly, annual files relating to payments were not available. Of particular interest to the Inquiry were payments made to confidential sources, but full information on this matter no longer exists.

Unfortunately, no relevant files survive in the Louth / Meath division as a result of two changes in the Headquarters of the division, one from Drogheda to Dundalk and the second back from Dundalk to Drogheda. Although some relevant documents were located in the Sligo / Leitrim division, many must have been destroyed. Good records were maintained in the Monaghan / Cavan division and these have been supplied. Similarly, but to a lesser extent, documents have been supplied by the Donegal division.

The Irish Army:

The Inquiry received full co-operation from the Army. It was given access to a wide range of confidential material, including intelligence reports. The most significant information was contained in reports written by Army Intelligence representatives of regular meetings which were held with British Intelligence sources in London.

Between 1973 and 1976, these meetings were taking place every three to four weeks. From July 1973 onwards, the British side were usually represented by the Assistant Director of MI5, the Director and Co-ordinator of Intelligence (DCI) for Northern Ireland, and a representative of Army Intelligence in Northern Ireland. For the Irish Army, the meetings were usually attended by the Director of Intelligence.

The purpose of the meetings seems to have been to give an overview of loyalist and republican paramilitary activity. More specific or urgent information was given by telegram or secure phone line.

The Irish Government:

Government departments have provided all of the relevant files in their possession and have answered all requests for follow-up information, with one exception: the Department of Justice, Equality and Law Reform has found that files are missing from its archives. A copy of the investigation report into the Monaghan bombing is the only contemporary document relating to the Dublin and Monaghan bombings of 17 May 1974. It is not only the Dublin investigation report that is missing, but also what must have been a considerable amount of security information. Extensive files have been provided relating to matters arising after the 'Hidden Hand' programme in 1993. This emphasises the extent of the documentation which is no longer available.

The Department of Justice was informed of all Garda operational matters relating to subversive crime. Information was normally supplied by way of internal intelligence reports with covering letters and was brought to the Department by a member of An Garda Síochána.

In 1974 there appear to have been two books in which files were recorded. One is a book in which the subject matter of files were set out in chronological order and numbered accordingly. The other book was indexed alphabetically.

In and around 1972-74 there are individual files on serious criminal offences. For example there is a file on the kidnapping of Lord and Lady Donoughmore, 4 June 1974 and a file on the killing of Oliver Boyce and Bríd Porter, 1 January 1973, both of which have been supplied to the Inquiry. However, in relation to bombings there are no individual files. There is merely a general bombings file, opened in 1972, into which reports received from the Gardaí were placed.

This file contains in the main individual internal reports of various bombing incidents, forwarded by the Gardaí to the Department with a covering letter. In some cases, it contains a full Garda investigation report with accompanying statements. It does not contain any Garda reports relating to the bombings in Dublin on 1 December 1972 or 20 January 1973, nor of the bombings in Dublin on 17 May 1974.

The investigation reports and accompanying documents relating to the bombings in Dublin on 1 December 1972 and 20 January 1973, received in 1973, have been supplied to the Inquiry in their original folders. There is no contemporary record which shows that the Dublin and Monaghan investigation reports were sent to the Department; but it is inconceivable that they were not.

The bombings file does list all the bombings in the State between the 16th October 1972 and the 6th March 1976, setting out the date and place where the bombing occurred as well as details of the numbers either killed or injured. The bombings in Dublin and Monaghan are included in this list.

At the request of the Inquiry, the Department of Justice conducted a number of searches for the missing documentation, but without result. In a final letter to the Inquiry, the Secretary General wrote:

“While every effort has been made to locate all relevant papers in this matter, the process is made more difficult by the fact that most of the documents are 25 to 30 years old and none of the staff who would have been dealing with them at the time are still in the Department. I would also like to reiterate a point made by officials in the past, that is that even where reports of incidents were received from the Garda authorities these would, in the main, have been used for information purposes only.”²

The Police Service of Northern Ireland (formerly the RUC):

As much of the evidence relating to its terms of reference was to be found in files of the then RUC and in the files of other security services in Northern Ireland as well as in court

² Letter to the Inquiry dated 22 October 2003.

records in Northern Ireland, the Inquiry sought to obtain this information from the then RUC, from the British Government through its Northern Ireland office and from Court officials in Northern Ireland.

In the first instance, the Inquiry expected to obtain information from the then RUC through the Northern Ireland Office having taken the view that liaison would be better conducted through one correspondent. When the delay in correspondence from this office became excessive the Inquiry sought and obtained permission to go directly to the then RUC.

In its dealings with the RUC / PSNI, the Inquiry received a considerable amount of information from police records. This consisted of records relating to the arrest and questioning in December 1978 of a number of RUC officers suspected of participating in attacks on catholic civilians. The information supplied comprised statements of those arrested as well as daily record sheets detailing the substance of police interviews with those arrested.

The PSNI also made available for inspection original police files relating to the finding of the two guns used in the murder of one John Francis Green, near Castleblayney on 10 January 1975. Further ballistic evidence relating to a number of weapons and incidents in which they were used was also provided to the Inquiry.

In 1984, extracts from an RUC report into allegations by former Military Intelligence Officer, Captain Fred Holroyd was provided to An Garda Síochána. In 2000, a report dealing with claims made by former RUC Sergeant John Weir was assembled and passed to Gardaí at their request. Copies of all the above documents have been passed to the Inquiry with the knowledge of the authorities in Northern Ireland.

The Inquiry also met serving and retired members of the PSNI, on separate occasions in Belfast and Dublin.

While the original documentary evidence furnished to the Inquiry was of considerable assistance, there were inaccuracies in the reports and in information supplied at meetings.

Following the receipt of the first letter from the Secretary of State for Northern Ireland (dated 26 February 2002, delivered by hand on 8 March), no further information was received directly from the PSNI. This may have been because, as stated in that letter, the PSNI believed they were not in possession of any further information judged relevant to the Inquiry.

The letter also indicated that the PSNI was prepared to respond to any further questions which the Inquiry might have, and further questions were put. By letter dated 21st November 2002, the PSNI informed the Inquiry that the answers to its questions would be furnished through the Northern Ireland Office. Some answers to those questions were indeed contained in a letter from the Secretary of State for Northern Ireland, dated 9 June

2003, but others remained unanswered. On 26 September, the Northern Ireland office told the Inquiry that further answers would be forthcoming from the PSNI.

On 14 October 2003, the Inquiry met with retired PSNI officers at PSNI Headquarters, Belfast. One document requested by the Inquiry was made available at that time, but others were not. More information was received annexed to a letter from the Northern Ireland Office on 28 October.

The British Government:

The Inquiry in its approach to the British authorities sought to avail of the assurance given by Adam Ingram, Minister of State at the Northern Ireland Office, that the British Government would respond sympathetically and in a positive spirit to any request for information or assistance from the Inquiry. This assurance was given at a meeting held by the Minister of State on 12 September 2000, with a delegation from the Justice for the Forgotten group. Similar assurances have been repeated to the Inquiry. The initial approach was by letter dated 10 November 2000, to Peter Mandelson, then Secretary of State for Northern Ireland.

The letter referred to the assurances given by Adam Ingram and asked for an indication on the nature and extent of the assistance in information that the British Government was prepared to furnish. The letter also asked to be supplied with any material available to the Stevens Inquiry, concerning allegations of collusion which related to the period 1974-75, and which might be germane to the bombings in Dublin, Monaghan and Dundalk.

On 23 February 2001, the Taoiseach Bertie Ahern wrote to Dr. John Reid, who had succeeded Peter Mandelson as Secretary of State for Northern Ireland. He stressed the public concern and pressure for progress to be made in these matters, and asked again for any available information to be supplied to the Inquiry.

Dr. Reid replied on 7 March 2001, saying:

“I am happy to re-affirm our commitment to treating all requests from the Inquiry sympathetically, including at the higher Departmental and Governmental level. In response to Mr. Justice Barron’s request for assistance and information, all relevant UK Government Departments have been searching their records to establish what information they hold. Unfortunately the age of the records in question has meant this task has been more time consuming than we might have hoped. However I am informed that searches are nearing completion and that the UK Government should be in a position to respond substantively to Justice Barron’s request in the near future.”

At the suggestion of the Inquiry, a meeting took place in London on 17 January 2002, at which Dr. Reid, some of his officials and members of the Inquiry were present. At this

meeting the members of the Inquiry made it clear that what they required above all else were details of the contemporaneous intelligence documentation available in the files of the several security agencies and Government departments to which they reported. The need to see original material was stressed. This was also stressed in later correspondence.

The Inquiry was told by Dr. Reid that the main reason for the delay in supplying information was that some 68,000 files of possible relevance existed in the Northern Ireland Office alone. The number of files in the Ministry of Defence could be counted in millions. Many of these files were not computerised. The team examining the files had finished at the end of 2001, and it was hoped to provide information to the Inquiry within weeks.

The promised information came in the form of a ten-page letter from Dr. Reid dated 26 February 2002. A further six pages appended to the letter gave details concerning the structure and control of intelligence gathering in Northern Ireland during the relevant period.

Of the information supplied in the letter itself, some had already been obtained by the Inquiry from Irish Army and Garda sources. The information supplied was divided into pre-attack; immediate post-attack; and later material, and was followed by conclusions. All information was supplied subject to the proviso that it was private to the Inquiry and that it would not be quoted from directly in the published report of the Commission of Inquiry, without first checking it regarding references, with the Northern Ireland Office. The letter contained a number of quotes taken from intelligence reports, but no copies of any original documents were forthcoming.

The pre-attack material dealt with details of earlier warnings, which had been relayed to the Irish security services. The letter made it clear that there was nothing in intelligence or other records to corroborate suspicions of collusion by any members of the RUC, UDR or other UK security agencies, in relation to the Dublin and Monaghan bombings, or the bombings in Dundalk. In relation to the RUC, there is no firm statement denying the existence of any intelligence reports containing any such knowledge. What is said is that from consideration of relevant material, the RUC had concluded that it had no intelligence before the bombings which could have been used to prevent them.

No similar statement is made in relation to other security services or relevant departments.

Details of the other warnings given in the period before the attacks had already been passed to the Inquiry by Army Intelligence and An Garda Síochána.

Of the new information supplied, seven items related to the period following the attacks, though three of those were merely separate reports on one piece of information. There was one piece of intelligence concerning the Dundalk bombing. The remaining three items dated from 1992 and 1993 - the period leading up to and following the broadcast of the Hidden Hand programme.

In the conclusion to the letter, Dr. Reid stated:

“I have set out the results of our researches in some detail in the hope that they will be of help with the commission you have been given. They contain information which is drawn from sensitive sources and would not normally be divulged outside police and intelligence channels. In many instances the documents themselves must remain secret to safeguard intelligence assets and in particular to protect some sources who are still alive. If you have further questions we shall do our best to answer them, but I do not believe there will be anything of substance to add to this document. Having gone into the matter very thoroughly I am satisfied that it represents an accurate summary of all the documents which the UK Government has located on this matter.”

Having given full consideration to the matters raised by Dr. Reid’s letter, the Inquiry sent a detailed, eight-page reply on 15 April 2002. Disappointment was expressed regarding the failure to supply original documentation. The information supplied by Dr. Reid was examined in detail, and further information was sought in relation to a number of matters. Concern was expressed as to whether Dr. Reid’s team had indeed been supplied with all relevant documents, and reference was made to claims that in the first instance, Ministry of Defence documents had been withheld from the Stevens Inquiry. The letter also sought to address the concerns raised about protecting intelligence sources. It stated:

“The main difficulty in assessing the usefulness to the Inquiry of the information supplied by your letter lies in the fact that you have not furnished the intelligence reports themselves. This obviously affects the value of the information supplied. Firstly, the Inquiry cannot rely on its own evaluation of information received by it. Secondly, taking extracts from reports limits their value, since there is no way in which such extracts can be assessed having regard to the report as a whole or other reports which together with the first report complete a fuller picture.

Further difficulties in assessing the information contained in your letter arise from the virtual absence of names of suspects as well as the fact that it is not possible to tell the agency or agencies which provided the report and the agency or agencies to which it was sent and whether it was further circulated. There is equally no way of knowing whether the substance of the reports to which you refer was contained in other contemporaneous reports from other agencies.

The Commission does not seek the names of those providing the intelligence, but it does feel that the substance, use and circulation of that intelligence in so far as it is relevant to its Inquiry is something with which it might be provided.”

Additional questions concerning other matters that had arisen in the course of the Inquiry were sent to Dr. Reid by letters dated 4 and 12 July 2002. Although acknowledgments were received for these and other letters, the first substantive reply came from Dr. Reid's successor as Secretary of State for Northern Ireland, Paul Murphy, on 30 November 2002. The letter was twelve pages long and came with a number of annexes.

A further letter dated 16 December contained no new information but reiterated British Government concerns regarding the possibility that publication of some of the material could "endanger life or national security." Acknowledgment of this concern by the Inquiry in reply led to it being stated again in a short letter from the Secretary of State for Northern Ireland dated 31 January 2003.

Though the principle of protecting the life and security of intelligence agents is genuine, there is a lack of logic in the way in which it has been applied by the Northern Ireland Office. It is acknowledged that much material was withheld from the Inquiry because of security fears. It is also said that some of the material which was supplied may be too sensitive to publish, for the same reasons. Given that the Inquiry naturally would respect any such view on the part of the British authorities, there is no reason why all the available information could not have been shown to the Inquiry. By comparison, the PSNI have been content to share confidential material with the Inquiry, asking only that any publication of the material be "in a format so as not to jeopardize the lives of those named."³

In any event, the letter of 30 November 2002 contained a small amount of new information, together with indications as to the provenance of some of the intelligence shared by Dr. Reid. But the Inquiry remained disappointed with the level of information supplied. This disappointment was expressed in a detailed letter dated 17 February 2003, which sought to outline areas in which more information was needed. It was emphasised that the Inquiry was not solely interested in intelligence documentation, but other material which might be of relevance, including civil service briefings, minutes of departmental and ministerial meetings, situation reports on Northern Ireland, ambassadorial communications and other high-level exchanges of information between the British and Irish authorities.

A letter from the Northern Ireland Secretary dated 9 June 2003 again provided little in the way of new information, though it contained some comments on matters raised by the Inquiry and gave indications that certain documents sought by the Inquiry would be made available on request. Regarding the repeated requests for disclosure of more original documents, it was stated:

"You will be aware that I must have regard to my responsibilities in relation to safeguarding national security, but I hope you will accept my personal assurance that every effort has been made to provide all that we can to your investigation and that no relevant material has been withheld...."

³ Letter to An Garda Síochána from PSNI HQ dated 30 November 2001.

With regard to your request that we look for other sources of information besides intelligence for your inquiry, I can assure you that as our researchers have looked through files, they have taken account of all sorts of official documents. I am confident that all the relevant material which has been discovered has been provided to you.”

A further letter dated 30 June informed the Inquiry that permission to send a particular document requested by the Inquiry had been refused by the document’s author.

The Inquiry wrote again with further questions on 30 June and 30 July 2003. Answers to these questions were received in a letter dated 26 September 2003. The letter was accompanied by some further documentary material which had been requested by the Inquiry. A final letter was received on 28 October 2003 with further responses and some additional material.

Correspondence with the Northern Ireland Office has undoubtedly produced some useful information; but its value has been reduced by the reluctance to make original documents available and the refusal to supply other information on security grounds. While the Inquiry fully understands the position taken by the British Government on these matters, it must be said that the scope of this report is limited as a result.

HISTORICAL BACKGROUND

- 1. 'THE TROUBLES' BEGIN**
- 2. SPIRALLING VIOLENCE**
- 3. POWER-SHARING AND THE SUNNINGDALE AGREEMENT**
- 4. GENERAL ELECTION IN THE UNITED KINGDOM**
- 5. THE ULSTER WORKERS COUNCIL STRIKE**
- 6. IRA 'DOOMSDAY' PLANS**

'THE TROUBLES' BEGIN:

The first civil rights march to take place in Northern Ireland passed off peacefully in August 1968. A subsequent march in Derry on 5 October was broken up by the RUC. Two days of serious rioting in Catholic areas of the city followed. This is considered by many to mark the start of 'the Troubles'. On 1 January 1969, members of a group called People's Democracy began a four-day march from Belfast to Derry. The marchers were attacked on a number of occasions, most notably at Burntollet Bridge on the final day of the march. The city-centre rally that followed the march was dispersed by the RUC, and again serious rioting resulted.

The Prime Minister of Northern Ireland at that time, Terence O'Neill, was in favour of internal reform and open to dialogue with his counterpart in the Republic. An election on 24 February 1969 saw him re-elected, but the Unionist party began to fragment into 'Official' and 'Unofficial' Unionists, as a minority began to push for a more hard-line approach.

On 30 March, bombs were detonated at an electricity substation at Castlereagh, East Belfast. Four more attacks on electricity and water installations took place in April. Initially the IRA were blamed for the attacks, but it was later established that they were carried out by members of the Ulster Volunteer Force (UVF) and the Ulster Protestant Volunteers (UPV) as part of a campaign to destabilise the O'Neill government and bring an end to its policies of reform. In October a similar attack took place on a power station across the border at Ballyshannon, Co. Donegal. Thomas McDowell, a member of both the UVF and UPV died from injuries received when the bomb he was planting exploded prematurely.

On 12 August 1969, serious rioting erupted in the Bogside area of Derry city following an Apprentice Boys' parade nearby. Pitched battles between police and residents took place over two days as the RUC sought to gain control of the area. The rioting spread across Northern Ireland, stretching the resources of the RUC to breaking point. Many people, mostly Catholic, were forced from their homes. On 14 August, the Stormont Government received permission from Westminster to deploy British Army troops in flashpoint areas. Twelve days later, the Hunt Committee was appointed to inquire into the violence and the appropriate security response. On 28 August, the General Officer Commanding (GOC) of the British Army was made Director of Operations for security matters, removing control of security from the Northern Ireland Government and giving prime security responsibility to the Army over the RUC.

On 10 October 1969 the Hunt report was published. The report recommended:

“The R.U.C. should be relieved of all duties of a military nature as soon as possible and its contribution to the security of Northern Ireland from subversion should be limited to the gathering of intelligence, the protection of important persons and the enforcement of the relevant laws.”

It also recommended that the RUC should be disarmed; that the Ulster Special Constabulary (USC or ‘B Specials’) be disbanded; that a new RUC Reserve be set up; and that a new, locally recruited, part-time force be established under control of the British Army. These recommendations were carried out. The replacement for the USC, named the Ulster Defence Regiment (UDR), became operational on 1 April 1970.

The principal militant republican organisation, the Irish Republican Army (IRA) split into two factions on 28 December 1969 - the ‘Official’ and ‘Provisional’ groups. While the Official IRA moved slowly away from violence, culminating in the declaration of a ceasefire in 1972, the Provisional IRA rapidly developed into an effective exponent of guerilla warfare. By 1972 the level of violence in the North had reached unprecedented levels, as an ever-escalating PIRA campaign was countered by loyalist paramilitary attacks.

In June 1971, the British Army GOC Sir Harry Tuzo said he believed that a permanent military solution to the conflict in Northern Ireland could not be achieved. Despite this, military measures designed to counter growing PIRA activity increased in severity - notably with the re-introduction of internment on 9 August 1971. Internment was to continue until 5 December 1975. Of the 1,981 people detained during that time, 107 were loyalists, with the remainder republicans.¹ Not surprisingly, internment is generally viewed as having contributed strongly to an upsurge in PIRA support amongst the Nationalist community on both sides of the border. The initial internment sweeps sparked two days of widespread sectarian conflict which resulted in thousands of people fleeing their homes - many crossing the border into the South.

SPIRALLING VIOLENCE:

On Sunday, 30 January 1972, 13 civilians were killed by British Army gunfire during a civil rights march in Derry. Eighteen people were wounded, one of whom subsequently died. The response to ‘Bloody Sunday’ in the Republic was enormous: over 100,000 people took part in a march to the British embassy in Dublin. Later that day, a crowd attacked the embassy with stones, bottles and petrol bombs. The building was burnt to the ground.

¹Bew & Gillespie, *Northern Ireland, a chronology of the Troubles*, p.109.

In March, British Prime Minister Edward Heath announced that the Stormont Parliament would be replaced by 'Direct Rule' from Westminster. William Whitelaw was appointed as the first Secretary of State for Northern Ireland.

On 21 July, the PIRA detonated 22 bombs in Belfast in the space of 75 minutes, killing 9 people and injuring approximately 130 others. In response to this, the British Government launched 'Operation Motorman', bringing in a further 4,000 troops to assist in dismantling barricades which had formed 'no-go areas' in Belfast and Derry.

On 1 December, two people were killed and 127 injured when bombs exploded at Liberty Hall and at Sackville Place in the centre of Dublin. At the time of the explosions the Dail was debating the Offences Against the State (Amendment) Bill, which was designed to give the police further powers aimed primarily at curbing PIRA activity. The bill seemed destined not to pass; but following a one-hour adjournment, Fine Gael dropped its opposition and the Dail voted overwhelmingly in favour of it.

A further explosion at Sackville Place, Dublin on 20 January 1973 killed one person and injured 17 others.

In February, the first two loyalists to be interned without trial were sent to Long Kesh. Following a meeting of paramilitary and vigilante groups in East Belfast, Vanguard Party leader William Craig called for a two-day general strike. The strike was supported by the Loyalist Association of Workers (LAW), a group composed mainly of power-station workers, but also containing in its ranks leading members of the UDA. Electricity blackouts took place across Northern Ireland, but the strike was marred by violence, looting and riots, and failed to engage the support of the wider unionist community.

That year also marked the development of the car bomb by the PIRA as an offensive weapon in urban areas. The cars would normally contain 300-400 lbs of home-made explosive based on a combination of Ammonium Nitrate and Fuel Oil (ANFO), together with a detonator, plus a smaller amount of commercial explosive to ensure detonation of the home-made explosive. The ammonium nitrate usually came from commercial fertilisers. The Inquiry has been told that loyalist groups were responsible for approximately 5-10% of car bombs in 1973-74, but that the vast majority were planted by the IRA in Belfast.² In rural areas, the IRA used so-called 'culvert bombs' - bombs hidden in roadside ditches to be detonated as mobile army or police patrols passed by. These again consisted of large quantities of ANFO, but this time stored in milk churns or similar containers. The adoption of these tactics by the IRA led to an exponential increase in the amounts of explosives used by paramilitary organisations, with a corresponding increase in the amount of explosives seized by the security forces in Northern Ireland.

²Letter from Mr Nigel Wylde, Lieutenant Colonel (retired), Royal Army Ordnance Corps, to the Inquiry, 15 July 2002.

However, a combination of new regulations restricting the ammonium nitrate content of fertilisers and new restrictions on parking and vehicular access in Belfast and other city centre areas led to a decline in the use of car bombs from 1975 onwards.

In October 1973, the IRA used a hijacked helicopter to free three of their members from Mountjoy Prison, Dublin. This unusual event may well have reinforced loyalist beliefs that the authorities in this State were either unable or unwilling to combat IRA violence.

POWER-SHARING AND THE SUNNINGDALE AGREEMENT:

In March 1973, the British Government produced a white paper entitled *Northern Ireland Constitutional Proposals*. It contained detailed proposals for the creation of a new, elected Northern Ireland Assembly. This body would be given power to legislate in respect of most matters. Executive functions would devolve to a new Northern Ireland Executive, with the notable exception of matters relating to law and order.

On the subject of relations with the government of this State, it was stated:

“The Government favours, and is prepared to facilitate, the establishment of institutional arrangements for consultation and co-operation between Northern Ireland and the Republic of Ireland.

Progress towards setting up such institutions can best be made through discussion between the interested parties. Accordingly, following the Northern Ireland elections, the Government will invite representatives of Northern Ireland and of the Republic of Ireland to take part in a conference to discuss how best to pursue three inter-related objectives. These are the acceptance of the present status of Northern Ireland, and of the possibility – which would have to be compatible with the principle of consent – of subsequent change in that status; effective consultation and co-operation in Ireland for the benefit of North and South alike; and the provision of a firm basis for a concerted governmental and community action against terrorist organisations.”

The white paper was followed in May with the passing of the Northern Assembly Act, (allowing the creation of a 78-member elected assembly) and in July with the Northern Ireland Constitution Act, which provided for the devolution of powers to a new executive body. Section 12 of the latter Act gave that body the power to consult and enter into agreements with “any authority of the Republic of Ireland.”

Elections for the new Assembly were held in June. Although a majority of unionist candidates opposed the power-sharing proposals set out in the white paper, the seats won by the SDLP, Alliance Party and the minority of unionists in favour of the proposals resulted in a majority in favour of the proposed changes.

In September, the Taoiseach met the Prime Minister at Baldonnell, Dublin. One week later, Irish Minister for Foreign Affairs Garret Fitzgerald announced that the two governments had agreed on the formation of an executive, the reform of the RUC and the civil service, and the creation of a “Council of Ireland” with equal representation from North and South.

The fact that these negotiations took place at Government level - effectively sidelining local politicians in Northern Ireland – and that the results of those negotiations were announced by an Irish Minister must have been extremely galling to the loyalist community in Northern Ireland. The manner in which the Sunningdale process was pushed ahead in the teeth of vehement local opposition greatly inflamed loyalist antipathy towards their own Government and towards the Republic of Ireland. It was unquestionably the major catalyst for the Ulster Workers Council strike in May 1974, and most likely also for the Dublin and Monaghan bombings.

Negotiations with the various parties represented in the Assembly on the formation of an executive continued for two months. Agreement was finally reached on the composition of an 11-member executive with 6 unionists, 4 SDLP and 1 Alliance Party member. The leader of the UUP, Brian Faulkner, was to become Chief Executive, with Gerry Fitt (SDLP) as his deputy.

The issue of a Council of Ireland remained unresolved until a conference between the British and Irish governments, the UUP, SDLP and Alliance Party at Sunningdale Park, Berkshire from 6-9 December. Following the conference, a communiqué was issued which became known as *The Sunningdale Agreement*. The proposed Council of Ireland was described as follows:

“It would comprise a Council of Ministers with executive and harmonising functions and a consultative role, and a Consultative Assembly with advisory and review functions. The Council of Ministers would act by unanimity, and would comprise a core of seven members of the Irish Government and an equal number of members of the Northern Ireland Executive with provision for the participation of other non-voting members of the Irish Government and the Northern Ireland Executive or Administration when matters within their departmental competence were discussed....The Consultative Assembly would consist of 60 members, 30 members from Dail Eireann chosen by the Dail... and 30 members from the Northern Ireland Assembly chosen by that Assembly.”

The Council was not given any specific executive functions, but it was agreed to set up studies that would report on

“...areas of common interest in relation to which a Council of Ireland would take executive decisions, and in appropriate cases, be responsible for carrying those decisions into effect.”

It was anticipated that those areas might include agriculture, tourism, sport, culture, environmental matters and matters arising from EEC membership. It was also suggested that the Council might consider ways in which the principles of the

European Convention on Human Rights could be expressed in domestic legislation in the State and in Northern Ireland. The communique continued:

“It would be for the Oireachtas and the Northern Ireland Assembly to legislate from time to time as to the extent of functions to be devolved to the Council of Ireland. Where necessary, the British Government will cooperate in this devolution of functions.”

The remainder of the statement was taken up with proposals for increasing co-operation in the areas of security and policing.

The Sunningdale Agreement produced strong reactions, especially amongst unionists. A spokesman for Vanguard called it “the most shocking betrayal since the Nazi massacre of the surrendered Jews in Warsaw.”³ Mr Harry West, leader of those members of the UUP who opposed power-sharing, singled out the granting of executive powers to the Council of Ireland, and the prospect of joint policing operations which might result in Gardaí crossing the border as the most objectionable aspects of the Agreement. He announced the beginning of a campaign to have Brian Faulkner removed from leadership of the Ulster Unionist Party. Other loyalist criticisms of the Agreement focused on the absence of any commitment on the part of the Irish Government to remove the claim of sovereignty over the whole island contained in the Constitution, or to take steps to allow the extradition of political prisoners to Northern Ireland.

On the republican side, the Agreement was condemned by spokesmen for Official and Provisional Sinn Féin for failing to deal with issues including internment and the presence of the British Army in Northern Ireland. The Council of Ireland was accused of being no more than a “talking shop”, devoid of real power.

The day after the agreement was announced, loyalist paramilitaries announced the formation of the Ulster Army Council - a paramilitary umbrella group which included the UDA, the UVF and the Red Hand Commandos. They offered their support to any loyalist politician who was prepared to oppose the Sunningdale Agreement.

GENERAL ELECTION IN THE UNITED KINGDOM:

On 1 January 1974, the new Northern Ireland Executive took office. Three days later, the Ulster Unionist Council (governing body of the Ulster Unionist Party) rejected the Sunningdale Agreement by 427 votes to 374, precipitating Brian Faulkner’s resignation as UUP leader⁴.

³ *Irish Times*, 10 December 1973.

⁴ Despite this resignation, he continued to hold the position of Chief Executive until 28 May.

In a subsequent general election for Great Britain and Northern Ireland, candidates campaigning on an anti-Sunningdale ticket won 11 of the 12 seats available to them.⁵ In the UK as a whole, the Labour party assumed power as a minority government. Harold Wilson became Prime Minister and Merlyn Rees, Secretary of State for Northern Ireland.

In a statement outlining the new Government’s policy on 4 April, Rees announced the removal of the UVF and Sinn Fein from the list of proscribed organisations, and declared an intention to phase out internment. The UVF had declared a ceasefire from the previous November, though this was modified in February to allow for attacks on “genuine” PIRA targets on both sides of the border. Legislation to legitimise the UVF and Sinn Fein was passed in Westminster on 14 May – the day before the Ulster Workers Council strike began.

Also in April following a day of talks between the Taoiseach and the Prime Minister, the former expressed the hope that a further tripartite conference to formally ratify the Sunningdale Agreement could be held in early May. The leader of the Northern Ireland Executive, Mr Faulkner, responded immediately by declaring that ratification would not take place until the unionists were satisfied that promises in relation to improved cross-border security and tackling the IRA had been fulfilled.⁶

Not happy with this, a coalition of unionist politicians opposed to the Agreement issued “a stern warning to the people of Ulster” that confrontation with the British Government was becoming inevitable. The group, calling itself the United Ulster Unionist Assembly Coalition, announced a three-day conference of its own later in the month, to discuss further tactics. The Belfast Newsletter reported:

“It is understood that militancy and civil disobedience will be discussed as ‘alternatives to democracy’.”⁷

All of this political activity took place against a background of violence on a scale which is hard to remember or imagine in these times of relative peace. On 16 May, the day before the Dublin and Monaghan bombings, Northern Ireland Minister of State Stan Orme announced that from the 1st of January to the 30th of April of that year, 74 people had been killed; while claims in relation to damaged property amounted to £102 million. Paul Bew and Gordon Gillespie’s book, *Northern Ireland, a chronology of the Troubles 1968-1999* gives the following statistics for the years 1973 and 1974:⁸

SECURITY STATISTICS	1973	1974
Deaths arising from the Troubles	252	220
Shootings	5,019	3,208

⁵ The distribution of seats was as follows: UUP - 7, Vanguard - 3, DUP - 1 and SDLP - 1.

⁶ *Irish Times*, 6 April 1974.

⁷ *Belfast Newsletter*, 6 April 1974.

⁸ Bew and Gillespie, *Northern Ireland, a chronology of the Troubles, 1968-1999* (Dublin, 1999), pp. 76, 97.

Bombs planted	1,520	1,113
Firearms found	1,313	1,236
Explosives found (kg)	17,426	11,848
Cases of intimidation	3,096	2,453
Persons charged with subversive / serious public order offences	1,418	1,374

The following account of 28 February 1974 (general election day) gives a flavour of these turbulent times, and an indication of the sort of things the security forces could be confronted with on any given day:

“In Derry an oil tanker is hijacked and bombs damage two shops. A land mine found 200 yards from the home of Austin Currie in Coalisland is defused by the army. Gunmen fire at soldiers guarding a police station in Andersonstown, Belfast, though no one is injured. There are twelve explosions in Belfast that evening, with a man being killed at the Red Star bar in Donegall Quay. There are also explosions at Glengormley, Whiteabbey, and Lurgan, and a land mine is defused at Carnlough, Co. Antrim.”⁹

In addition to the violence in Northern Ireland itself, the years 1973-74 found the Provisional IRA stepping up its bombing campaign on mainland Britain. On 19 May 1974 - two days after the Dublin and Monaghan bombings - Merlyn Rees declared a State of Emergency under s.40 of the Northern Ireland Constitution Act, 1973. On 17 June, the PIRA injured 11 people with a bomb at Westminster Hall. On 21 November, bombs in Birmingham killed 21 people. Four days later, the British government introduced the Prevention of Terrorism Act, 1974.

THE ULSTER WORKERS COUNCIL STRIKE:

The British and Irish Governments were aware of the potential for widespread civil disturbance following the outcome of the Sunningdale conference. An Irish Army report of a meeting between British Intelligence sources and Irish Army Intelligence dated 7 December 1973 stated:

“Protestant militant organisations have now become a serious threat to peace in Northern Ireland and it is believed that there is a serious risk that they could spark off a Civil War. The danger period is seen as the current month and up to the first week in January 1974. If this is avoided another peak is seen as mid-January....

The Protestant militant campaign, should the signal be given to start it, would include widespread industrial unrest, withdrawal of services, refusal to man even essential services, blocking of roads, erecting of barricades, attacks on Catholic ghettos particularly in Belfast, assassination of Protestant and

⁹*Ibid.* p.80.

Catholic leaders... and bombings and shootings both in Northern Ireland and in the Republic.”

Contrary to expectations, the predicted militant campaign did not occur in that period. Following another meeting with British Intelligence sources on 19 February 1974, Irish Army Intelligence reported:

“The overall military co-ordination attempted by the different Protestant extremist groups in the creation of an Ulster Army Council has all but disappeared. This has come about through a lessening of fears about the ‘Sunningdale Agreement’.... The militants went to the brink on 21 January 1974 but drew back.”

A report of another meeting on 20 April 1974 stated:

“The UDA is reluctant to commit itself to a policy of violence against the Council of Ireland since it believes that it will not go ahead.”

That report also suggested that a majority of Protestants were in favour of the steps taken towards power-sharing within Northern Ireland, though they remained opposed to the Council of Ireland. With the benefit of hindsight, this seems to have been an overly optimistic analysis.

In fact, plans for a general strike had been made by a new group, the Ulster Workers Council. This organisation grew from and replaced the remnant of the Loyalist Association of Workers, which had entered a decline following the failure of the general strike in March 1973 to gain popular support. As with the LAW, the UWC’s membership at first consisted predominantly of workers in the electricity, shipyard and heavy manufacturing industries.

The UWC had intended to begin their campaign of action in January. They met with loyalist politicians and informed them of plans for another general strike. They were persuaded to postpone their action by Vanguard Party leader William Craig, who indicated that a general election in the United Kingdom was imminent and suggested that any industrial action should await its outcome. His advice was accepted, and the UWC leadership concentrated on building up grassroots support for the eventual strike. This organisation was to prove pivotal in uniting a large number of diverse loyalist groups, at least in the short term. For paramilitaries, politicians and ordinary unionists, the UWC became the hub through which efforts to destroy the Sunningdale institutions were channelled.

By the time the general election was over, the UWC had acquired a 21-man executive whose composition reflected an unprecedented level of co-operation between loyalist workers, politicians and paramilitaries. In addition to the leaders of the three main unionist parties (UUP, DUP and Vanguard), this executive body contained representatives from the UDA, UVF, the Orange Volunteers and Down Orange Welfare. The chairman of the UWC, Glen Barr, was both a UDA officer and a representative of Vanguard in the Assembly.

On 23 March, the UWC made its first public statement. Drawing attention to the results of the general election, it threatened widespread civil disobedience unless fresh Assembly elections were held. On the 15th of May, it called for a general strike.

Initially, the strike gained little public support, and political reaction was subdued. Electricity workers cut power supplies by up to 40 per cent, and stoppages ensued in some factories. Over the next few days, members of the UDA, UVF and other paramilitary groups visited businesses, using intimidation “without violence” to persuade workers to stay home. Roads were blocked with hijacked vehicles, and gangs of armed and uniformed men maintained an overt presence on the streets.¹⁰ On 16 May, the UWC announced that it would ensure the maintenance of “essential services” – in practice, this meant the UDA taking over the distribution of food and petrol in certain areas.

As the UWC action was seen to be having an effect without the violence and rioting which had marred earlier protests, it began to gain in popular and political support. On 19 May, the strike received the official approval of the United Ulster Unionist Council (UUUC). The UUUC had been formed by the DUP, Vanguard and the Official Unionist Party (now under Harry West following the resignation of Brian Faulkner as party leader) for the purpose of co-ordinating strategy for the general election.

Despite strong denouncements of the strike from the Prime Minister and the Secretary of State for Northern Ireland, the security forces were not directed to confront the strikers. Instead, they concentrated on clearing roads and attempting to keep control of essential services such as electricity. The only major arrest operations carried out by the army during that time took place over the weekend of the 24-26 May. Thirty-five people were arrested following riots and the shooting of a Catholic near Ballymena. A separate army raid in the Rathcoole area resulted in somewhere between 22 and 40 arrests. It is believed that Craig was instrumental in persuading the local UDA and UVF units not to carry out reprisals against the army on the basis that the strike was about to succeed.¹¹

On Monday 27 May, the British Army took control of a number of petrol stations in Belfast. The UWC responded by announcing a complete halting of all essential services, to take place within 24 hours. One day later, the Executive collapsed following the resignation of Chief Executive Faulkner and the other unionist members. The ostensible reason for the resignations was the continued refusal of the British Government to talk directly with the UWC, though Faulkner admitted in his press statement that “the degree of consent needed to sustain the Executive does not at present exist.” The following morning, the strike was called off. On 30 May, the Northern Ireland Assembly was prorogued for a period of four months.

In relation to the Dublin and Monaghan bombings, it is worth noting that the bombings took place during a period when loyalist militants achieved a level of power and popular support never seen before or since. They did this by achieving equally

¹⁰ Fisk, *The point of no return*, pp.55-59.

¹¹ See Rees, *Northern Ireland, a personal perspective*, p.81 and Fisk, *The point of no return*, p.214.

unprecedented levels of co-operation, organisation and discipline amongst themselves.

IRA 'DOOMSDAY' PLANS:

On the morning of Friday, 10 May, RUC officers, with the assistance of the British Army, arrested two PIRA members at a house in Myrtlefield Park, Belfast. Amongst the documents discovered at the house were what appeared to be plans for a temporary IRA takeover of certain areas of Belfast.

The plans were shown to reporters at a press conference in Stormont Castle on the following Monday. The Northern Ireland Executive was briefed, and MI5 informed Irish Army Intelligence of the find and its supposed significance. The Prime Minister, Harold Wilson gave a speech in the House of Commons in which he cited police and army belief that the plans were proof that the IRA were about to launch a major offensive designed to plunge Northern Ireland into civil war.

On the same day, newspapers reported that copies of the documents were presented to the Irish Government during a visit to Dublin by the Secretary of State for Northern Ireland, Merlyn Rees. Irish Government minutes of the meeting with Rees show that the Myrtlefield documents, though not on the original agenda for the meeting, were discussed informally at one point. They do not indicate whether copies of the documents were left in the possession of the Irish Government. When interviewed by the Inquiry, Lord Rees was unable to remember if copies had been handed over.

On 15 May, articles appeared in *The Times* and *The Irish Times* to the effect that sources in the PIRA had confirmed the authenticity of the plans, but said they were essentially defensive in nature, outlining possible IRA responses in the event of a civil war breaking out. The author of the *Times* piece, Robert Fisk, had in fact written an article some 19 months previously in which he claimed:

“The Provisional and Official IRA have been holding informal talks on a local level in Belfast to plan a joint defence of Roman Catholic areas in the event of attack.”¹²

These talks between the two republican paramilitary groups were believed to have been organised in response to a speech given by Vanguard Party leader William Craig at a meeting of right-wing MPs at Westminster, in which he claimed he could mobilise 80,000 men who “are prepared to come out and shoot and kill.”¹³

In his book on the UWC strike, Fisk referred to the Myrtlefield plans as having a possible connection with the Dublin and Monaghan bombings:

¹²*Times*, 22 October 1972.

¹³ *Ibid.*

“Inquiries in Portadown during the UWC strike proved that UVF officers there had paid considerable attention to [Harold Wilson’s] statement made in the House of Commons on Monday 13 May.... In Portadown details of this [IRA] plan had been studied with care and, so it was being put about in UVF circles, the IRA’s tactics had been industriously employed by the loyalists south of the border.”¹⁴

¹⁴Fisk, *The point of no return*, p.80.

GOVERNMENT AND SECURITY

1. **POLITICAL STRUCTURES**
2. **SECURITY FORCES**
3. **CROSS-BORDER CO-OPERATION**

POLITICAL STRUCTURES:

Great Britain:

In the early years of the Troubles, the British Government viewed Northern Ireland as primarily a security problem rather than a political problem. But the imposition of direct rule in March 1972 marked a change of attitude. It was realised that a short-term solution was unlikely, and that some form of political change would be required. Efforts made in this direction by the Conservative government then in power included secret talks with the IRA in the summer of 1972, and the introduction of a discussion document entitled *The future of Northern Ireland*. This paper began the process which culminated in the Sunningdale Agreement of December 1973.

Following the general election in February, a minority Labour Government under Harold Wilson succeeded Edward Heath's Conservative administration. While in opposition, Wilson had made statements supporting a gradual withdrawal of Britain from Northern Ireland and giving details of plans for a united Ireland. Now in government, some of their actions - though aimed at calming tensions and encouraging political dialogue - served to reinforce the view held by many loyalists that Labour's sympathies lay with the republicans, and that as a result they would be 'soft' on the IRA. Two decisions of particular controversy amongst loyalists were the removal of Sinn Féin from the list of proscribed organisations and a declared intention to phase out internment.

It has been alleged by former members of the security forces in Northern Ireland that fears of Labour being pro-republican prompted elements within the security forces to engage in activities designed to subvert Government policy in Northern Ireland - destabilising peace initiatives and forcing the adoption of a harsher military approach. The relevance, if any, of these allegations to the Dublin and Monaghan bombings shall be considered in a later section of this report.

Northern Ireland:

As has already been described, the first blow to the Northern Ireland Executive came with the resignation of Chief Executive Brian Faulkner as leader of the Official Unionist Party following that party's rejection of the Sunningdale agreement on 4 January 1974.

The overwhelming support for anti-Sunningdale candidates in the general election of February 1974 was a further indication that the pro-Sunningdale parties were out of step with the majority of unionists in Northern Ireland.

The third and final blow to the Executive was the general strike of 15-29 May 1974, initiated by the Ulster Workers Council. Though still in operation at the date of the bombings, the increasingly untenable position of Faulkner finally resulted in his resignation as Chief Executive on 28 May, together with his unionist colleagues on the Executive.

Republic of Ireland:

As the Troubles began, political and popular sympathies in the South were overwhelmingly with the nationalist community in the North. This gave rise to a certain ambivalence in attitudes towards republican paramilitary violence. Loyalist fears that the South was pro-IRA were not eased by the sacking and subsequent trial of Government Ministers Charles Haughey and Neil Blaney over allegations of illegal arms importation - notwithstanding their eventual acquittal.

From 1972 on, there was a distinct hardening of government policy towards the IRA. This was carried on by the Fine Gael / Labour coalition which replaced Fianna Fáil in government following the general election of 1 March 1973. Liam Cosgrave succeeded Jack Lynch as Prime Minister, with Patrick Cooney taking over as Minister for Justice and Garret Fitzgerald as Minister for Foreign Affairs.

The deteriorating situation in Northern Ireland and fears of widespread violence spilling over into the Republic led the Government to set up an Inquiry into State Security chaired by Mr. Justice T. A. Finlay, then a High Court Judge. Between January and April 1974 he produced four reports dealing with various aspects of security in the State. The third report considered the roles of An Garda Síochána and the Army, and examined the question of a co-ordinated approach to national security.

It is quite clear from the third Finlay report that by 1974, the Irish government, the Gardaí and the Army perceived the principal threat to the State to emanate, not from loyalist paramilitaries, but from the Official IRA - despite their cessation of hostilities since 1972. In chapter 3 of the report Mr Justice Finlay wrote:

“It is an agreed view submitted to me that the greatest long-term danger to the security of the institutions of the State comes from the activities of the Official IRA and of political groups or associations connected with it.”

The second major threat was deemed to come from the Provisional IRA, whose apparent policy of avoiding militant action within the State could be changed by a number of factors, such as the introduction of internment, or the institution of direct co-operation between the Gardaí and the British Army.

Only then was the possibility of violent action in the Republic by extreme loyalist groups considered. Mr Justice Finlay wrote:

“With regard to the threat presented to the State from this type of Protestant militant action it can only at present be said in a general way that the logical and obvious purpose of these groups is to engage in some form of militant action either against the newly formed Executive in Northern Ireland or against the minority Nationalist population in Northern Ireland and that the logistics of the situation would appear to deter them from wide-scale or significant militant action south of the Border. Changes in the political situation in Northern Ireland and again the desire to bring pressures on the Government of the Republic in relation to any particular agitation could alter this significantly and drastically.”

Confirmation that republican subversives were generally believed to pose the greatest threat to national security in this State can be found in the minutes of the meetings of the Cabinet Sub-Committee on National Security during 1974. Whereas containment of the PIRA and other subversive republican organisations was frequently discussed, there is no record of any attention being given to the threat posed by loyalist extremists.

SECURITY FORCES:

Northern Ireland:

The main elements were:

(a) *The British Army (BA)*

Various units of the British Army were introduced into Northern Ireland from August 1969 onwards. At the time of the 1974 bombings there were approximately 17,500 troops stationed in Northern Ireland.

Following the introduction of direct rule in 1972, Field Marshal Michael Carver drew up a new directive outlining the security hierarchy in Northern Ireland. The authority of the Army GOC in Northern Ireland was described as follows:

“[He] would exercise command of all land forces and operational control of naval and air forces stationed or employed in Northern Ireland, and would co-ordinate the tasking of the RUC for security operations with other security forces.”¹

He was responsible ultimately to the Secretary of State for Defence for the conduct of operations by the armed forces in the North. His relationship with the Northern Ireland Secretary was defined as follows:

¹Carver, *Out of step: memoirs of a field marshal*, p.421

“...the Secretary of State for Northern Ireland was responsible for law and order... the GOC, as Director of Operations, would advise him, or his senior representative in Northern Ireland, on the military aspects of his responsibilities for law and order, would consult him on all policy matters concerning operations, and act in agreement with him on such matters.”²

(b) *The Royal Ulster Constabulary (RUC)*

The RUC was the police service for the North, and included a Detective Branch (CID), a Special Branch (SB) and a Reserve. Prior to the Dublin / Monaghan bombings, it consisted of approximately 4,300 regular officers with 2,300 reserves. In August 1974, this was increased to 6,500 regulars and 4,000 reserves.³

As previously mentioned, the inability of the force to cope with the unrest that flared up in 1969 / 70 led to the British Army being given primacy in matters of security in the North. The reputation of the RUC was further damaged by the reports of the Cameron and Hunt Inquiries (1969) and the Scarman Tribunal (1972).⁴

Nonetheless, it was clear to the Army leadership that a rejuvenated police force was essential if the security situation in the North was to be controlled. At the time of his appointment as GOC on 2 March 1971, Lieutenant-General Sir Harry Tuzo stressed the need for Army co-operation with the RUC, especially in the area of intelligence.

Unlike the Army, the RUC was a local force, and there is little doubt that a significant amount of the intelligence information available to the security forces in the 1970s came from its sources. The cultivation of such sources was primarily the function of Special Branch.

(c) *The Ulster Defence Regiment (UDR)*

The UDR became operational on 1 April 1970. It was a locally raised, mainly part-time, military force, with each unit attached to and under the control of a British Army Brigade. Aside from routine patrol and security duties, each UDR unit also had its own intelligence officer.

²Ibid.

³Ryder, *The RUC, 1922-1997*, pp. 127, 131.

⁴ The findings of the Hunt Inquiry are referred to in chapter 3. The Cameron Inquiry found a number of policemen to have been guilty of misconduct including assault and battery, malicious damage to property and sectarian behaviour during riots in Derry. The Scarman Tribunal, while dismissing claims of a general RUC bias against Catholics, criticised police policy and behaviour on a number of occasions.

The aim had been for the UDR to replace the discredited Ulster Special Constabulary (USC). With that in mind, strong efforts were made at the start to attract Catholic applicants. But though a small number joined at first, the UDR remained an overwhelmingly Protestant force, and Catholic membership quickly dwindled to minimal levels.

The UDR did not attract the support of the nationalist population. It was unable to dispel the reputation for sectarian behaviour which had been attached to its predecessor. Its members were ruthlessly and assiduously targeted by the PIRA. As time went on, the Army became increasingly wary of links between some UDR officers and loyalist paramilitary groups. Too many of its members were subsequently proven to have been engaged in bombings, shootings and other illegal acts.

(d) *MI5 / MI6*

MI5, also known as the Security Service, was and is concerned with intelligence and security within the United Kingdom. In Northern Ireland, it came under the political authority of the Secretary of State for Northern Ireland.

MI6, also known as the Secret Intelligence Service (SIS) was created to deal with aspects of intelligence for the United Kingdom worldwide. Political accountability for its actions rested with the Foreign Office.

It is not known how many operatives of either organisation were based in Northern Ireland during the relevant period.

From 1971 to 1972, primacy appeared to be with MI6 under Frank Steele. In May 1972, the Director General of MI5 and the Head of MI6 agreed to establish an Irish Joint Section (IJS) for the purpose of co-ordinating the operations and intelligence distribution of both bodies. The post of Director of Intelligence at Army HQ was abolished and a new post of Director and Co-ordinator of Intelligence with an office in Stormont was created. This post was given to an MI5 officer, and from that time on the number of MI5 personnel increased, with a corresponding decrease in MI6 presence. For example, the DCI's representative at Army HQ was Craig Smellie of MI6. When he left Northern Ireland in 1975, he was replaced by Ian Cameron, an MI5 officer.

The Irish Joint Section continued to exist until 1984, when MI5 took sole responsibility for operations.

Republic of Ireland:

The principal security force on the South side of the border was An Garda Síochána. The Irish Army acted purely in aid of the civil power, as and when it was requested to do so. In the main, Army assistance came from EOD (Explosives Ordnance Disposal) and G2 (military intelligence).

An internal government memo from April 1974 entitled “Aspects of the Security Situation in the South” gave the following statistics in relation to Garda and Army personnel:

“**Garda** strength on 28 February 1974: 7,853.

Plans have been announced to increase Garda strength by a further 500 men.

There are now 1,028 Gardaí on duty in border stations, or 13% of the total force. An extra 315 men have been deployed in border areas since 31st August 1973.

Irish Army strength on 1 April 1974: 11,257

Military strength at border posts as at 31 January 1974 totalled 1,142 men. The posts are located in Dundalk, Castleblayney, Cootehill, Cavan, Finner, Rockhill, Longford, Manorhamilton, with additional posts manned from the above at Clady, Belcoo and Beleek. In addition air support and other forces may be called in from Athlone, Mullingar and Gormanstown.

This deployment in border areas represents 16.5% of total Army strength or 30% of available Army strength (the total, less those on active service overseas, naval and air services, administration and training, etc.)”

At the time of the bombings, the relevant Garda chain of command in Dublin and Monaghan was as follows:

1. The Garda Commissioner;
2. Deputy Commissioners; and
3. Assistant Commissioners.

The Gardaí were divided into seven branches of which the following were relevant to the investigation of the bombings:

- C1:** Crime Ordinary - dealt with indictable offenses, and extradition requests from countries other than the United Kingdom. It was responsible for investigating serious crime in the Dublin area.
- C3:** Security & Intelligence - dealt with subversive or politically motivated crime. Any intelligence received by any Garda officer in that regard was filtered through C3. It also acted as the main channel of communication between the RUC and An Garda Síochána.

The Special Detective Unit (SDU), also known as Special Branch, also came under the control of C3. Based in Dublin, it was tasked with checking up on intelligence received by C3 concerning subversives active in the Republic. Although SDU was a subset of C3, its members

were not permitted as a rule to deal directly with the police in Northern Ireland. This was done by others in C3.

- C4:** The Technical Bureau - handled forensic, ballistic, photographic and mapping duties in all major investigations. It was based in Dublin. It also incorporated a specialised Investigation Unit (colloquially known as the Murder Squad) which operated with a wide investigative brief on a countrywide level.

Key personnel – Dublin:

The chain of command in Dublin appeared somewhat complicated. Although the city was nominally under the control of an Assistant Commissioner known as the Metropolitan Commissioner, the top echelon of Garda officers including the Commissioner himself were also based in Dublin.

For the Dublin / Monaghan bombings, a unique investigation team, based in Dublin Castle, was created. That team contained both ordinary and special branch detectives. The officers in command were Chief Superintendent John Joy, the head of Crime Ordinary branch, and Chief Superintendent Anthony McMahon, head of the Technical Bureau. Below them, the key figure in the day-to-day running of the investigation was Detective Superintendent Dan Murphy.

Key personnel – Monaghan:

The Chief Superintendent in charge of the Cavan / Monaghan area in 1974 was J.P. McMahon. He was assisted by Superintendent Owen Giblin and by two officers from the detective branch - Detective Garda John McCoy (stationed in Monaghan town) and Detective Garda Vincent Heavin (stationed in Castleblaney). However, neither Chief Superintendent McMahon nor Superintendent Giblin were actively involved in the investigation into the Monaghan bombing: the former had recently married and was on leave for the month of June, 1974; and the latter was attending a murder trial in the Special Criminal Court in Dublin from 19 May to 8 June 1974.

C/Supt Steven Fanning was sent from Dublin to act for C/Supt McMahon during his absence, but it appears that the investigation was run primarily by Detective Sergeant F.O.C. (Colm) Browne. Browne was attached to the Technical Bureau Investigation Unit in Dublin, but was assigned to the border area most of the time.

Thus, although the final report on the Monaghan investigation (dated 7 July, 1974) was signed by Supt Giblin, and approved by C/Supt McMahon, both Supt Giblin and D/Sgt Browne have confirmed to the Inquiry that the report was in large part the work of D/Sgt Browne.

CROSS-BORDER CO-OPERATION ON SECURITY MATTERS:

Security co-operation must be considered at two levels: firstly, the official channels of communication between British and Irish security forces and their respective governments; and secondly, the reality of co-operation on the ground between individual officers.

Following on from the third Finlay report, it was decided by the Government to set up two groups: a Cabinet Sub-Committee on National Security, consisting of the Taoiseach, the Tánaiste, the Minister for Justice and the Minister for Defence; and an Inter-Departmental Security Group, along the lines of that described by Mr Justice Finlay.

At the first meeting of the Cabinet Sub-Committee, in March 1974, a letter from the Secretary of State for Northern Ireland, Mr Merlyn Rees to the Minister for Foreign Affairs, stressing the need for co-operation on Border security, was discussed. According to the minutes of the meeting it was noted that:

- “(1) necessary contacts between Garda and RUC are being maintained on the ground,
- (2) signals are listened to on the ground but that there is no joint signaling link,
- (3) Chief of Staff and British Military Attaché hold regular meetings,
- (4) intelligence is regularly exchanged in London.”

The exchange of intelligence referred to consisted of regular meetings between representatives of Irish Army Intelligence and British Intelligence sources. Doubt was expressed as to whether regular meetings between the Army Chief of Staff and the head of British forces in Northern Ireland or between lower-ranking officers from both sides were necessary; but it was agreed *inter alia* that:

- “(1) Garda and RUC heads should meet in the Republic,
- (2) Garda would enquire from RUC what RUC required from Garda in the nature of intelligence and what RUC could supply in return,
- (3) the possibility of forensic and technical co-operation on the ground could be considered at a meeting between Garda and RUC on the ground,
- (4) co-operation should be discussed at a future Anglo-Irish meeting at P.M. or ministerial level.”

A number of matters were referred to the inter-Departmental Security Group for assessment, including:

“Increased overt or covert co-operation on the Border with the British Army...”

The Cabinet Sub-Committee met again on 29 March, when the Minister for Justice reported that “arrangements had been made for an early meeting in the 26 Counties between the Garda Commissioner and the Chief Constable, RUC.” The Secretary of State for Northern Ireland was pressing for co-operation between the Gardaí and the British Army, which, in South Armagh at any rate, was the real police force. But it was felt by the Irish authorities that any overt Garda co-operation with the British Army “would lead to a serious confrontation with the IRA and to internment, with serious consequences for foreign industrial investment here and for tourism.”

Little more was said by the Sub-Committee concerning cross-border security until their meeting of 10 September, when it was agreed that a proposed one-day meeting between the Minister for Justice and the Northern Ireland Secretary of State should take place towards the end of the month at Baldonnell Aerodrome. This meeting duly took place on the 18 September. A joint statement was issued, which said:

“There was a full discussion on matters of mutual concern in the field of security. The talks will be followed by further discussions between officials of the Irish and United Kingdom Governments on specific aspects of problems deriving from politically motivated violence on the border and elsewhere.”

It was agreed that “technical discussions” between Garda and RUC representatives concerning the following matters would be held without delay:

- “(a) speedy and secure communications, including means of ensuring that accurate information about incidents on one side of the Border can be transmitted quickly to the other side;
- (b) exchange of information, including information concerning ballistics, explosives etc., and suggestions for better methods of control;
- (c) advance planning to prevent outrages and to prevent the smuggling of explosives;
- (d) detection of sources of supply of arms, ammunition and explosives.”

Following on from this conference, a panel of Garda and RUC officers was set up to flesh out the details of cross-border co-operation. A report was published in 1975. In addition, meetings between local Gardaí and RUC members at Divisional and Sub-Divisional / District level were held on a monthly basis following the inaugural meeting of the panel.

Whilst the British and Irish authorities worked at creating structures to improve communication between the two forces, the view amongst officers on duty in the Border areas seems to have been that informal co-operation was generally good. The Commission of Inquiry has interviewed many Gardaí who served on the border, in particular Detective Inspector Browne, Detective Garda Heavin and Detective Garda

McCoy, who were the principal officers dealing with the RUC in the Cavan / Monaghan border area. All three stated that, on a person-to-person level, co-operation was very good. D/Insp Browne told the Inquiry that “there was full co-operation with the RUC. Anything we asked for we got. They were helpful in every way possible.” D/Garda Heavin said: “There were very good man-to-man relations... you had your own contacts; you went to them or they came to you.” D/Garda McCoy stated that RUC co-operation was “very, very good”. All three officers confirmed that contact was usually personal, or occasionally by phone: nothing was written down.

It should be noted however that other officers with whom the Inquiry has spoken were not as positive concerning Garda-RUC relations. Though the competence of the RUC was never questioned, some doubted whether they were being fully open with Gardaí in sharing information in their possession.

It is probable that this co-operation existed more in relation to republican than to loyalist subversives. An Garda Síochána knew little about loyalist subversives. In a memorandum dated 6th April, 1987, Chief Superintendent John Paul McMahon writing to the Commissioner said:

“There was reasonably good intelligence available on republican terrorists, but a dearth of information on loyalist terrorists. The latter weakness was recognised, and may have prompted some members of Detective Branch to cultivate RUC contacts in an effort to gather information”.

PARAMILITARY GROUPS

1. **OFFICIAL IRA**
2. **PROVISIONAL IRA**
3. **ULSTER VOLUNTEER FORCE**
4. **ULSTER DEFENCE ASSOCIATION**
5. **OTHER LOYALIST GROUPS**

OFFICIAL IRISH REPUBLICAN ARMY (OIRA):

At the time of the split in December 1969, the 'Officials' were a much larger group than the 'Provisionals'. By 1972 however, the situation was reversed. On 29 May 1972, the OIRA announced a ceasefire, which was still in operation in 1974 and has largely been adhered to since then.

PROVISIONAL IRISH REPUBLICAN ARMY (PIRA):

From inauspicious beginnings, the PIRA grew quickly to become the most significant paramilitary organisation in the North. Its campaign of violence, though directed principally at the security forces, also included attacks on civilians, and sparked reprisals from loyalist paramilitary groups which led to ever-increasing "tit-for-tat" killings.

It is generally accepted that by 1974, the discipline, technical knowledge and quality of equipment possessed by the PIRA far outstripped that of any other paramilitary group in the North. The PIRA also pioneered many techniques of urban guerilla warfare, including the use of car bombs and 'proxy bombs' in which a civilian would be forced to drive up to a target in a vehicle containing explosives that the PIRA would detonate by remote control.

ULSTER VOLUNTEER FORCE (UVF):

The modern UVF began in 1966 as a small group in the Shankill area of Belfast. Following the murder of barman Peter Ward on 26 June 1966, three men were charged and convicted, including the then leader of the Belfast UVF, Gusty Spence. Following their imprisonment, UVF violence died down, though membership slowly increased in Belfast and other areas such as Lurgan / Portadown.

In 1969, the UVF commenced a clandestine bombing campaign designed to destabilise Terence O'Neill's Stormont Government. In October of that year, its first cross-border attack ended in a bomb exploding prematurely at Ballyshannon power

station, Co. Donegal, killing the bomber. Nonetheless, further minor bombing attacks in the South did take place, including the following:

31/10/1969 - bomb at Wolfe Tone's grave, Bodenstown
26/12/1969 - 10lb gelignite bomb at O'Connell monument, O'Connell St., Dublin
18/02/1970 - bomb at RTE mast, Raphoe, Donegal
26/03/1970 - bomb at ESB sub-station, Tallaght
02/07/1970 - bomb on Dublin-Belfast railway track at Baldoyle, Dublin
17/01/1971 - bomb at O'Connell monument, Glasnevin cemetery, Dublin
08/02/1971 - bomb at WolfeTone statue, Stephen's Green, Dublin
29/10/1972 - 12lb gelignite bomb defused at Connolly Station, Dublin
29/10/1972 - incendiary bombs at 4 Dublin hotels
01/11/1972 - bomb at pub, St Johnston, Donegal
26/11/1972 - bomb at Film Centre, Burgh Quay, Dublin
01/12/1972 - bombs at Eden Quay & Sackville Place, Dublin
13/12/1972 - incendiary bombs at Clerys & Sackville Place, Dublin
28/12/1972 - bombs at Belturbet, Clones and Pettigo
20/01/1973 - bomb at Sackville Place

Not all of these incidents were claimed by the UVF - in some cases, such as the bombs at Liberty Hall and Sackville Place, responsibility was denied. In the case of the Film Centre bombing, the Inquiry has seen evidence suggesting the IRA were responsible. It has also been suggested that some of the above bombings ascribed to the UVF were in fact the responsibility of renegade republicans engaged in a campaign to discredit the UVF by employing the same tactics as the latter had employed in bombing power stations and reservoirs in the North.¹

Nonetheless, it is clear that the UVF from an early stage did not confine its activities to Northern Ireland, and that they managed to carry out successful attacks along border counties and in Dublin city centre - albeit on a much smaller scale to the Dublin bombings of 1974.

On 18 November 1973, the UVF "and its subordinate groupings" announced a cessation of "aggressive military operations". On 1 February 1974, this was amended in light of a renewed PIRA bombing campaign against economic and UDR targets. The new ceasefire orders stated:

"...local commanders shall be permitted to undertake aggressive military action against selected targets in Northern Ireland and in the Irish Republic. Such targets must, however be genuine Provisional I.R.A. personnel, meeting places, bases or sources of finance and war materials. *Under no circumstances will the indiscriminate shooting or bombing of ordinary civilians or civilian properties be tolerated.*"² [emphasis added]

However, statements such as these must be read in the light of the knowledge that the UVF was not as homogenous and disciplined as it wished others to believe. The

¹Cusack & McDonald, *UVF*, pp.73-78.

²*Combat*, 18 March 1974.

image of a well-drilled, highly trained 'army' comes primarily from the manner in which Gusty Spence organised UVF prisoners in Long Kesh, and from the military language used by the UVF in their public statements and in its journal, *Combat*. Outside prison walls however, there is evidence that the UVF "battalions" were in fact loosely related groups based around strong individuals. A journalist who had substantial access to the UVF in 1973 (mainly in Belfast) told the Inquiry that the organisation was essentially constructed around personalities. When those personalities died or were imprisoned, the structure changed. The view that power in the UVF resided mainly with local rather than national leadership is also supported by the proliferation of pseudonyms - UFF, Protestant Action Force, Protestant Task Force, Red Hand Commandos, Red Hand Brigade and others - under which members of the UVF and UDA committed sectarian atrocities, even at times when official ceasefires were in effect.

The UVF had been proscribed by Terence O'Neill following the conviction of Spence and others. Merlyn Rees announced that its legal status would be restored, along with that of Sinn Fein, in the hope of encouraging them to move away from violence. Although the UVF were suspected of involvement in the Dublin, Monaghan and other attacks, proscription was not re-imposed until 3 October 1975.

Between 1972 and 1977, the evidence suggests that the most active UVF groupings were based in Belfast / East Antrim, Portadown / Lurgan and Fermanagh / Tyrone.

ULSTER DEFENCE ASSOCIATION (UDA):

The UDA was formed in September 1971 with the amalgamation of several vigilante "defence associations" from loyalist areas in Belfast. From there it spread across the North, becoming by far the largest paramilitary organisation in terms of numbers.

Though the illegal actions of many of its members may have been limited to beatings, extortion, intimidation, arson and other vigilante-style activity, the UDA also contained a hardcore of individuals who carried out sectarian attacks including shootings, bombings, murder and torture against Catholics on both sides of the border from the early 1970s. Acts of violence against the Catholic population by UDA members were often carried out under the banner of the UFF. It is also known that there was a degree of collaboration between UDA and UVF members in certain areas including Belfast and Portadown - though this may have taken place without official sanction.

In the summer of 1972, the UDA established "no-go areas" mirroring those set up by the IRA in Catholic parts of Belfast and Derry, which led to direct confrontation with the security forces. The high point of UDA influence was reached with the UWC strike of May 1974. They provided much of the manpower and organisation behind the strike, as well as being responsible for most of the intimidation and violence which took place.

Notwithstanding its links with groups such as the UFF, the UDA was not proscribed until 1992.

OTHER LOYALIST GROUPS:

As we have seen, a large number of sectarian attacks in the 1970s were claimed, not by the UVF or UDA but by a bewildering variety of groups, most of whom were believed by the security forces to be cover names for UVF or UDA members operating with or without the consent of the parent organisation.

One example of this came from an interview with three unidentified men published on 24 November 1974 by the *Sunday News*. The men claimed to represent a group which had existed since 1971 and was composed entirely of ex-British Army soldiers:

“At first they refused to identify their organisation. They firmly denied that they had any association with prominent loyalist paramilitary groups. ‘Does an organisation known as the Protestant Action Group exist?’ I asked. ‘No.’ the spokesman replied. ‘Is there an organisation called the Protestant Action Force?’ I added. ‘Yes.’ ‘Are you members of the Protestant Action Force?’ The spokesman hesitated and then answered, ‘No comment.’ It was only later in the interview that the spokesman said the organisation would be called the Protestant Task Force. ‘You can say we are members of the Mid-Ulster unit of the Protestant Task Force,’ he said.”

They claimed to have killed 28 people in the previous two months, all “IRA members or people who associate with them.”

“The men said that the PTF assassination squads operated independently and did not know one another’s identification... The spokesman added that the organisation has special units set up throughout Northern Ireland and that since its formation could proudly boast that none of its members had been killed or arrested by the security forces. ‘We are satisfied that our security is strict enough to protect ourselves,’ one of the others said. ‘At the same time we have impeccable sources of information.’”

It has been suggested to the Inquiry that Army Intelligence and the RUC Special Branch knew the identity of the three men.

The *Sunday News* article also gives an insight into the confusion that surrounds these supposed splinter groups. The PTF claimed that 6 of the killings carried out by them had previously been claimed by other groups “such as the Young Militants.” They

denied connections with any other militant organisation; but when asked whether they were members of the Protestant Action Force, hesitated before replying, “No comment.” It was only at a late stage of the interview that they referred to themselves as the Protestant Task Force.

As far as the Dublin and Monaghan bombings were concerned, all of the major republican and loyalist paramilitary organisations issued statements at the time denying any responsibility for the bombings.

However, at 10 p.m. on the night of 17 May, the RUC informed Garda Headquarters of a telephone call received by the editor of the *Irish News* from a man styling himself “Captain Craig, Red Hand Brigade”, purporting to claim responsibility for the Dublin attacks. The man also claimed there were two more bombs in Dublin not yet found. A similar call, also from a “Captain Craig” was received by the Belfast office of the *Irish Times*.

The Garda investigation team took note of these claims and denials, but focused initially on establishing how the bombing attacks had been carried out – specifically, identifying and tracing the bomb cars and others which may have been used for back-up or as getaway vehicles.

PART TWO

THE GARDA INVESTIGATION

THE BOMBING OPERATION

1. THE BOMB CARS
2. MOVEMENTS
3. EYEWITNESS ACCOUNTS – THE CONTRADICTIONS
4. GETAWAY VEHICLES

THE BOMB CARS:

Talbot Street:

The bomb car was a Ford Escort, metallic blue mink, registration number 1385 WZ. Although the manufacturers describe the colour as blue mink, it had a grey appearance. This vehicle was the property of William Shannon, aged 46 years; a motor mechanic living at 136 High Street, Hollywood, Co. Down. He parked the car in Duncrue Street, Belfast near his place of employment at 8 a.m. on 17th May. At 9 a.m. a colleague remarked to him that his car was not in its usual parking place. It was not however until 10.30 a.m., when Mr Shannon went to get his car and saw it was missing, that its theft was reported to the RUC. Details of the make and registration were telexed to Gardaí some time after 11 a.m. as part of the regularly updated list of cars stolen that day. Garda Headquarters passed the list on to all Dublin Metropolitan Area (D.M.A.) stations at 12.15 p.m.

South Leinster Street:

The bomb car was an Austin 1800 Maxi, lagoon blue in colour, with the registration number HOI 2487. This car was owned by the Ariel Taxi Company Limited, 144 Agnes Street, Belfast. At about 9 a.m. on the morning of 17th May, William Henry, aged 48 years, a taxi driver with an address at 5 Queensland Street, Belfast was hailed at his employer's premises by a man who asked him to drive to Sandy Row. They were joined by a second man and en route two further men were picked up. Henry was then bundled into the back seat and forced to lie on the floor. After three or four minutes driving, he was hooded and taken into a building. He was released at 2 p.m. but did not report to the RUC until after 3 p.m. in accordance with instructions given to him by his captors. The Garda Communications Centre received notice of the hijacking by telex at 4.45 p.m., and circulated the information throughout the D.M.A. at 5 p.m.

Parnell Street:

The car that exploded was a Hillman Avenger, 1970 model, metallic golden olive in colour and registration number DIA 4063. This car was the property of William Scott, aged 62 years; an employee of a security firm living at 27 Torrens Road, Belfast. Evidence was obtained that at 10 a.m. on the morning of 17th May Mr Scott was in his home when three masked men entered through the open front door. His car was taken while he was held captive in an upstairs room. The intruders played cards in a ground floor room and left at 4 p.m. He reported the matter to the RUC at 4.20 p.m. Gardaí received notification of the make and registration of his car by telex at 7.40 p.m.

Monaghan:

The bomb car on this occasion was a 1966 green Hillman Minx, registration number 6583 OZ, property of one Dermot Crossey. The car had been parked in a car park near Woodhouse Street, Portadown at 3.30 p.m. The owner returned at 4.25 p.m. from a shopping expedition with his wife to find it missing. It was reported stolen at 4.30 p.m. Following the explosion, a number plate was found. The identity of the car was confirmed by phone with the RUC Stolen Motor Squad at 8 p.m.

At the time of the bombings, the registered numbers, makes and colours of all motor vehicles either hijacked or stolen in Northern Ireland were sent by telex to the Garda Communications centre in Dublin Castle at frequent intervals throughout the day.¹ Those details were immediately circulated to all Garda stations in the Dublin Metropolitan Area (D.M.A.). It was not the practice at that time to circulate the lists to the Divisional headquarters at Monaghan, Drogheda, Sligo and Letterkenny, with the consequence that such information was not available to Gardaí on cordon and border check-point duties. Following the bombings, this policy was changed.

At 8.15 p.m. on the evening of 17 May, details of the three Dublin bomb cars were circulated to all Divisional offices, together with a description of a man seen leaving the South Leinster Street bomb car. The telex indicated that the cars were believed to have come from Belfast. Also circulated to all Divisions were lists of vehicles seen acting suspiciously prior to and following the explosions. Divisional officers were asked to bring the details to the attention of all officers on cordon or other checkpoints. Finally, at 9.30 p.m. a complete list of all vehicles stolen or hijacked in Northern Ireland that day and still unaccounted for, was sent to all Divisions.

These lists enabled the Dublin bomb cars to be firmly identified within a few hours of the bombings having taken place. Details of the Monaghan bomb car were obtained by phone from the RUC Stolen Motor Squad at 8 p.m.

The focus then shifted towards identifying support or getaway vehicles used by the bombers. In the following days, Garda officers took particulars of vehicles noted

¹Dated 4 June 1974.

outside hotels, licensed premises, etc., and throughout the city generally; with a particular focus on cars registered in Northern Ireland. However, the chances of identifying getaway vehicles were hampered by the fact that the Trinity Regatta had attracted many overseas and cross-border visitors to Dublin that week.

MOVEMENTS:

While many purported sightings of the several vehicles were reported, few were capable of leading to positive identification of those involved.

Parnell Street:

The most reliable sighting of the Parnell Street car (a green Hillman Avenger) was by a witness at Sheepphouse, Co. Louth at approximately 1 p.m. on 17th May. He identified the registration number as DIA 4063. The witness had been in a car going in the opposite direction to that of the Hillman Avenger and both had been slowed to a very slow speed as the result of a vehicle on the same side of the road as the Hillman Avenger which was towing another vehicle. The witness was also able to give a reasonable description of the driver of the Hillman Avenger and some description of the only passenger in the car.

Another witness who was driving in the Sheepphouse area around that time observed a “shiny green car” with N.I. registration plates. He was unable to recall the registration number, or the number of occupants.

An anonymous caller to the RUC on 18th May said that he had seen a Hillman Avenger followed by a BMC 1800 car with registration number HOI- travelling south on the M1 motorway from Belfast between 10 a.m. and 10.30 a.m. He also said that he had seen the same Avenger in a car park in Portadown at 1.15 p.m. Clearly, the cars seen by him could have been the Parnell Street and South Leinster Street bomb cars travelling in convoy. However, the caller did not get the registration number of the Hillman Avenger, and his alleged second sighting of the car in Portadown at 1.15 p.m. does not fit with the sightings of it near Sheepphouse at 1 p.m..

There was no other reliable evidence as to the route followed by the Hillman Avenger until it was seen parking in Parnell Street at approximately 5.12 p.m. on that afternoon. Mortimer and Teresa O’Loughlin were in a car which pulled out to allow the bomb car to park in their space. They had a view of the driver of the car who appeared to be alone. Teresa O’Loughlin was able to give a detailed description of him.

Talbot Street:

A possible sighting of this car (a blue-grey Ford Escort) was made at 12.30 p.m. on the south side of Drogheda. The witness was overtaken by an Escort with one male occupant. He told Gardaí:

“I thought that it was a white colour... I made a mental note of the registration number of the vehicle and as far as I can recall I feel that the number of this vehicle was 1385.WZ. I am satisfied that no other vehicle was travelling in convoy with this vehicle.”

The next sighting was at Doyles’ Corner in Dublin city centre at about 4 p.m. The witness said that there were two men in the car aged between 25 and 30, but could only give a poor description of them. The car was subsequently seen parked in Talbot Street at 5.15 p.m., in the space where it was when it exploded. The witness who saw the car said that it was unoccupied.

South Leinster Street:

This car (a blue Austin 1800 Maxi) was seen near Sheephouse at approximately 12 p.m. by two witnesses – both of whom subsequently saw the Parnell St. car. The Austin was travelling fast in the direction of Dublin. There were no passengers.

There is reliable information that the bomb car was parked in South Leinster Street about 10 minutes before it exploded. A witness saw it being parked; the driver got out of the car and walked past him. Almost immediately after the bomb car driver had left the car, a second witness parked his car in the space behind the bomb car and left it. A third witness saw these two unoccupied cars just before the bomb exploded.

There were many other statements taken from witnesses who claimed to have seen cars of the same make and of similar colour to the bomb cars at varying times in Dublin and elsewhere, but were unable to identify the registration numbers. Other sightings were discounted on the basis that they conflicted geographically or temporally with the more reliable information recounted above.

Monaghan:

There were fewer sightings of the Monaghan bomb car (a green Hillman Minx), and none that reliably identified the registration number. Neither was it seen being parked outside Greacen’s pub. There was evidence, however, to suggest its probable route and that it was parked as late as five minutes before the explosion.

A “dirty, dark green car” was seen at 5 p.m. on the Portadown to Monaghan road approximately four miles short of Middletown. It overtook the car in which Mai Flanagan was a passenger. She recalled that the car had a rusted near-side front wing. Even though the owner indicated that it was the off side front wing which was rusted, the RUC established that the whole car was in a battered rusty condition, and it is probable that she saw the bomb car. She said that there were two men in the front of the car and another in the back. A similar car was seen entering the State at Ward’s Cross - an unapproved crossing point - at 6.25 p.m.

A witness living near Killyneill Crossroads (about a quarter-mile from Ward's Cross) claimed to have seen "a dark green car, not very clean", stopped some 25 yards from his house for 2 to 3 minutes. During this time a man on the passenger side got out, had a conversation with the driver, then got back in again. He put the time at 6.45 p.m., based upon his estimate of the time before he heard the fire sirens.

Another witness claimed to have seen an old green Hillman Minx at the outskirts of Monaghan town, at 6.40 p.m. He saw two men in the front, aged 25 years, and possibly one in the back.

Between 6.45 and 6.50 p.m., Seamus and Mary Murphy, whose car was double parked in Church Square, Monaghan town some 20 yards from the site of the explosion claimed to have seen the car coming from their right and turning into North Road towards Greacens. They described the driver and a man seated in the front passenger seat. They did not see anyone else in the car.

EYEWITNESS ACCOUNTS – THE CONTRADICTIONS:

It has long been accepted by a wide cross-section – Gardaí, the criminal trial process (which makes mandatory a warning about the dangers of acting upon identification evidence) and indeed scientific experience that eyewitness evidence is often much less reliable than it appears. Instances in which witnesses speak with absolute conviction of seeing things that simply weren't there are extremely common. This applies not only to the identification of persons, but also to vehicles, whether moving or stationary. A good example - and an illustration of the difficulties which confronted the Garda investigation team in their efforts to confirm even the most basic facts concerning the bombings - is the range of conflicting evidence concerning where the Parnell Street bomb car was parked.

The explosion took place in that part of Parnell Street which runs from the intersection with Marlborough Street to the junction with O'Connell Street. The first four premises after Marlborough Street on the south side of the road were the Welcome Inn, Barry's Supermarket, Tyrell's Butchers, and the Westbrook Garage. There were three parking bays outside these premises.

Having regard to all the evidence, the Garda report concluded that the bomb car (a green Hillman Avenger) was parked overlapping the second and third parking bays, facing towards O'Connell Street. This would have left the major portion of the car outside Barry's Supermarket - the building that suffered the most damage. Parked behind the Hillman (probably overlapping the first and second bays) was a brown Mini, which the force of the explosion threw onto the pavement outside the Welcome Inn at a right angle to the street.

This positioning of the cars is supported by a woman working at a hairdressers over Tyrell's premises. When asked to put money in the meter by the owner of the Mini, she remembers passing a cream-coloured family car containing a woman and child

before reaching the Mini, which was parked straddled across the meter for the second bay. When the same witness looked out the shop window at 5.20 p.m., she saw a green car parked in front of the Mini.

Surprisingly, this is directly contradicted by the owner of the Mini herself, who claimed she parked it in front of Tyrell's, in front of the car containing the woman and child. Mortimer O'Loughlin said he parked his grey Anglia behind the Mini, leaving his wife and child in the car, and that a green Hillman took their space when they left at 5.12 p.m. Both he and his wife subsequently purported to identify the driver of the bomb car from Garda photographs.

Another witness said he had parked his car in the first bay around 5.15 p.m. and left before the explosion. He remembered seeing a green Avenger two bays up. His statement does not identify the make of his own car.

There are two other witnesses whose evidence causes further confusion. The first, a man who parked his car on the other side of the street at 5.20 p.m., said he saw three cars parked in the three bays: a Morris Minor, then a white Hillman Avenger, then an unidentified third car. The second, a fifteen-year old petrol pump attendant at the Westbrook Garage, said he saw a dark red Morris 1100 with no number plates pull into the parking space between Barry's and Tyrell's at 5.25 p.m. - the space where the bomb car was. The driver got out and closed the door gently, wiping the handle with a white cloth before running across the road towards Upper Great Georges Street. In a further statement given two days later, he claimed to have seen a car the same green colour as a fragment shown to him by Gardaí parked outside the Welcome Inn from about 5 p.m., about two cars behind the red Morris 1100 he had earlier referred to. He did not know which of the cars exploded, saying that at the time he thought the explosion was in the garage.

GETAWAY VEHICLES:

Dublin:

If it was difficult to find reliable eyewitness accounts of where the bomb cars were parked, it need hardly be stated that the task of identifying possible back-up vehicles used in the bombing operations presented considerably greater problems to the Investigation Team. The information received about stolen cars from the RUC during the day was not circulated outside of Dublin until after 9 p.m. - by which time one would have expected any getaway vehicles returning to Northern Ireland to have crossed the border. Nor is it certain that stolen cars were used: the bombers could equally have made their getaway in hired or legitimately owned vehicles.

The two witnesses who had seen the Parnell Street bomb car near Sheephouse, Co. Louth around 1 p.m., saw another car minutes later which seemed to have been traveling with it. It was a brown Austin 1100. One of the witnesses saw it stop to look at a sign-post: there were two men in the car. He was able to describe the passenger but not the driver. He then saw the Parnell Street bomb car traveling slowly about ¼

of a mile away – as if it was waiting for the brown car to catch up. Unfortunately, neither witness took note of the brown car’s registration number.

Following a public appeal for information, Gardaí took a large number of statements from people who claimed to have seen cars with Northern registrations being driven in an erratic or suspicious fashion in the aftermath of the bombings. However, few of those were able to give accurate registration details for the cars they saw. When one considers the chaos caused by the explosions, added to the traffic problems caused by the ongoing bus strike, the usual rush-hour congestion and the large number of vehicles from England and Northern Ireland in the city for the Trinity College Regatta, it is not surprising to find many instances of erratic driving being reported.

One witness gave evidence that appeared promising at first instance. He saw a blue Corsair car at the corner of O’Connell Street and Parnell Street which picked up a passenger and then sped North. The same witness saw a Garda patrol car which also picked up a passenger at the same corner immediately afterwards and which also drove off fast in a northerly direction. Efforts made by the Investigation team to discover anything about either of these two cars was fruitless. Those in the Garda car never came forward and there was no real way in which the Corsair car could be identified.

Monaghan:

Information concerning a possible getaway car was scant. Seamus and Mary Murphy, who had seen the bomb car in Church Square, also saw a dark blue car in good condition - possibly an Escort. It seemed to be following the bomb car. A friend of the Murphys who was parked nearby also saw the two cars around that time. While unable to describe the first car, he described the second as a small blue car “like a Ford Escort”. This might have been the same car which was seen passing through Tyholland customs post at 5.45 p.m. and again at 6.50-6.55 p.m. The Customs Officer who saw that car described it as a dark blue Morris or Austin 1100, registration 422 PZ or LZ. He saw 2 men, possibly 3 in the car when it entered the Republic: the driver was 18-20, with fair shoulder-length hair and pale sharp features. On its return, the car passed through the checkpoint at high speed: the witness saw 3 men inside, but could not describe them.

The Monaghan report noted the similarity of the registration number seen by the customs officer with 4222 JZ - the number of a Triumph 2000 owned by William Fulton, a known UVF member from Portadown. The report considered it possible that his car may have been the getaway vehicle.

However, Fulton’s car was green, not blue. Its number was similar to that taken down by the customs officer, but it seems unlikely that he would have mistaken a Triumph 2000 for an 1100 model when the 2000 was considerably larger and a different style. It should also be remembered that the witnesses who saw a blue car following the bomb car in Monaghan town described it as “small”.

A more reliable basis for suggesting that the blue car seen at Tyholland customs post was the getaway car is that the description given of the driver of the car resembled that of a named loyalist who was said by a confidential intelligence source to have been the driver of the getaway car.²

²Monaghan investigation report, 7 July 1974.

THE PERPETRATORS – EYEWITNESS ACCOUNTS

1. IDENTIFICATIONS
2. PHOTOGRAPHS

IDENTIFICATIONS:

At the request of An Garda Síochána, RTE broadcast appeals for information. These appeals resulted in a large volume of calls, all of which were noted and followed up where necessary. Garda officers also conducted house-to-house inquiries, interviewed all traffic wardens on duty on the day in question, and contacted intelligence sources in the search to identify suspects. All information was carefully sifted. Slowly, a picture began to build up of what had happened and who might have been responsible.

Most of the information related to sightings of the bomb cars. There were, however, a number of witnesses who claimed to have seen one or more of the perpetrators.

Perhaps the most promising information was given by a witness who saw the South Leinster Street bomb car being parked. The driver then left the car minutes before it exploded. On leaving, he walked past the witness' own vehicle, heading towards Grafton Street. The witness gave the following description:

“24 years approx.; he looked like an office man. He wore a blue short coat and dark trousers - they could have been brown. He was clean-shaven and had a neat hair cut. He had a long thin face. He didn't wear glasses. He was between pale and tan; black hair - it was neither long nor short. He had a respectable appearance... I am not too sure if I would know this man again.”

The witness was driven around the city for 15-20 minutes in an unmarked police car to see if he could spot the man. He was then taken to Pearse Street station where he assisted Gardaí in drawing up a photofit. He was also shown some photographs but was unable to make any identification from them.

Two or three weeks later, the witness was asked by Gardaí to accompany them to Dublin Airport. Once there, he was asked to examine a line of passengers who were leaving an aeroplane. He did not recognise anyone, and was informed by Gardaí that the man they had expected to be on the aeroplane had not boarded it.

On 5 June 1974, he was taken by Gardaí to a house in a Dublin suburb, apparently for the purpose of eliminating someone from their enquiries. He was brought in front of the owner of the house, and asked if he was the bomber. The witness said no, although he said he remembered seeing the man in the street before the bomb exploded.

Another witness, about five minutes after the last of the Dublin explosions, saw two men walking towards her from different directions at the junction of Marlborough Street and Cathedral Street. When they met, they shook hands and clapped each other on the back. As they passed her, the witness heard one of them say to the other, "It was great" or "Wasn't it great".

A mother and daughter had a similar experience at approximately the same time at the junction of Mary Street and Little Denmark Street. Again, there were two men approaching from different directions and she heard one of them say to the other, "that's it then, it's done".

What attracted the attention of the witnesses in these two incidents was the fact that the men appeared to be completely unaffected by the general shock and panic around them. However, when photographs of potential suspects became available they were shown to each of these witnesses with negative results.

Another line of inquiry was started by an anonymous source claiming to be a former soldier in the British Army. His evidence concerned a named NCO Corporal with whom he had trained in the Pioneer Recruit Training Depot at Wrexham, North Wales in the spring of 1960. He said the Corporal was an Australian who hated the Irish. After twelve weeks, the source was transferred from Wrexham and had no further contact with the Corporal. Almost five years later, he was posted to Derry, where he saw another NCO he recognised from Wrexham. In discussing this NCO with some of his squad, the Corporal's name came up. It was mentioned that he had been transferred from Wrexham to somewhere unknown.

The source said that two days before the bombs exploded at Liberty Hall and Sackville Place in December 1972 he saw the driver of a motor car at College Green whom he immediately recognised as the Corporal. The source – himself a deserter from the British Army - assumed the Corporal was looking for deserters and thought no more about it. However, on Wednesday, 15 May 1974, he again saw the Corporal in Dublin, this time driving a new Ford Cortina (coloured ice green / light blue) along Lower O'Connell Street. He gave a full description of the officer in his statement:

"He is about 44 years of age now; as he was about 30 years when he was with me in Wrexham. He was about 5' 8" tall and was medium build then and very athletic; fleshy face, reddish cheeks, very smooth skin, square jaw with prominent cleft under front of chin; darkish brown hair covering forehead and v-shaped at centre of forehead which is wrinkled. I am sure it was parted at one side; short side-locks. His hair is average length. On Wednesday last he was dressed in light coloured clothes".

In his statement he said that he had read in the papers a description of a man who had spoken to a lady in O'Connell Street just before the bombs exploded. On seeing the description he immediately felt that it suited this Corporal. He decided to get in touch with the Gardaí. From his description, a photofit was compiled. Copies were made but seemingly not distributed.

The Dublin report indicated that the British police had been requested to enquire into this British Army Corporal's background, service history and current whereabouts. A

reply had not been received by the time the Dublin investigation report was completed on 9 August.

The newspaper description, which this witness felt resembled his former British Army colleague came from the statement of Nora O'Mahony. She told Gardaí that in or about 4.20 p.m. she met a man at the corner of Westmoreland Street and D'Olier Street from whom she sought directions to Dawson Street. He gave them to her and she saw him get into a car which was parked facing into Burgh Quay. It was a big car, sea green in colour and the letters on the number plate were DIA. She could not remember any of the numbers on it. She described the man she met as being about 5' 8" tall, well built and straight, about 40 years, clean-shaven, soft featured, fresh complexion, good head of hair, brownish colour. She said he wore a grey suit with stripes and looked very well dressed and carried a brief case in his hand. She was nearly certain that he had an English accent.

Having concluded her business in Dawson Street, the witness returned to the north side of the city. Standing outside a shop on North Earl Street, she saw a car coming from up the street very fast. When it came to the lights, it braked hard and swung around to its right into O'Connell Street – against the flow of traffic. She got a glimpse of the driver. It was the same man who had given her directions to Dawson Street and the car was the same colour with the same registration letters, DIA. There was another man beside him in the passenger's seat who looked smaller and thinner and was crouched down in the seat but she didn't see his face.

She continued to walk slowly down North Earl Street. She does not appear to have reached Talbot Street before the bombs went off. She thinks that these went off about 10 or 15 minutes after she had seen the car turning right into O'Connell Street. She was one of the three witnesses referred to in the report who made positive identifications from the photographs shown to them.

Another witness said they saw a green car going up Cathedral Street the wrong way at around 5 p.m. The car then changed direction, drove back down the same street and turned left into Marlborough Street – apparently heading towards Parnell Street. She saw only one person in the car, and did not see the number plates. At a later stage, Gardaí showed her a fragment of the bomb car, which she identified as being the colour of the car she saw on 17 May.

Another witness who may have seen two men involved in the bombing stated that before the bombs went off, she saw two men looking over the wall towards the city centre and she heard one of them remark, "one is there and one is there". As he spoke the speaker pointed towards the North city centre and towards the Tara Street direction. She was unable to describe the accent of the man who made these remarks. The photographs available to the Gardaí were not shown to this witness.

Statements were also taken from the manageress and two waitresses from the Gate Cafe, 3 Cavendish Row. A fourth statement was taken from a blind customer, who was the only one to remain in the cafe once the first explosion was heard. The evidence from all four statements was similar. Two to three minutes after the first explosion a man entered the cafe and ordered a cup of tea. He appeared calm and composed. Three of the witnesses said he spoke with an English accent; the other

wasn't sure whether it was English or Northern Irish. The man said he had been in Arnotts, Henry Street when the bombs went off, though one of the waitresses said he could not have got to the cafe from there in that time. He also said there had been three explosions and that the third one was in Nassau Street. The manageress said that he could not have got that information from anyone in the cafe, that he did not go out in the street after he came in, and that there was no radio on in the cafe. The blind man reported a conversation he had with him as follows:

“He told me that he was in Arnotts when the bombs went off. He said that in the past the bombs were not placed well, with the exception of the one in Sackville Place. He said bombs had gone off and that he belonged to the Irish Democratic Movement and that they had written four letters to the newspaper, one of which was published. This man, judging by the way he was talking, was not upset over the bombs.”

The three members of staff gave a description of the man and said they would know him if they saw him again. No reference to their statements was made in the Dublin investigation report, and their names do not appear on the Garda list of persons to whom photographs were shown. The notion that someone involved in the bombings would calmly reveal his knowledge to a stranger in a café within minutes of the explosions is very hard to accept. If the blind man's account of their conversation is accurate, it seems likely that the suspect was claiming a connection with the bombings which he did not possess. Garda records do not show if the information was pursued any further, although the fact that it was omitted from the final investigation report suggests that Gardaí did not consider it an important lead.

At lunchtime on the day of the bombings, Gardaí received a phone call concerning a white van with an English registration parked outside the Department of Posts and Telegraphs on Portland Row. The caller was worried that it might be a bomb. Garda records show that details of the alleged registration were taken but those numbers were shown later not to have been issued. At around 5.10 p.m, they received a second call from the same person, and agreed to send somebody down to look at it. When two Gardaí arrived at the scene, they were met by the witness, who told them a man had driven the van away towards Sheriff Street. Shortly afterwards, the bombs went off. The witness called Gardaí several more times and at 6.30 p.m. a Garda car arrived and asked him to accompany them to the docks area. The witness saw the same van parked in the Deep Sea area of the B& I ferry port. Gardaí searched the van and found a British Army uniform. According to an Irish Army intelligence report, a British Army officer was subsequently taken off the boat by Gardaí and weapons were found in his bag. No reference to this appears in Garda records, and no further developments were reported.

PHOTOGRAPHS:

At a meeting with representatives of British Intelligence on 9 September 1973, Irish Army Intelligence officers were informed that the security forces in Northern Ireland

had amassed a large number of clandestine photographs of “wanted men”. These would be made available on request to assist the security forces in this State. It is not known whether these photographs originated with MI5, the British Army or the RUC.

The Inquiry does not know if this offer was taken up. It is known that by the time of the bombings, Gardaí had a number of photographs of loyalist paramilitaries on file. Some of the statements made by witnesses in the days immediately following the bombings refer to having been shown a photograph or photographs. There is now no record of what photographs were used.

In his report dated 9 August, 1974, Chief Superintendent Joy stated:

“During the course of the investigation contact was made with the RUC at Belfast and Portadown by Det. Chief Superintendent A. McMahon and myself, with Det. Sergeant Colm Browne, who was attached to the Unit investigating the Monaghan bombing, and photographs of likely suspects were obtained. These photographs were made into two albums and shown to all witnesses who saw suspect persons and, with three exceptions, their reaction was completely negative.

It should be noted that the photographs which we got from the RUC were taken by members of the latter force without the knowledge of the persons concerned.”¹

The Inquiry has established that around ten more photographs were obtained by Detective Inspector Kelly and Detective Sergeant Burns at a meeting with the RUC Special Branch some time in May or June 1974. D/Sgt Burns, who retired at the rank of Chief Superintendent, remembered showing the photographs to a Belfast-based journalist some time in June. He said he passed them on to the investigation team.

To date, the Inquiry has been unable to locate the photographs which were shown to witnesses. D/Supt O’Mahony, who in 1993 conducted a Garda inquiry into the allegations raised by the ‘Hidden Hand’ programme, was similarly unsuccessful. Accordingly, it cannot be confirmed that the same set of photographs was used in both the Dublin and Monaghan investigations.² It is clear from Garda documents that some individuals were represented by more than one photograph.

The only people known for certain to have been included in the photograph albums are those who were picked out by eyewitnesses in Dublin and Monaghan. It cannot be established whether the albums contained pictures of those individuals who were not suspected by Gardaí at the time, but who have since been accused by others of carrying out the bombings.

The small number of individuals represented by the photographs - somewhere between 13 and 37, with an unknown number of duplications - suggests that the RUC

¹Report of C/Supt Joy (9 August 1974), p.29. Former D/Inspr Browne was interviewed by the Inquiry on 8th May, 2000. He stated that while some of the photographs were handed over at the Belfast meeting, the rest were given to him by an RUC Special Branch officer at another time.

²It should also be noted that, whereas C/Supt Joy's report stated that two albums were made, Supt Giblin’s report said there were three albums.

were not simply handing over every photograph in their possession, but were selecting those persons whom they believed most likely to have been involved in the bombings. It is also known that Gardaí already possessed photographs of a number of loyalist extremists on their files which they could have used. This again suggests that they were looking on this occasion for photographs of only those whom the RUC felt were potential suspects for the bombings.

Dublin:

For the Dublin investigation team, showing photographs produced one firm result: three separate witnesses identified David Alexander Mulholland (UVF) as being in the green Hillman DIA-4063 car which contained the Parnell Street bomb. One witness said he was like the man he saw driving the Hillman car near Sheephouse at 1 p.m.; Teresa O'Loughlin said he closely resembled a man she saw parking the bomb car in Parnell Street. The third was Nora O'Mahony, who claimed to have spoken with him on D'Olier Street and later to have seen him driving the bomb car onto O'Connell Street (against the flow of traffic) from North Earl Street.³

C/Supt. Joy's report described Mulholland as follows:

“David Alexander Mulholland of 113, Ulsterville Park, Portadown. This man is a member of the UVF and has a history of involvement in car bomb explosions in Northern Ireland. He is 35 years of age, 6 feet in height, well built, blue eyes, light brown hair, turning grey, round large features, very pale complexion.”

Teresa O'Loughlin picked out three different photographs of him from two albums. Nora O'Mahony also picked out two separate photographs of Mulholland. But her identification is affected by her insistence that he spoke with an English accent.

Monaghan:

In Monaghan, a number of identifications were made. Mai Flanagan, who saw what was probably the bomb car on the Armagh side of Middletown at around 5 p.m. picked out a photograph of Samuel Whitten (UVF) as resembling a passenger in the car – although in her first statement she could only say that the men in the bomb car “were dark looking and not hairy looking”. Marie Treanor identified Whitten as the driver of a red sports car in Monaghan town on the previous evening (16 May). He passed her on six occasions, driving slowly up and down Glaslough Street between 5.30 and 6.10 p.m. This enabled the witness to give a detailed description of both driver and passenger.

Seamus and Mary Murphy, who saw the bomb car approaching Greacen's from the Diamond at around 6.50 p.m. gave descriptions of the driver and passenger. Concerning the passenger, both picked out a photograph of a named UVF member:

³ See above p.58.

one said it was “somewhat similar” while the other described it as bearing “a slight resemblance” to the man they saw.

Two more witnesses picked out a photograph of Nelson Young (UVF) as being the man they saw coming out of the gent’s toilet in Church Square at about 6.30 p.m.

Nelson Young’s brother, Joseph Stewart Young (UVF), was one of three men identified by a witness who saw them at about 2 p.m. acting suspiciously in the carpark from which the bomb car was taken. The others were Charles Gilmore and Ronald Michael ‘Nikko’ Jackson. The significance of this sighting is apparently reduced by the owner’s claim that his car did not arrive at the car park until 3.30 p.m. but it is possible that he may have been mistaken as to his time of arrival.

It seems the main reason for including it in the Monaghan report was that Gardaí had also received intelligence from “a contact in the Portadown area” alleging that Ronald Michael Jackson (UDA) personally organised the theft of the Monaghan bomb car.⁴

⁴See chapter 12. The information available to Gardaí at that time was that Ronald Michael Jackson was in the UDA, but a source close to the UVF has cast doubt on this, telling the Inquiry that he was not a member of the UDA or the UVF, though he was employed from time to time by both groups.

THE FORENSIC INVESTIGATION

- 1. COLLECTION OF DEBRIS SAMPLES**
- 2. BOMB CRATER ANALYSIS**
- 3. FORENSIC ANALYSIS OF SAMPLES**

COLLECTION OF DEBRIS SAMPLES:

Dublin:

Detective Sergeant Tom O'Connor,¹ the officer in charge of the Garda Ballistics section, was informed of the Dublin bombings shortly after they occurred. He contacted Detective Sergeant Timothy Jones and Detective Sergeant Eamon Ó Fiacháin, instructing them to attend the Parnell Street and South Leinster Street scenes respectively. Detective Garda Michael Niland was instructed to visit the Talbot Street scene. D/Gda Niland arrived there between 6.30 and 7 p.m. Shortly afterwards, however, D/Sgt O'Connor arrived at the scene with news of the Monaghan bombing, and directed D/Gda Niland to go to Monaghan. Detective Garda Ennis, then a trainee member of the Ballistics section, remained at Talbot Street under the supervision of D/Sgt O'Connor.

D/Sgt Ó Fiacháin arrived at South Leinster Street at 8.15 p.m. and remained there until 1.30 a.m. He was accompanied by Detective Garda Colm Dardis, also of the Ballistics section. D/Sgt Jones arrived at Parnell Street around the same time and remained there past midnight.

At **Parnell Street**, D/Sgt Jones told the Inquiry he collected a large quantity of debris, including the shattered remains of the bomb car, and arranged for it to be transported to the Garda Depot in a breakdown truck. There is also a statement by Garda Sergeant Patrick Dixon, who said:

“I assisted in gathering the remains of the Avenger car referred to outside No. 93 Parnell St. Gardaí John O'Brien and Patrick Lynch, Traffic Department, Dublin Castle, took possession of the remains of the Avenger car.”

The debris was housed temporarily in the dance hall, as there was no room for it elsewhere. On the following day, D/Sgt Jones took scrapings and samples from the debris, noted and packaged them. On Monday, 20 May he delivered a number of these items to Dr. Donovan at the State Laboratory. On Thursday, 23 May he delivered a second batch of samples. D/Sgt Jones does not remember why the second batch was brought; he assumes it was at Dr. Donovan's request.²

¹ Promoted to Detective Inspector in 1975; now deceased.

² Interview with Inquiry, 10 May 2000.

At **South Leinster Street**, D/Sgt Ó Fiacháin searched the wreckage at the scene, but failed to find any trace of the explosive substance involved or of the form of detonation used. D/Sgt Ó Fiacháin normally kept written records documenting his daily work. However, he has no record or recollection of either ordering the removal of debris to Garda Headquarters, or of conducting further examinations at the scene or elsewhere. His sole written reference to this case is in the Ballistics Section Exhibits Register, which records all material items received or taken possession of by Ballistics staff for examination. It reads as follows:

“HOI-2487 Austin 1800, blue colour, examined at scene.”

Commenting on this in a written report addressed to the Inquiry, D/Sgt Ó Fiacháin stated:

“This, I think, indicates that I had not found any material sufficient for forensic chemical analysis.”

The South Leinster Street explosion had caused the car immediately in front of the bomb car to catch fire. The fire brigade were on the scene within minutes, and hosed down the blaze with water. The Inquiry has been told that many of the explosive substances commonly used by paramilitary groups at that time would dissolve in water. This may explain why D/Sgt O’Fiachain found nothing suitable for chemical analysis.

Nonetheless, items from the South Leinster Street site were among those sent to the Northern Ireland Department of Forensic Science for analysis. D/Sgt Ó Fiacháin has no knowledge or recollection of the circumstances in which these items were sent. He thought it most likely that D/Sgt O’Connor, as head of the Ballistics section, would have brought them to Belfast.³

At **Talbot Street**, the officer in charge was D/Sgt O’Connor, now deceased. D/Gda Ennis recalls working under the supervision of D/Sgt O’Connor at the bomb scene on Friday 17 and Saturday 18 May.

“I recall that the street and the roofs of adjacent buildings were examined and searched. I also recall that on directions, the street was swept clean and any debris was brought to a location at Garda Headquarters for further examination. I recall subsequently seeing a number of badly damaged motor car engines, gearboxes and explosion-damaged car parts, in what is known as the ‘Band Room’ at Garda Headquarters. It is my belief that these car parts were removed from the various scenes, i.e. Talbot Street, Parnell Street and South Leinster Street for examination and that these were examined by the senior members attached to the Ballistics Section. It is the practice and custom that whenever possible, the member who examines a scene and takes possession of exhibits, carries out the necessary technical examination(s).”⁴

³Written report of former D/Sgt Ó Fiacháin to the Inquiry, 29 May 2000.

⁴Written statement of D/Gda (now D/Sgt) Patrick Ennis, 15 June 2000.

D/Gda Ennis and D/Gda Patrick Farren spent the next number of days sifting through the debris that had been collected, under the supervision of D/Sgt O'Connor:

“My memory is that for approximately a week to ten days we were involved in this duty and were visited on a daily basis by Detective Sergeant O'Connor.”

D/Gda Ennis did not make notes. He was not directed to take any samples, nor to convey samples to the State Laboratory or to the Forensic Science Laboratory in Northern Ireland.

On 28 May 1974, R. A. Hall of the Northern Ireland Department of Industrial and Forensic Science received a quantity of samples taken from each of the Dublin and Monaghan bomb sites. Although his report states he received them from “Detective Garda Jones”, D/Sgt Jones emphatically denies this.

As to the remaining debris in the Garda Depot, none of the Ballistics officers have any recollection of what happened to it, but it appears that it was disposed of, possibly after a number of weeks. A number of items remain in the possession of the Gardaí to this day. They are:

1. number plates of motor car DIA-4063 Avenger (bomb car);
2. piece of metal belonging to motor car 1385-WZ (bomb car);
3. grey coloured plastic cover with ‘Remington Sperry Rd’. written on it;
4. pieces of chrome, apparently from a door handle;
5. a portion of motor car HOI-2487 (bomb car);
6. three metal samples marked ‘P’, ‘J’, and ‘L’ in an envelope marked ‘Avenger DIA-4063’;
7. two pieces of metal contained in an envelope marked ‘Dublin Bombings 1974’;
8. seven pieces of metal contained in an envelope marked ‘Austin 1800 HOI-2487’
9. three pieces marked as follows (i) 1385 WZ Escort, (ii) DIA-4063 Avenger, (iii) Austin 1800;
10. two grey plastic trays;
11. three grey coloured tin boxes with ‘Philips’ inscribed on them.

Monaghan:

The Monaghan bomb exploded just prior to 7 p.m. D/Gda Niland worked at the scene that evening and on the following day. On Sunday 19 May, D/Sgt Jones was contacted by C/Supt Joy, who requested him to “have a look at” Monaghan. Following consultation with D/Gda Niland, D/Sgt Jones went to Monaghan, but found nothing of consequence.⁵

According to D/Gda Niland’s statement:

“The roadway and footways were littered with rubble, debris and shrapnel in the form of pieces of jagged metal which appeared to be similar to portions of a green coloured motor car. A search of this debris, rubble and shrapnel revealed a number of small pieces of aluminium, a portion of a brass cog wheel and also a motor vehicle engine which appeared to be that of a Hillman Minx motor car and which bore the engine number B006012018 HHSO.”

According to the statement of D/Sgt Thomas Gavin, a registration plate subsequently established to come from the bomb car was found and handed over to D/Gda T. Foley, an officer from the Fingerprints Section of the Garda Technical Bureau. The Monaghan investigation report stated:

“Fingerprints of all innocents are in the process of being eliminated. The likelihood of the fingermark being that of the culprit(s) is weakened by the fact that false number plates were not used on the bomb car. The fingerprints of suspects have been requested from the R.U.C.”⁶

There is no subsequent evidence of any identification emerging from this.

It is not clear what happened to the Monaghan bomb car debris following the examination by Ballistics officers. D/Sgt Colm Browne was of the opinion that samples were taken back to the Technical Bureau headquarters in Dublin.⁷ He also suggested that D/Insp Pat Jordan, Ballistics Section may have brought the samples to Belfast.⁸ Certainly, a number of items from Monaghan were received by Mr. Hall, including parts of the bomb car, the aluminium and the cog wheel fragments. As there appears to be nothing from Monaghan in the list of items currently in the possession of the Gardaí, it may be that these were the only items taken from the scene.

BOMB CRATER ANALYSIS:

⁵Interview with Inquiry, 10 May 2000.

⁶7 July 1974.

⁷Interview with the Inquiry, 8 May 2000.

⁸Interview with the Inquiry, 7 July 2000.

Garda officers conducting the technical examination of the bomb scenes were assisted by Irish Army Explosives Ordnance Disposal (EOD) officers. Captain R. Kelleher led the Army team which examined the three Dublin bomb sites. Captain Kelleher is still serving with the Army, and now holds the rank of Lieutenant Colonel. He was interviewed by the Inquiry on a number of occasions.

Three EOD officers were deployed on the evening of the bombings – Captain Kelleher, Jack Fahy and Patrick Trears. Two more teams were on alert, ready to be called out if required. Lieutenant Colonel Kelleher told the Inquiry that the primary task of the Defence Forces in a post-explosion situation was to declare the area safe. They then carried out a bomb crater analysis, observing the shape and size of the hole made, and any bomb fragments remaining. Their analysis was based on comparing the size of the crater and the damage to the surrounding area with descriptions contained in a “TNT table”.⁹ This table gave approximations of the amount of uncontained, bulk commercial explosive required to create such effects.

Dublin:

Captain Kelleher began his investigations in **South Leinster Street**, arriving approximately two hours after the explosion. He observed and measured the bomb crater (approximately 6 x 3 ft) and noted broken glass up to 150 yards away from the explosion. Part of the mudwing of the bomb car was found 50 yards away in the grounds of Trinity College. There were no bomb fragments found. Based on this, he concluded:

“I would think that the poundage used was approx. 50 lbs of explosive and the explosive material contained a very high percentage of commercial explosive.”

In **Talbot Street**, the crater was 8 x 4 ft, with broken glass to a distance of 250 yards. He estimated 150lbs of explosive was used - again with a high percentage of commercial explosive. Finally in **Parnell Street**, he estimated that 100lbs of explosive with a high commercial content had been used, on the basis that there was a 6 x 3 ft crater, with glass broken to a distance of 200 yards.

Lieutenant Colonel Kelleher has told the Inquiry that these findings were simply estimates of the amount of commercial explosive it would take to produce an explosion of the relevant size. They were not proof positive that commercial explosive was in fact used. However, he remains convinced that the bombs contained at the very minimum, a significant percentage of commercial explosive. His reasoning was partly based on the shape of the crater, which he said was sharp and well-formed.

He also told the Inquiry that no forensic samples were taken by EOD officers though they did spend several hours assisting in the search for bomb fragments and explosive residues. He also confirmed that no timing device was found at any of the Dublin bomb scenes. This was further confirmed by former EOD officer Comdt Patrick

⁹ TNT - trinitrotoluene, a high explosive which formed the base line value for the explosives tables.

Trears, who told the Inquiry on 5 May 2000 that no timing devices, unexploded bomb portions or explosive residue were found at any of the Dublin sites.

Monaghan:

At approximately 7.15 p.m., Army EOD were requested to investigate the Monaghan bomb site. Commandant B.E. Boyle was conveyed to the scene by helicopter. He gathered a team together from Dundalk (an EOD sergeant, a driver and equipment) to assist him.

From his examination of the damage, Commandant Boyle estimated that 150 lbs of high quality explosives such as blasting gelignite was used. He completed a written report on the 22nd May, and on the 30th May reported the results of the Dublin and Monaghan EOD examinations to Garda Headquarters by telephone. A note of the telephone call states:

“He [Comdt Boyle] is satisfied that the explosive used in each case was of a high velocity detonating type based on nitro glycerine (commercial) and not ammonium nitrate or chlorate as used in fertilisers (homemade). In all probability it was of a commercial type used for blasting, but the possibility of plastic explosive, as used by military, cannot be ruled out, although he feels that this would not readily be available because of military protection.”

FORENSIC ANALYSIS OF SAMPLES:

The first forensic analysis of samples from the bomb scenes was carried out by Dr. James Donovan of the State Laboratory, then based in Upper Merrion Street, Dublin. There was at that time, no dedicated forensic laboratory in the State.

On items given to him on 20th May by D/Sgt Jones, he found traces of ammonium nitrate, sodium nitrate and nitroglycerin. Particular mention was made of two blackened prills of ammonium nitrate, discovered on scrapings taken from the bomb car. Hydrocarbon oils or nitrobenzene were not detected in any of the samples. He concluded:

“The results suggest the use of gelignite / dynamite as the explosive substance.”

From some of the car scrapings and foam rubber pieces received from D/Sgt Jones on 23rd May, Dr. Donovan also found a positive reaction for chemicals normally found in high explosives such as gelignite - including sodium carbonate, sodium nitrate and ammonium nitrate.

These findings were conveyed to the Gardaí by Dr Donovan in two concise reports, received on the 24th and 28th May respectively.

On the 28th May Mr. R.A. Hall, a member of staff at the Department of Industrial and Forensic Science in Belfast, received items from each of the Dublin and Monaghan bomb sites for forensic examination. Although Mr. Hall's report was more detailed than either of Dr. Donovan's reports, the results were less positive. This may well be due to the fact that Mr. Hall did not receive samples until eleven days after the explosions had taken place. Although his findings are limited, his concluding remarks concerning the efficacy of forensic testing in these circumstances are worth noting. Having described the items received and the tests carried out on them, He wrote:

“It has been my experience that identification of the explosive used to cause an explosion can be achieved in the majority of instances providing the correct samples are received for laboratory examination within 6 hours. The correct samples are fragments of the bomb container or closely associated articles, non-porous surfaces in direct line with the explosion or debris from an explosion crater. With larger devices it is often difficult if not impossible to recover fragments of the bomb casing and even the recovery of closely associated articles or non-porous surfaces in direct line with the explosion can require careful scene examination. It is for example of little value to examine the fragments of the bonnet from a vehicle which has contained a device in the luggage compartment.”

He continued:

“With regard to rapid analysis this is essential if the more volatile organic explosive components such as nitrobenzene and the nitrate esters are to be detected. While a low efficiency explosion may scatter sufficient unconsumed explosive to allow identification of nitrate esters on surrounding materials for several days or longer a high efficiency explosion leaves only the minimum amount of explosive and rapid analysis is essential. In the case of inorganic components speed is not so necessary, however items should be analysed within a few days if success is to be assured. Interaction between residues and highly reactive bare metal surfaces can quickly reduce the value of analysis and physical contact can result in the loss of adhering residues. The results of the laboratory examination of the items from Detective Garda Jones¹⁰ must be viewed with these points in mind.”

Having set out his reasons for doubting the efficacy of forensic examination some eleven days after the explosions took place, Mr. Hall proceeded to outline the characteristic patterns of explosive use by republican and loyalist terrorist groups in Northern Ireland. He wrote:

“The restrictions on the use of commercial explosives and the amount required to produce a significant explosion has resulted in comparatively few bombs using commercial explosive as their main charge. It is widely used however in relatively small amounts to prime, or booster much larger charges of improvised explosives. It is in the area of improvised explosives that the main differences occur. The two main IRA improvised explosives are:

¹⁰ D/Garda Jones denies that he was the officer from whom Mr. Hall received the samples.

- a. a mixture of sodium chlorate and nitrobenzene,
- b. a mixture of ammonium nitrate and fuel oil.

Regulations controlling sodium chlorate and nitrobenzene are apparently making these materials more and more difficult to obtain with the result that this mixture is being used as a main charge more infrequently and becoming used primarily as a booster. Regulations controlling ammonium nitrate fertilisers have had a similar effect in these instances and obviously large scale processes are being used for the recovery of ammonium nitrate from 'legal' fertilisers for use in ANFO explosives. Both these explosives are high explosives requiring no confinement for operation and are usually packed in small polythene bags, in 1 cwt fertiliser bags or in milk churns.

The main 'loyalist' improvised explosives are:-

- a. a mixture of sodium chlorite and sugar,
- b. a mixture of sodium chlorite, sodium nitrate and sugar,
- c. a mixture of ammonium nitrate, sodium or potassium nitrate and sugar,
- d. a mixture of ammonium nitrate and fuel oil.

The first two of these mixtures are normally used in small devices containing up to 15 or 20 lbs of explosive packed into a small gas cylinder, fire extinguisher or the like. Of the second two mixtures by far the most common is the mixture of ammonium nitrate, sodium nitrate and sugar which is usually packed into a beer barrel. This mixture, in common with the first two, is a low or deflagrating explosive requiring confinement in order to produce an explosion. They are often boosted with a small bundle of chopped up Cordtex detonating fuse or a small charge of commercial explosive.

Post-explosion residues of chlorates and chlorites will contain chlorides while nitrites will be present if nitrate is included in the original explosive."

Mr. Hall then went on to give his conclusions in relation to the samples tested by him in this case:

"The presence of nitrite in the foam rubber is [sic] case No. 2588/74¹¹ is strongly indicative of the use of a nitrate containing explosive in this explosion. The presence of sodium, ammonium, nitrate, nitrite and possibly sugar on the one part of the surface of one of the fragments from case No. 2589/74 is indicative of an explosive containing these entities. Unfortunately the area of contamination was so restricted that a firm conclusion could not be reached since sodium is a relatively common ion and the sugar not confirmed.

The presence of the beer barrel fragments in case No. 2587/74 is perhaps the most significant feature of the whole examination even though no explosive residues were identified. They may not be so completely attributable as the

¹¹The case numbers appear to have been assigned to the items by Mr. Hall, not by the Garda Technical Bureau.

explosive mixtures themselves but are similar to many recovered from ‘loyalist’ car bombings.”¹²

¹²The suggestion that the beer barrel fragments found at the Monaghan scene might not have come from the bomb vessel has been firmly refuted by former British Army bomb disposal officer, Lt Col Nigel Wylde, who told the Inquiry that such fragments were consistent only with an explosion from within the container:

“I have detonated special explosive charges attached to the outside of beer barrels, milk churns and gas cylinders. The result is always the same and that is the container breaks into two pieces. If the explosive is not attached to the container the best result that can be obtained is that the container will be dented and even then the indentation is usually very small. This is because the strength of the metal container together with the air or fluid inside absorbs the explosion.” [Report of former Lt Col Wylde dated 3 October 2002]

INTELLIGENCE INFORMATION

DUBLIN:

Gardaí received no specific intelligence warning of the attacks, although a general warning issued on 15 May asked key-holders to be on the alert for fire-bombs. A further warning of fire-bomb attacks received on the 16 May referred solely to Limerick city.

On 19 May 1974, a 999 telephone call was received at 10.30 p.m. The caller stated that he was employed as a long distance lorry driver. He said that at 6.30 p.m. on 17th May, 1974 after coming across the border at Carrickcarnan, Co. Louth¹ he saw a lorry parked on the roadway. He named the company who owned the lorry. He said that a Transit minibus pulled up in front of it and reversed back close to the cab. Three men jumped out of the minibus and got into the cab of the lorry. He thought they were changing their clothes. He was unable to describe the men, the minibus or the lorry, but claimed that the drivers for this particular haulage firm “were all in the UVF”.

The RUC were asked to investigate. Statements were obtained from the firm owner and from all his drivers with the exception of one, who was based in Dublin. The RUC report incorrectly said that this driver “does not operate on the Northern side.” In fact, though living in Dublin, he crossed the border regularly in the course of his work. On 17 May, customs records showed his lorry crossing the border from the Northern side at 2.30 p.m.

The Dublin investigation report stated that all of the drivers “including one who resides in Dun Laoghaire” were interviewed. This is also incorrect. There is no note or statement from the Dublin-based driver in the Garda files, and his name does not appear in the index to the jobs books.

One of the drivers interviewed admitted he was parked in a lay-by north of Dundalk between 4.30 and 8 p.m. He was singled out for mention in the Dublin report, but no comment was made.

Also on 19 May, Gardaí in Dundalk received information that a blue Anglia BIA-1843 was thought by the Official IRA to be linked with the Dublin bombings. The RUC were asked to trace the car, which they did. On 23 May, a telex was received from the RUC. They named the owner, and reported that the car had been in his son’s possession for the duration of 17 May. The son had it at Coleraine university, where he was a student. No further enquiries were made.

¹ On the main Newry-Dundalk road.

Another matter which was followed up by the RUC at Garda request related to the sighting of a yellow Ford Transit van, registered number UUK 500M at 5 p.m. on 16th May, 1974 by a D/Garda Kenny. It was seen at the junction of Ballybough / Clonliffe Road and there was one man driving it. It was clearly identifiable as a Hertz van.

D/Garda Kenny's sighting was deemed particularly reliable because he was a member of the Stolen Vehicles Unit. In addition to the level of vigilance that implies, he would also have given particular attention to Hertz vans as his unit were supplied by Hertz with details of vehicles overdue for return.

On 20 May, D/Insp John Courtney received a phone call from the Hertz Hire Co. indicating that a van with that registration was being repaired in a Coleraine garage on 16th May.

The RUC were asked to undertake further inquiries. Statements from the hirer and the garage were annexed to a very full report made by D/Sgt Peacock of the RUC. The documentary evidence he obtained from Hertz showed that for the 16th May the hirer of the van took out a similar vehicle for that one day while it was being repaired and re-hired the original vehicle the following day. There was no evidence of the registration plates or odometers having been tampered with on either vehicle. D/Sgt Peacock added that he had known the garage owner for 16 years and could vouch for his honesty.

General enquiries in Dublin brought to light a man who had stayed at the Four Courts Hotel from 10 to 16 May 1974. During that time he apparently made a number of phone calls and sent telegrams to Belfast and London. Suspicion focused on this man because of his known friendship with Joseph Stewart Young, an active member of the Mid-Ulster UVF, and the fact that he left the night before the 17 May without paying his bill. However, Garda enquiries failed to trace him, and attempts to follow up the various communications he had made led nowhere. In February 2000, the same man turned up as a witness in a murder trial in the State. He was traced and interviewed informally by Gardaí. Information received from that interview was conveyed to the Inquiry in a letter dated 30 September 2003. Garda inquiries are continuing.

Confidential information was received by the Chief Superintendent, S.D.U which implicated three named individuals, whom we shall refer to as suspects A, B and C. All three were stated to be natives of Belfast, and members of the UVF. Suspect C was known only by a surname.

Further information was received by D/Insp W. Kelly, Store Street that William 'Billy' Marchant, UVF, Belfast was responsible for organising the Dublin and Monaghan bombings, assisted by a Belfast UVF member and alleged explosives expert, whom we shall refer to as suspect D. It was understood that Marchant had been taken into custody a few days after the 17th May by the security forces in Northern Ireland and at the time of writing of the Dublin investigation report, was detained in Long Kesh.

D/Insp Kelly retired at the rank of Superintendent. When interviewed by the Inquiry on 23 January 2002, he said that he had gone to Northern Ireland to meet an RUC Special Branch sergeant who gave him one name. He could not recall the name, and did not recognise the two names attributed to him in the Dublin report. This is a good example of how the passage of time affects memory – even that of a reliable and credible witness - making the task of this Inquiry more difficult.

On 20 June 1974, C/Supt Wren (Security & Intelligence) wrote to the RUC asking them to make enquiries in relation to the ‘Young Militants of the UDA’. On 15 July, a letter from C/Supt Anthony McMahon (Technical Bureau) asked the RUC to arrest and interview Mulholland, Marchant and suspects A, B, C and D.²

A preliminary response was received in the form of a reply from Asst Chief Constable Johnston dated 23 July 1974. Regarding the ‘Young Militants’ he reported:

“I have had our SB in all Divisions go diligently into this alleged organisation. In one case only a single source speculated that it could be a cover name for a group of militants within UDA who are dissatisfied with recent inactivity because of their alleged recent preoccupation with politics....

As to the claims about the Monaghan and Dublin car bombings, we have no intelligence which would support a connection with this ‘organisation’. What we have had, is some low to medium grade pieces, mostly Army, indicative of UFF West Belfast involvement. We have been going into this carefully, nevertheless, and have been able to eliminate most of it.”

The letter continued:

“We had one character mentioned by you subsequently I think by the name of Marchant. He was our guest for a number of hours (and CID) but with negative result. Another... had an Isle of Man alibi which is borne out. We are retracing our steps on fresh INT about the hijacking of Ed Scott’s car, and are in close touch with our CID brethren on it. It is still at the delicate stage, however, and I cannot predict the results. In general what I am saying is that we have not lost any enthusiasm on the Dublin and Monaghan jobs, but prefer to tell you about tangible progress rather than sceptical intelligence.”

In the investigation report dated 9/8/74, C/Supt. Joy did not mention this letter, but stated:

“Enquiries in regard to Mulholland and the others mentioned above are being made by the R.U.C. and results of investigations will be reported in due course.”

Regarding the Young Militants of the UDA, the report stated:

² No copies of the letters of 20 June or 15 July 1974 have been found, but a draft version of the latter was discovered by D/Supt O’Mahony in the course of his 1993 inquiry.

“Commissioner C3 had enquiries made into the organisation referred to... and he has been advised that such a body was unknown to the authorities in Northern Ireland prior to the publication of the statement mentioned. Doubts were expressed as to the existence of any such group.”

MONAGHAN:

Gardaí received no prior intelligence concerning the prospect of an attack on Monaghan town on 17 May 1974. Following the attack, a number of unnamed sources made allegations to police in Monaghan regarding both the Monaghan and Dublin bombings. The Inquiry has been unable to identify these sources with certainty, although it seems that most were members of the security forces in Northern Ireland. Former D/Insp Colm Browne, who co-ordinated the Monaghan investigation, told the Inquiry in November 2000 that all confidential information received came from three sources, two of whom were RUC officers.³

According to the Monaghan investigation report, “a contact in the Portadown area” gave the following information:

“The bombings in Dublin and Monaghan were planned in Belfast about one month before the 17th May. There was no specific date set for the actual bombing incursion into the Republic. The bomb explosion in Monaghan was planned as a diversionary tactic to facilitate the Dublin bombers to make their way back to safety in Northern Ireland.

On the morning of the 17th May Ronald Michael ‘Nicko’ Jackson, UDA Military Commander in Portadown received instructions from Belfast to get a car and implement the Monaghan bomb plan for the same day. Jackson had prior knowledge of the proposed bomb raids into the Republic.

The contact says that since Jackson got such short notice to carry out the Monaghan bombing, he, Jackson, had to go personally to organise the theft of a car.”

The same source also said that on 25 May, Jackson was overheard on UDA premises, Portadown, talking to William (Billy) Fulton about two other bombs which had been found on 24 May – one on a railway line at Knockbridge, Portadown and the other in a Portadown pub named ‘The Chalet’. Jackson was heard to say to Fulton, “they used the same red tape as we used in Monaghan, they put it in the wrong place, they should have put it 300 yards away”. The wiring for the Chalet bomb was held in place with red plumber’s tape. A large quantity of such tape was subsequently found at a bomb factory in a part of Portadown controlled by the UDA.

³ Interview with Inquiry, 16 November 2000.

A different source (also unnamed) alleged that, a week before 17 May a named Protestant farmer from Middletown, Co. Armagh was asked by a named individual to store 500lbs of gelignite. He refused, and the explosives were stored on another (unnamed) farm in the Middletown area.

A third unnamed source alleged that the explosives were hidden at another named farm near Middletown (without the farmer's knowledge) before being removed to a farm owned by another named individual. The bombs for Dublin and Monaghan were made there. The person named as the bomb-maker was the same person alleged by the previous source to have asked the first farmer to store 500lbs of gelignite. On the morning of 17 May, the owner of the second farm was alleged to have driven the bombs to a wood outside Newtownhamilton, where they were transferred to another car. Three other men were named as having assisted him in moving both the gelignite and the finished bombs.

The man accused of making the bombs was said to have driven the Monaghan bomb through Ward's Cross at 6 p.m. He was said to have intended to place the car outside McNally's drapery shop originally, but no parking space was available, so he left the car outside Greacens. Another man was named as having driven the getaway car which took the bomb car driver out of Monaghan.

By the end of June 1974 it seems that little further progress was being made with the Garda investigation. On 24 June, D/Supt. Murphy sent a memo to all Technical Bureau officers involved in the inquiry to forward their statements to his office. On 9 July, in a memo to the Superintendents of 'C' and 'D' districts,⁴ the officer in charge of the overall investigation, C/Supt. Joy, stated:-

“The investigation unit engaged in the car bombings of 17.5.74 have returned to their stations.

You should arrange to have enquiries made in so far as it refers to your District and report result nil or otherwise when they have been completed.”

A report on the Monaghan investigation was issued on 7 July 1974. The Dublin investigation report was completed on 9 August 1974.

⁴Store St. / Fitzgibbon St. and the Bridewell / Mountjoy respectively.

THE INVESTIGATION REPORTS AND FURTHER INQUIRIES

1. THE INVESTIGATION REPORTS
2. FURTHER INQUIRIES

THE INVESTIGATION REPORTS:

Dublin:

The body of the report contained a 34-page history of the investigation to that date. It was accompanied by photographs and maps of the bomb scenes, a list of exhibits, a list of deceased persons, depositions made at the Coroner's inquest, and 98 statements which were referred to in the account of the investigation.

Following a brief description of the bombings, the identity and provenance of the bomb cars was outlined. This was followed by an account of the initial investigative work – co-ordinating the emergency response, establishing the time of the explosions, estimating the damage caused, and conducting technical / forensic examinations. Reference was made to the post-mortem examination of the victims and to the adjournment of the Coroner's inquest on 27 May 1974.

Under the heading "General Investigation", the report outlined a number of sightings of the bomb cars and of other suspicious vehicles and persons, listing the outcome of inquiries made. It referred to the identifications made from photographs, and to pieces of intelligence information received – all of which have already been detailed above.

In concluding the report, C/Supt Joy did not advance any theories as to who might have been responsible for the attacks. He simply concluded:

“This investigation will continue and developments will be reported.”

Monaghan:

The history of the Monaghan investigation was summarised in 45 pages. It was accompanied by maps, photographs, Coroner's certificates and copies of 127 statements referred to in the report itself.

The report began with an account of the explosions and their aftermath. It listed the dead and injured, and gave details of the damage done to property, eyewitness accounts of the blast, the arrival of the Gardaí and Emergency Services, the post-mortem examinations, the preservation of the scene and the subsequent technical examination.

There followed sections on the movements of the bomb vehicle and possible getaway vehicles; on the identification of suspects from photographs; and on intelligence

information received. From all this information a list of suspects was collated, together with the description, background and alleged role in the bombing of each person.

The conclusion of the Monaghan report undoubtedly conveys a greater sense of finality than that of C/Supt Joy concerning Dublin. For one thing, some tentative conclusions were drawn concerning the likely culprits. Perhaps more tellingly, there was no reference to any ongoing enquiries, and it concluded somewhat defensively by offering reasons for the lack of success in apprehending anyone for the crime:

“From all aspects of the investigation it can be safely assumed that the outrage was carried out from Northern Ireland with particular emphasis on extreme loyalists from the Portadown area. The fact that no warning of the bomb was given is, in itself, a pointer towards loyalist groups being responsible.

It will be appreciated that investigations were greatly hampered by reason of the fact that no direct enquiries could be made in the area where the crime originated. There was no access to potential witnesses in Northern Ireland and there was also the disadvantage of not having been able to interrogate likely suspects or put them on identification parades. While the RUC were co-operative to an extent, the early investigations co-incided with the Ulster Workers Council strike and by reason of this their assistance was limited.

It is felt that if all investigations in vital areas, such as Portadown and the area from there to Crann and Ward’s Cross had been carried out by our investigating team, far greater progress would have been made and great hopes could be entertained of bringing the offenders to justice.”

FURTHER INQUIRIES:

Inquiries did not cease with the completion of these two investigation reports – notwithstanding the disbandment of the specially appointed investigation team in July.¹ Responsibility for continuing the investigation devolved to C/Supt Anthony McMahon, head of the Technical Bureau (which included the Murder Squad), in co-operation with the head of Crime and Security (C3), C/Supt Larry Wren.

Correspondence with the RUC concerning various leads was carried on up to November 1976. However, from the documents seen by the Inquiry, it would seem that there was no further addition to the files of correspondence concerning the Dublin and Monaghan bombing investigation from December 1976 until June 1992, when the first memorial service for victims of the bombings was held in Dublin. This is not to say that relevant information did not surface during that period, but where it did, it seems to have been recorded solely in the context in which it arose. It was not copied to the Dublin / Monaghan bombings investigation file, which effectively remained dormant.

¹ See above p.76.

Stewart Young and others:

Following the completion of the Monaghan report in early July 1974, a Garda officer received information to the effect that four men arrested following the attempted hijacking of an oil lorry near Moira, Co. Down on 3 July had also been involved in the Monaghan bombing. One of the men was Stewart Young. All four were understood to be members of the UVF.

A letter from C/Supt J.P. McMahon, Monaghan to the Commissioner, C3 stated:

“[The Garda officer] hopes to be able to establish within the next two weeks the different roles played by the four men in the bombing incident in question. [He] obtained photographs of all four men and on even date I am forwarding a copy of this report together with photographs to Commissioner C4 with a request that copies be prepared and forwarded to this office. When such copies of photographs are received it is hoped to have them produced to witnesses who emerged out of the investigation into the bombing incident at Monaghan. Further report will be forwarded in course.”

The Commissioner, C3 wrote to the RUC on 12 July 1974 seeking further information. On 23 July, a reply was received which stated:

“All four concerned are members of the Ulster Volunteer Force and are recorded as such at this Headquarters. There has been nothing however to connect them with the Monaghan bombing on 17 May 1974...”

This result was conveyed to the Chief Superintendent in Monaghan, with a request as to whether any further information existed concerning the alleged involvement in the Monaghan bombing. There is no record of any reply.

Two copies of the photographs obtained were sent as requested, but it is not known whether the plan to show them to witnesses from the Monaghan inquiry was carried out.

Trinity College graduates:

In July 1974, confidential information was received by Gardai implicating five former students of Trinity College, Dublin in the Parnell Street bombing and in the earlier bombings at Liberty Hall and Sackville Place. It was suggested that these bombs were prepared and stored in rooms in Trinity College. The former students were alleged to be active members of the UDA in Northern Ireland.

Inquiries were instituted, and on 15 August 1974, it was reported to the Chief Superintendent, SDU that the persons mentioned had been identified as students at TCD between 1967 and 1971. Enquiries failed to ascertain where these persons resided when in Dublin during that time, and no evidence that bombs were stored in buildings at TCD could be found. In 1976, the same information was again given to Gardai, but no further developments took place.

British Army Corporal:

On 19 September, 1974 a reply was received from the Chief Constable of Gwynedd Constabulary, Wales concerning the request for information on a named British Army Corporal, allegedly sighted in Dublin around the time of the 1972 and 1974 bombings. The reply stated:

“Extensive enquiries at Wrexham have met with negative result. There are no records maintained there and persons from the District who served at Wrexham in 1960 have been unable to assist. Enquiries with Army records at Exeter and York have also been fruitless. The Authorities have been most helpful but they have informed me today that they regretfully have reached a dead end and cannot take their investigations further.”

This reply was accepted at face value.

David Alexander Mulholland, William Marchant and others:

On 2 December 1974, C/Supt A. McMahon received from RUC Assistant Chief Constable William Maharg a report which summarised the results of RUC inquiries into Mulholland and the others mentioned by C/Supt Joy in the Dublin report as follows:

“(1) [Suspect A]

Police are not aware of a [Suspect A], but have interviewed [another man of the same surname]. This man, when interviewed by C.I.D., stated that on the date in question, namely, 17 May 1974, he was at his home. He first heard the news of the Dublin bombing when he was at a local Pigeon Club some time after his tea. His statement has been checked out and it has been established that he was at the Pigeon Club from approximately 5.30 p.m. on 17 May.

(2) [Suspect B]

Enquiries to date have failed to trace a person of this name.

(3) [Suspect C]

Detectives interviewed a [man of that surname]. He was uncooperative and would give no assistance to the Police in their enquiries.

(4) Billy Marchant

This man was arrested on 26 May, 1974 under the Northern Ireland (Emergency Provisions) Act 1974. He was detained on an Interim Custody Order. He was interviewed by detectives, but refused to answer any questions relating to the bomb outrages in Dublin.

(5) [Suspect D]

This man, when interviewed by C.I.D., declared that he knew nothing about the bombings except what he had heard on the radio and had seen on tv.

(6) David Alexander Mulholland

This man has been interviewed at length in regard to subversive activity in Northern Ireland. He was uncooperative and truculent. He has not been interviewed in connection with the Dublin outrages as it is considered he would treat enquiries into these crimes in the same way as he ignored enquiries into similar outrages in Northern Ireland. Enquiries nevertheless have been made as to his whereabouts on the date in question. Nothing has been definitely established about his movements other than that he was injured in a motor accident about the end of April 1974. In view of Mulholland's attitude, would you please let me know what further action you would like us to take. Do you feel it would be beneficial for some of your Officers to come here and join with my Detectives in an interview with this man?"

This RUC report was forwarded to C/Supt. Joy on 23 December, 1974. On 25 February, 1975, C/Supt Joy sent a copy to the Deputy Commissioner, Dublin Metropolitan Area (DMA), with a covering note giving his own views on its contents. He stated:

"Our prime suspect was David Alexander Mulholland referred to at (6) in the report. He has not been interviewed by the RUC for the reason stated and I believe little would be gained in members from here joining the RUC in interviewing him.

Information was to the effect that he occasionally visited Monaghan, Castleblaney and Dundalk. I have discussed this aspect with D/Supt. Murphy, Technical Bureau who has been in charge of the investigation of serious crimes in that area in recent months. So far we can get no confirmation of it. Mulholland's photograph is in possession of members of the Detective Branch in these Areas and if he is located in the Republic he will be detained for questioning and placed on an Identification Parade for witnesses.

I will keep in contact with Detective personnel in Border [area] and will report any developments."

Arrest and interrogation of a farmer:

In November, 1974 D/Garda P.Lynagh stated that a farmer about whom confidential information had been received by the Monaghan investigation team had crossed the border to visit the Clontibret and Ballybay areas a number of times since the bombing, and suggested that a more determined effort be made to arrest him. He added:

“The fact that [he] is suspected by the Gardaí for the bombing is now known to the Provisional IRA. This organisation recently visited his home in search for him and when he was not there they fired shots into the the ceiling.”

The man in question was eventually arrested and held in Monaghan Garda station for 48 hours, during which time he was questioned “almost continuously” concerning the Monaghan bombings and a shooting in 1972 in which he was alleged to have been involved. While he freely admitted to being “a big-time smuggler of cattle, pigs, barley, wheat etc.”, he was adamant in refuting any allegation of paramilitary activity. According to a memo of the interrogation:

“He vehemently and absolutely denied having anything to do with either of these incidents. He maintained his denial even under some intense pressure from questioning. He denied having any association or any complicity with any subversive or para-military organisation in Northern Ireland.”

However, he did offer some information of possible relevance to the Monaghan bombing. He said that about six months previously he had been travelling home from Middletown in a neighbour’s car. Also in the car was a man from near Middletown (whom he named). This other passenger allegedly told them he had been approached a few days before the Monaghan bombing and asked to keep some “stuff” at his house, which he refused to do. After the bombings, he assumed that the “stuff” referred to was the explosives used in that attack. In relaying this information to Gardaí, the man they were questioning said that the other man was on very friendly terms with the British Army soldiers based in Middletown, visiting the camp almost nightly to drink in the canteen.

The name given for this man was similar to the name of the farmer alleged by one of the confidential sources to have refused a request to store explosives on his farm prior to the bombings. It is conceivable that the two pieces of information may in fact refer to one person only.

A letter from C/Supt J.P. McMahon to the Commissioner, C3 accompanying this memo stated:

“Investigations are now being conducted with a view to obtaining further information on the parties named and in particular an effort is being made to effect the arrest of... and to interrogate him in connection with the information supplied.”

It appears that any such efforts to arrest the man in the Republic were fruitless, and there is no evidence that the assistance of the RUC in finding or questioning him was sought. Nor is there any evidence of the neighbour who was supposedly in the car when the information was received being questioned in relation to the incident.

Further sightings of the South Leinster Street bomber:

The witness who saw a man leave the bomb car shortly before it exploded has told the Inquiry that he saw the same man in a barber’s shop in Derry in March 1975. He does not seem to have informed the RUC or the Gardaí of this sighting at the time.

However, on 27 November 1976, he reported to Gardaí at Pearse Station that he had seen him again - this time outside the Gresham Hotel on O'Connell Street. He was immediately driven to O'Connell Street in a patrol car. A description of the bomber and a man said to have been with him was obtained and supplied to the Garda communications officer for full circulation. Several other patrol vehicles in the area were detailed to assist in a search for these suspects, but they were not found.

The witness was not shown any of the photographs or photofits from the original investigation. Nor was the photofit compiled by the witness himself in May used in the search of the O'Connell Street area.

Information concerning a named UDA member:

In August 1975, a confidential Garda memo said that a man allegedly connected with the UDA in the Newtownhamilton area of Co. Armagh was suspected in his own area of having been involved in the Dublin and Monaghan bombings. Further inquiry revealed that information alleging his involvement in the Monaghan bomb had already been passed to D/Sgt Colm Browne by a Garda based at Clontibret, Co. Monaghan. The Assistant Commissioner wrote to the Chief Superintendent for Cavan / Monaghan on 25 September 1975 seeking to know whether any further information had come to light, but there is no record of any reply.

Information concerning a man from Keady, Co. Armagh:

In May 1976, Gardaí received information "from an untried source" that a named man from Keady, Co. Armagh was involved in the Monaghan bombing. Following inquiries, the RUC stated that they had no intelligence concerning any paramilitary activity on this man's part. Their view that he was unlikely to have been involved was accepted by Gardaí.

Information received about Robert Bridges:

Also in May 1976, information emerged during the trial of a UVF member to suggest that UVF member Robert Bridges may have been involved in the 1974 Dublin bombings. Bridges was alleged to have said that the bombings were carried out by the Portadown UVF with the assistance of Bridges and the Belfast UVF.

Bridges had been arrested by the RUC on 27 June 1975 and charged with the murder of one Patrick O'Reilly on 27 May 1975. Intelligence received by Gardaí up to that point had implicated him in bombings at Belturbet, Swanlinbar, Pettigo and Clones, but not Dublin. While in custody, he was reported to have admitted that he had taken part in the Pettigo bombing.

An internal Garda memo dated 1 July 1975 records a request that Bridges be questioned in relation to the Belturbet, Swanlinbar, Pettigo and Clones bombings. On 11 December 1975, Gardaí wrote to RUC Assistant Chief Constable Johnston asking

that Bridges be questioned in relation to the Belturbet bombing. The Commission is not aware of the result, if any, of these requests.

Information received from CID:

On 12 January 1979, two Garda detectives from Dundalk had a meeting at Portadown RUC station with two CID officers. One of the latter said he had received information that Joseph Stewart Young, Samuel McCoo and James Somerville - all members of the Mid-Ulster UVF - were involved in the bomb attacks on Dublin, Monaghan and Dundalk.

There was some further discussion in internal Garda documents concerning the desirability of interviewing the above-mentioned - particularly Somerville, who had not previously been interrogated in relation to any of the above bombings. There are references to further discussions taking place between the RUC and Garda officers concerned regarding the interviewing of the above-named suspects. One of the Garda officers wrote that "The RUC appear to be much more co-operative now than they were in 1975." However, it seems that no interviews took place.

This was the last significant piece of information received by Gardaí in relation to the Dublin and Monaghan bombings until 1987.

Allegations of former Military Intelligence Officer Fred Holroyd:

In May 1987, former British Army Captain Fred Holroyd was interviewed over three days by Gardaí in Dublin. Holroyd, who had served as a Military Intelligence Officer in the Portadown area until his removal from Northern Ireland in June 1975, had been making allegations of "dirty tricks" by members of the security forces in Northern Ireland since 1976.

In the course of this interview, he made for the first time, an allegation concerning the Dublin and Monaghan bombings. He said that a named RUC officer had given him the names of five Portadown loyalists whom he said were known from intelligence received to have been involved in the Dublin bombings. Those named consisted of three brothers – Ivor, Stewart and Nelson Young – along with Ronald Michael Jackson and another named UVF member.

It should be noted that in a statement to the RUC dated 19 September 1982, Holroyd had claimed to have been told by the same RUC officer that Ivor Young worked for him (the RUC man) as an informant. However, a letter from the RUC to C/Supt Wren, C3 dated 16 January 1976 stated that Young was detained under the Emergency Provisions Act (NI) 1973 from 26 April 1973 until 23 November 1974. This fatally damages the claim that he took part in the bombings, though the possibility of his playing an indirect role cannot be excluded.

In a report dated 5 June 1987, Garda C/Supt T.J. Kelly gave the following response to Holroyd's allegations concerning the bombings:

“Enquiries with the RUC... have established that there is no such information on record in respect of the Young brothers... Further enquiries have been initiated with the RUC as to the other persons mentioned by Holroyd in this connection.”

It is not known what inquiries were initiated or what the results were.

Report of D/Supt O’Mahony concerning ‘Hidden Hand’ allegations:

On 6 July 1993, the ‘Hidden Hand’ documentary programme concerning the Dublin / Monaghan bombings was broadcast.² D/Supt Sean O’Mahony was appointed on 23 July 1993, “to view the tape of the programme and to re-examine the files on the investigation and if necessary to interview the makers of that T.V. programme.” He had not been involved in the original investigation into the bombings.

In his report, dated 25 November 1993, he stated:

“I approached this re-examination of these bombings to establish:-

- (a) how the investigation could be furthered so that some person(s) could be made amenable for the crimes;
- (b) what new evidence, if any, could be obtained from the interviews of the programme makers, and also as a result;
- (c) to interview persons indicated as possessing evidence or information regarding the bombings, or of being involved in the crimes; and
- (d) to ascertain what organisation or group was responsible for the atrocities.”

O’Mahony interviewed the producers and the chief researcher for the programme. He also spoke to a number of Garda and RUC officers.

Following his interviews with the programme makers, D/Supt O’Mahony decided it was necessary to interview David Mulholland, Samuel Whitten and Robin “The Jackal” Jackson – all of whom had been mentioned in the programme as suspects for the bombings. It was also decided to interview Ronald Michael Jackson, who was named in the Garda investigation file but not in the programme, in order “to clear up any ambiguity as to the proper identity of the Jackson involved.” The two remaining suspects named in the programme who were still alive - Joseph Stewart Young and Charles George Gilmore - were not interviewed. Consultation with the RUC had suggested that to do so would be unproductive.

Requests were made to the RUC to have Whitten and the two Jacksons interviewed, and this was duly done in the presence of D/Supt O’Mahony and Garda D/Sgt Raftery. All three men denied involvement in the bombings.

² See chapter 15.

A further request was made to the police in North Wales to have Mulholland arrested and interviewed. D/Supt O'Mahony attended the interview, accompanied by two RUC officers. He stated in his report:

“The RUC members questioned Mulholland over two days and after each period of questioning reviewed with me the position. I sat in on the interview for one session, on the second day, and for the concluding sessions his solicitor was present.

Mulholland was closely questioned and all available evidence put to him. This included, producing a photofit made from descriptions given by eye-witnesses and a photograph of himself taken before the Dublin bombings and which clearly showed that it was very close to the photofit shown him. Despite all this and the putting to him of information available to us, he still denied involvement. He admitted knowing and drinking with other leading suspects for the bombings but denied any involvement himself.”

As to which of the two Jacksons - if any - were involved in the bombings, D/Supt O'Mahony wrote:

“My examination of the files, and my discussions with RUC members, and the results of these interviews confirm the view that the Jackson involved in these bombings was the suspect mentioned in the Garda file, Ronald Michael ‘Nikko’ Jackson from Portadown and not Robert John Jackson, known as The Jackal.”

He concluded his report as follows:-

“There is little doubt but that the outrages were perpetrated by Loyalists from Northern Ireland with particular emphasis on those from the Portadown area. I am satisfied that the investigations carried out in 1974 were pursued as far as was then possible and that no more could be achieved from the then available evidence. That the outcome of the investigations at that time was not as successful as would be hoped for, was not through any lack of co-operation between the Police Forces, but was due to a lack of sufficient evidence to bring the matter to Court.

I am also satisfied that the persons we have now interviewed and who were considered as suspects had involvement in these terrible atrocities, but unfortunately my re-examination has not secured the evidence necessary to have them made amenable for the crimes committed.

I would like to place on record my appreciation for the excellent co-operation and assistance I received from members of the RUC in the course of the many enquiries I made in Northern Ireland and the help they gave me in Wales. I also received great assistance from the members and ex-members of An Garda Síochána whom I consulted.”

Information concerning Billy Hanna:

On 22 July 1993, a Garda detective received information from what he described as “a reliable source with no political affiliations.” The source that on the 15 May 1974 there was a meeting in Portadown Golf Club in connection with the UWC strike. At the same time, a separate meeting was taking place there involving Billy Hanna and Samuel Whitten – both of whom were named in the ‘Hidden Hand’ programme as suspects for the bombings. The source said that this meeting was “obviously nothing to do with the general meeting.” He added that Hanna and Whitten were regular customers at the club, and were accompanied at times by RUC constables.

D/Supt O’Mahony did not refer to this information in his report, though he may not have been given it.

Report of D/Supt Murphy concerning ‘Hidden Hand’ allegations:

Following a review of D/Supt O’Mahony’s report, the Department of Justice wrote to the Garda Commissioner on 9 May 1994 asking him to review the decision not to interview certain people connected with the programme – in particular potential suspects Stewart Young and Charles Gilmore, and former British Army operatives Fred Holroyd and Colin Wallace.

The Commissioner noted the Minister’s concern, and appointed D/Supt Ted Murphy to arrange the outstanding interviews. The results were contained in his report dated 13 June 1994.

Joseph Stewart Young, then resident in Scotland, was interviewed by D/Supt Murphy with the assistance of D/Sgt Pat Rafferty, SDU and D/Sgt Gordon Smyth of the Strathclyde police, Glasgow. Young declined to supply a written statement, and denied any involvement in either the Dublin or Monaghan bombings. He denied knowing or associating with the majority of the suspects, and indicated that he would not be prepared to take part in an identification parade until such time as he discussed the matter with his solicitor.

Charles George Gilmore was arrested at 7:25 a.m. on 6th June by RUC officers, and detained under the Prevention of Terrorism Act until 5pm the following day. He declined to make a written statement, and denied involvement in subversive activity of any kind, including the Dublin and Monaghan bombings.

Fred Holroyd and Colin Wallace were interviewed by D/Supt Murphy, D/Sgt Rafferty and a Scotland Yard detective on 24 and 25 May respectively. Both declined to make a written statement. The interviews took the form of D/Supt Murphy reading out the statements which were attributed to them in the programme and asking them to substantiate them. Neither man offered D/Supt Murphy any hard evidence to support their allegations.

No further developments concerning the bombings took place until 1999.

Allegations of former RUC Sergeant John Weir:

On 3 January 1999, a former RUC officer named John Weir made a written statement which included allegations concerning the Dublin and Monaghan bombings. This statement had been obtained from Weir by Sean McPhilemy, author of "The Committee" - a book which alleged the existence of a group containing members of the security forces and loyalist businessmen, which had engaged in systematic collusion with loyalist paramilitaries to commit sectarian murders.³ Following publication of his book, McPhilemy became involved in libel actions both in America and the United Kingdom. The Weir statement was intended to assist him in these actions.

Weir claimed to have been part of a renegade group of loyalist paramilitaries, UDR and RUC officers who were carrying out attacks on both sides of the border between 1974 and 1978. He named people who he said were involved in a number of these attacks - including the Dublin, Monaghan and Dundalk bombings. He also named a farm which he claimed was used as a base by the group. He alleged that senior officers in the RUC knew of, and gave tacit approval to, these activities.

Weir's statement was widely disseminated via the internet, and came to the attention of An Garda Síochána. But it was not in fact the first time Weir had made such allegations. Between 1980 and 1992, he had served a prison sentence for his part in the murder of one William Strathearn, for which fellow RUC officer William McCaughey was also convicted. During and after his imprisonment, Weir made a number of allegations to journalists Liam Clarke and Joe Tiernan. His claims formed the basis for newspaper articles by Clarke, and were also used in the 'Hidden Hand' programme, for which Tiernan was a researcher. However, it was not until 1999 that Weir was publicly identified as the source of these allegations.

On 14 and 15 April 1999, Weir was interviewed by Gardaí in relation to those of his allegations which concerned bombings and shootings in this State. He confirmed the information contained in his statement of 3 January, and added some further details.

Independently of An Garda Síochána, the RUC had begun an investigation into Weir's allegations following a *Sunday Times* newspaper article on Weir's claims dated the 7 March 1999 by journalist Liam Clarke.

On 2 July 1999, C/Supt Walsh and D/Supt Maguire met members of the RUC investigation team. They requested the RUC to provide:

- (1) Details of persons previously identified as suspects for the Dublin and Monaghan bombing incidents and actions taken to have them interviewed.
- (2) Personal profiles on the persons named by Weir in his statement to the Gardaí.
- (3) Any information linking the persons named with the two incidents.

³McPhilemy, *The Committee: political assassination in Northern Ireland*, (1998, Colorado).

- (4) Any information gleaned from previous RUC investigations linking those named with the farm named by Weir as a base for paramilitary activity.

In particular, it was noted that none of the people named by Weir had been questioned or seemingly even suspected of involvement in the Dublin and Monaghan bombings at the time. It was agreed that a comprehensive and exhaustive investigation into the possible involvement of such of those persons as were still alive would be essential. In contemplation of this, CID branch of the RUC affirmed that they were preparing a report of the Dublin and Monaghan bombing investigation from their perspective, together with a profile on each person named by Weir in his statements. This would include their present and past status and involvement in crime and subversion in so far as could be ascertained.

The RUC were also involved in a review of the original 1978 investigation which had led to Weir's conviction for the murder of Strathearn. It was agreed that this would also be relevant to the Garda investigation.

On 14th February 2000 a report entitled Information concerning allegations by former RUC sergeant John Weir was furnished by the RUC to An Garda Síochána. Its findings were analysed, and a request was made to interview five people named by Weir in his allegations regarding the Dublin, Monaghan, Dundalk and Castleblayney bombings.

This was done between July and December 2000. A Garda report dated 16 February 2001 analysed the results. The RUC were then asked to question two more persons named by Weir. Those interviews were carried out on 6 June and 5 July 2001, and the results conveyed to An Garda Síochána.

Taken as a whole, the investigation into Weir's allegations did not produce evidence that would justify the laying of charges against any individual. The substance of Weir's claims is examined in chapters 16 and 17.

PART THREE

ASSESSMENT OF THE INVESTIGATION

EYEWITNESS INFORMATION

1. **OVERVIEW**
2. **THE BOMB CARS**
3. **IDENTIFICATION EVIDENCE**

OVERVIEW:

In making an assessment of the Garda investigation into the bombings, the following factors have been taken into account:

- 1) The work of the investigation team should be judged, first and foremost, according to the prevailing standards of the time, taking into account the resources then at the disposal of An Garda Síochána.
- 2) However, criticism is also valid where the prevailing standards fell below what might reasonably have been expected at that time.
- 3) Any criticisms of the investigation must take into account the wider social and political circumstances in which the investigation took place.
- 4) Although the Inquiry has, with the co-operation of An Garda Síochána, amassed a near-complete picture of the investigation, it must be said that the full extent of the work carried out by the investigation team will never be known. One reason for this is that some written documents relevant to the investigation have either been destroyed or lost in the intervening years. Another is that there were decisions taken in the day-to-day running of the investigation which were not written down. As many of the key officers in the investigation team are now deceased, it is impossible to verify the extent to which this was done.

The Inquiry has requested and reviewed documentation from the Garda files relating to more than thirty incidents between 1972 and 1976. These include the bombings of Dublin in 1972 and 1973, Dublin Airport in 1975, and a large number of bombings and shootings along the Border between 1973 and 1976.

A comparison shows that the investigation into the Dublin and Monaghan bombings employed the usual structures for a murder inquiry at that time. An incident room was set up to co-ordinate daily inquiries; tasks were assigned and recorded via a 'jobs book'; routine questioning of all persons living and working near the bomb scenes was carried out, appeals were made for witnesses to come forward; and efforts were made to employ photographic, forensic and intelligence information where available.

The success of an investigation of this kind depended largely on information obtained through the taking of statements, from which a picture would appear of the circumstances surrounding the commission of the crime and possibly point towards those responsible.

From this and other information - such as that which might be obtained from confidential sources - further efforts would concentrate on building up evidence about any suspects who might have emerged, seeking to confirm or refute their involvement in the crime. The suspects themselves might be arrested and questioned, or made to undergo an identity parade.

The investigation would contain a number of interim reports on various aspects of the inquiry, and would conclude with a full Investigation Report, aimed at summing up the evidence gathered and drawing conclusions. If satisfied that there was sufficient evidence to charge a suspect, a file would be prepared and sent to the Director of Public Prosecutions.

Obviously, the success of such an investigation is largely dependent on the Gardai having access to witnesses and suspects. In the case of the Dublin and Monaghan bombings, as with many of the other bombing incidents which occurred in the State, this access was restricted. It was clear from an early stage that those responsible came from outside the jurisdiction and were almost certainly unknown to anyone who may have seen them. Effective liaison with the RUC was, therefore, a central priority for the investigation team.

In relation to the Monaghan investigation in particular, there was clearly more Garda / RUC cooperation than is apparent from the documentation available. Former Detective Inspector Colm Browne said that he was in contact with the RUC once a week for two months. Former Chief Superintendent Tom Curran has told the Inquiry that names were supplied by the RUC not many days after the bombing. It would seem that these names are the names of those whose photographs were provided. He has also said that he went to Armagh RUC station a number of times to check names which were coming up on Garda enquiries. On one occasion in July 1974, he was instructed to go to Portadown to obtain photographs of all known UVF members in that area. However, he agrees with former D/Insp Browne that the decision, if any, to ask the RUC to bring any such persons in for questioning was a matter for the senior officers conducting the Dublin investigation.

The effectiveness of a police investigation is also affected by the manpower and technical resources available to it. In 1974, Garda manpower was considerably stretched by the need to combat both loyalist and republican subversive crime in addition to the ordinary criminal investigations expected of a police force. In relation to forensic matters, only a handful of officers had experience in that area. They were constantly in demand around the country.

Having said that, the Dublin and Monaghan bombings were unquestionably the biggest crime ever to have been committed in the history of the State. They demanded a unique level of response. This was recognised by the creation of a special investigation team numbering 40 or more officers, including many of the best detectives available to the force. All of the most experienced ballistics officers also played a role in the early stages of the investigation, assisted to a limited extent by EOD officers from the Irish Army.

The degree to which the work of the investigation team accorded with what might reasonably have been expected at the time will be examined under the headings used in the factual account of the investigation. They are:

- 1) tracing the vehicles used in the bombings;
- 2) identification evidence;
- 3) forensic evidence;
- 4) intelligence information; and
- 5) further enquiries, 1974 – 2003.

THE BOMB CARS:

It was very common for both republican and loyalist paramilitaries to commandeer houses, cars and land from people. Local taxi firms were particularly favoured targets for hijackings. It was also common that the people affected would not be in a position to identify the persons involved in taking their property. Sometimes this was simply because they did not know who the perpetrators were. Even if they did, there was a reluctance to implicate them. The reasons for this were complex and sometimes ambiguous – fear of retaliation, or possibly because they had some sympathy for the aims of the organisation involved, or a varying mix of both. Whatever the reason, such reticence regularly served to frustrate police investigation of these incidents.

In the early days of the inquiry, the Garda investigation team devoted considerable time and resources to tracing the journey made by the bomb cars and to identifying possible getaway vehicles. The assistance of the RUC was sought and received in tracing a number of cars which might have been involved – including of course, the bomb cars themselves.

The owner of the Parnell Street bomb car, 62 year-old William Scott, first made a statement to the RUC at 5 p.m. on 17 May. He said he had returned home from a night shift at 8.30 a.m:

“At 10.00 a.m. I was changing my clothes and the front door was open. I heard a step on the stairs and two men came into my bedroom, they were both wearing some sort of mask....

They said I would get my car back in 2 hours but they kept me there all day till 4 o'clock. They made me stay upstairs while they played cards downstairs. At 4 o'clock they said they were going and told me not to come out for half an hour or I'd be shot. I came out about 4.20 and informed the police....

I was not injured by any of these men. Two at least of them were wearing black gloves but they had them off when they were playing cards.”

Once it became known that Scott's car had been involved in the Dublin bombings, it is surprising that he was not questioned further in relation to aspects of his statement which required clarification. Why did he leave the front door open? If he was made to stay upstairs, how did he know that the men were playing cards, and that they had taken their gloves off to do so?

On 21 June 1974, RUC D/Sgt Wilson took a statement from an insurance agent who had visited Scott's home between 10.30 and 11 a.m. on the morning of the bombings. The agent stated:

“When I called I went into the living room. I saw Mr Scott was standing at the fireplace. He came over to the front window and got me the insurance book and the money. There were three men standing in the living room, but none of them spoke to me. I did not pay any attention to them as there has been men in the house some other times when I call. None of these men were wearing masks. I could not describe these men as everything looked normal to me and I did not pay any attention to them. I did not see any guns.”

In a letter dated 23 July, the head of RUC Special Branch told Garda C/Supt Wren:

“We are retracing our steps on fresh INT about the hijacking of Ed Scott's car, and are in close touch with our CID brethren on it. It is still at the delicate stage, however, and I cannot predict the results.”

It is unclear from the records whether the RUC tried to get Mr Scott to identify or give better descriptions of the men. Some former officers, speaking from recollection, thought an effort had been made but was not successful. It appears no further progress was made. The statement of the insurance agent was forwarded to Gardaí on 2 December 1974 by RUC Assistant Chief Constable Maharg. It was not explained or expanded on in the accompanying letter.

The initial statement by the owner of the South Leinster Street bomb car also left something to be desired. Mr William Henry was a taxi driver for Ariel Taxis, Agnes St., Belfast. He met the man who ordered his taxi in the office on Agnes St. The man then sat in the front of the car beside him. Henry was asked to stop the car around the corner on Woburn St, whereupon two men pulled him out and threw him on the floor in the back. Three men (presumably those two plus another) kept their feet on him. He was driven for a few minutes, then hooded and brought into a building where he was kept until nearly 2 p.m.

It is not clear whether he remained hooded until his release, but when he was released he saw one man drive away the car which had brought him there. Another man followed him up the Shankill Road “as I had been told not to go near my taxi firm and to go straight home until 3 p.m. and I was then to go to Tennent St. police station.”

Although he had seen somewhere between four and six men during his abduction, all Mr Henry could offer in his statement was that the man who ordered the taxi was aged

around 30 years, about 5'4" in height, and wearing a black jacket. He said the car which delivered him to the release point was an 1100, but gave no other details of it.

There is nothing in Garda or RUC files to indicate whether Mr Henry was questioned on the contents of his statement at any other stage. If he was, nothing resulted from it. In the Dublin report, C/Supt Joy noted that the car used in the bombing of Sackville Place, Dublin on 20 January 1973 was also hijacked at Agnes St. He did not elaborate on the relevance or otherwise of this information.

IDENTIFICATION EVIDENCE:

The search for witnesses who may have seen the bombers or their vehicles was extremely thorough. A very large number of statements was taken. In some cases, confidential information was received and this was followed up. In most instances, leads were followed until their natural conclusion. As is the nature of such inquiries, most turned out to be unhelpful; but a significant number of reliable sightings were obtained.

From the statements which had been obtained, there emerged several descriptions of possible suspects from witnesses who were of the view that they would recognise the person described if they saw him again. Photographs of likely suspects were obtained from Northern Ireland and shown to those witnesses. Photofits were drawn up, and used in at least some instances.

Though the exhaustive search for identification evidence carried out by the investigation team was beyond reproach, criticisms can be made of the way in which some of that information was or was not followed up. In the first place, there was information omitted from the Dublin investigation report which would seem to have been of equal value with other information mentioned in it. Secondly, there was an apparent acceptance of some information received which, on its face, appeared flawed or inadequate and merited further inquiry.

The Dublin report refers to two incidents where witnesses were of the view that they might have overheard conversations by men who were either involved in the bombings, or knew in advance that they were to take place. But there is no mention in the report of a man, almost certainly having an English accent, ordering a cup of tea in a café in Cavendish Row, immediately after the bombing – an incident which was well documented by several witnesses.¹ Although it seems unlikely that the man in question was related to the bombings, it is surprising that the witnesses from the café were not shown photographs – something that was done with the witnesses in the other two incidents.

¹ See pp.58-59.

On several occasions, the investigation team sent requests for information to the police in Northern Ireland and mainland Britain, and appeared content with replies which on their face seem inadequate. One example is the alleged sighting in Dublin of a British Army Corporal on March 15, 1974 (and also in December 1972, prior to the Sackville Place bombing).² The negative reply received from the North Wales police in relation to this was not convincing and merited a repeated request for information.

Whether or not this Corporal was actually seen in Dublin on the date in question, the source gave detailed information concerning his background and Army career, and it is stretching credulity to suggest that he did not exist. The Inquiry has found the Irish Army to be meticulous in its records, and there is no reason to believe the British Army was any less so. The tone of the reply received implied a failure – deliberate or otherwise – on the part of the British authorities to conduct a thorough inquiry.

Most of the details given by the source concerning the British Army Corporal were contained in the original Garda request for information. However, there were the further facts that he may have married a girl from Wrexham and that he should have appeared in photographs hanging in the gym at the training centre in Wrexham. This could have formed the basis for another request for information. The chances of a breakthrough may have been remote, but it is a path that should have been explored.

Identifications made from photographs:

Dublin:

Where the use of photographs to identify possible suspects was concerned, there were substantial flaws in the investigation. Referring to photographs of potential suspects obtained from the RUC, the Dublin investigation report stated:

“These photographs were made into two albums and shown to all witnesses who saw suspect persons and, with three exceptions, their reaction was completely negative.”

This statement is misleading on two counts. Firstly, there is evidence from within the Garda files that the albums were not shown to at least one witness who may have seen one of the bombers. Secondly, there were in fact nine witnesses who made positive identifications from the showing of the photographs, though only three were mentioned in the Dublin report.

The fullest details regarding the showing of the photograph albums by the Dublin investigation team are contained in a book entitled “List of Persons to whom Photograph Albums were Shown”. Along with the name and address of each of the above, the book records the date on which the photographs were shown and the name of the officer who showed them. Any photographs that were picked out by witnesses were noted by a number and an indication as to which album they were contained in. A final column was left for comments. The entries are almost all written in the same hand, which suggests they were compiled from reports supplied by Garda officers

² See chapter 7.

who showed the photographs to witnesses. If such reports were written, they are now presumed lost or destroyed.

The book contains seventy-seven names of witnesses. Of those, nine were recorded as having made positive identifications. Fifty-six were marked “negative”. A further eleven had no result recorded and so must be assumed not to have made any identifications.

The remaining person named in the book is the witness who claimed to have seen the South Leinster Street bomber parking and exiting the bomb car minutes before the explosion. In the comment column is written, “album not shown”. In the Dublin report, however, C/Supt Joy specifically named that witness as one to whom the albums had been shown. The witness himself has said that he was shown some photographs when he made his first statement on the evening of the bombings. He did not make any identifications from them. It seems he was not shown the photograph albums on this or any other date.

Teresa O’Loughlin, who saw the Parnell Street bomb car being parked, was shown one album of photographs on 3 June and the other on 8 June. She picked out three photographs of David Alexander Mulholland: 4,6 (album I) and 5 (album II). Her husband was also shown the albums: he picked out 4,5,6,7 (album I), and 5,4,2 (album II). The word ‘general’ is written beside his identifications.

Nora O’Mahony, who claimed to have asked directions from a man resembling Mulholland and to have seen him later driving a green car with DIA lettering onto O’Connell Street, also picked out 6 (I) and 5 (II), although she had doubts about the latter.³

The two witnesses who saw the Parnell Street and South Leinster Street bomb cars in the Sheephouse area were shown the albums on 10 and 15 June respectively. In relation to the Parnell Street car, one of the witnesses picked out numbers 6 (I) and 3,6 (II) as resembling the driver; and 8 (I) and 5 (II) as resembling a passenger. Numbers 6 (I) and 5 (II) were of Mulholland: however, the difficulty of making an identification from the latter photograph means that the identification of Mulholland as the passenger (rather than the driver) can be discounted.

In relation to the South Leinster Street car, the same witness picked out numbers 12 (I) and 1 (II) as resembling the driver. The other witness made no identifications concerning the Parnell Street car, but picked out numbers 14 (I) and 4 (II) as resembling the driver of the South Leinster Street car. He also selected photograph 8 (I) as being similar to a passenger in the brown Austin 1100 car that appeared to be travelling in convoy with the bomb cars.

³ It seems that from the point of view of making an identification, photograph no.5, album II of Mulholland was not as good as those in the first album. In the Dublin report, C/Supt Joy described the photographs of Mulholland in the first album as “one full and one side face”, and that in the second album as “not as complete a side face as that in the first album.”

Patrick Bury was a car park attendant at a private car park at the rear of numbers 10 and 11 South Leinster Street. The gate of the car park leads into Leinster Lane. Between approximately 5.15 and 5.25 p.m. this witness saw a car which had come up Leinster Lane and was obviously looking for a parking place. It turned in the lane and drove out in the direction of South Leinster Street. The car was described as medium size and of a dark colour; the driver being about 22 years of age with a pale face and dark hair. The witness thought he was of average size; had piercing eyes; was clean shaven; did not wear glasses or head covering, and was wearing a dark jacket. The time span for this sighting could suggest the South Leinster Street bomb car. When shown the photographs, he identified number 8 (I).

He was also shown a photofit – presumably the one based on the evidence of the witness, who had seen a man park and leave the South Leinster Street bomb car. He was shown this on 5 June and indicated that it was very similar to the man he had seen except for the hair coming down on his forehead. He then said that he had only seen him mostly side-faced. There is no reference to his evidence in the Dublin report.

Another identification was made by a man who maintained that he had seen a green Hillman Avenger, registration DIA 4093 or DIA 4063, at 12.30 p.m. on Wednesday, 15th May travelling towards Dublin on the road between Ballybrittas and Monasterevin. He saw four men in the car, all around 20 years of age. He gave a detailed description of the driver. Garda records show him as having picked out photograph number 26 (I). This must be a mistake, as according to the Dublin report, album 1 had only 19 photographs in it.

As the Parnell Street bomb car was not stolen until 17th May, this identification must have appeared unlikely. Nevertheless, the photographs were shown to him, presumably in an attempt to eliminate the possibility that this particular car could have been seen being driven by persons involved in the bombing, two days before it occurred. The fact that the sighting of a British Army Corporal who was said to resemble a man allegedly seen driving the bomb car on 17 May also took place on 15 May, was another reason for pursuing this matter further. Inquiries could have been instituted with the owner as to the car's movements on that date.

Another witness who picked out photographs was in traffic at the junction of Pearse Street and Westland Row as the explosions were heard. She continued across town and at about 6.15pm saw a car with two men in it, one driving and the other in the back seat, between Broadstone and Phibsborough. It was being driven in a very dangerous manner. She described the driver as about 40 years; black sleek hair; medium build; greyish coat. She noticed that the man in the back seat looked very nervous. He was smoking very fast and appeared not to be able to sit or rest. He was about 29 years of age; thin build; about 5' 9". He had fair wavy hair and a thin face. She thought that he had a small moustache. He was wearing a grey tweedy sports coat. This witness picked out photographs number 9 (I) and 8 (II) as being the passenger in the backseat.

The final identification was made by a witness who was driving her car along Sir John Rogerson's Quay towards Blackrock at approximately 5.10 p.m. on 17th May. She noticed a bluish-coloured Austin 1800 motor car being driven at a very fast speed in the same direction as she was going. The driver of this car was about 30 years of age, appeared to very well built and was wearing a grey coat, collar and tie. He had dark hair. She did not get the number of the car but would recognise the man who was driving it if she saw him again. The driver of the Austin turned right off Sir John Rogerson's Quay and went in the direction of Pearse Street. Having regard to the time at which she saw it, this may well have been the South Leinster Street bomb car.

However, when shown the photograph albums she picked out two photographs of Mulholland - 6 (I) and 5 (II) - as being similar to the driver of the car. As we have seen, other eyewitnesses place Mulholland in the Parnell Street car. This is a good example of the difficulties associated with eyewitness evidence, and the unreliability in particular of identifications made from photographs alone, without an identity parade.

Despite these difficulties, it was clear that the Garda investigation team thought the evidence sufficient to warrant making further inquiries concerning Mulholland. But it seems inexplicable that they did not do the same regarding the other suspects whose photographs had been picked out.

This is particularly so in relation to the man seen driving the South Leinster Street bomb car. The witness who had seen him park and leave the vehicle created a photofit image. This photofit was said by Patrick Bury (the car park attendant in Leinster Lane) to be "very similar" to the man whom he had identified as resembling photograph number 8 (I). The witness who made the photofit was never shown the albums which contained this photograph.⁴

It is very difficult to understand why queries were not instituted with RUC concerning the whereabouts and movements of the man in photograph 8 (I) on the 17 May. The same holds true for the other photographs picked out by eyewitnesses. Even the weakest of these identifications was a connection to a person whom the RUC considered a potential participant in the bombings, and should have been pursued as far as was possible. The fact that no record of the persons contained in the albums can now be found means that the names of a number of possible suspects are lost forever.

Monaghan:

Under the heading, "Identification of suspects from photographs", the Monaghan investigation report states:

"Photographs of a number of UVF, UDA and extreme loyalists were procured from a confidential source on the 23 May.

⁴ It is possible that another photograph of the same suspect was shown to him on the night of the bombings, but this will never be known.

Garda Brian Guildea and Garda Francis Thorne showed these photographs to 92 witnesses. A total of nine witnesses made eleven identifications of a certain kind from these photographs.

These photographs were inserted in three albums and in all there were thirty-nine photographs. The albums are retained by Garda Brian Guildea.”

The statements of officers Guildea and Thorne are the only available written records concerning the showing of photographs to witnesses in Monaghan. Garda Guildea stated that he recorded the name, address, date of showing of photographs and results for each witness in his notebook, but that notebook has not been found.

It is presumed, but not confirmed, that the photographs used in Monaghan were copies of the ones used in Dublin, albeit divided across three, rather than two albums.

Unlike the Dublin report, the Monaghan report contained the names of all those whose photographs had been picked out by witnesses, notwithstanding the fact that the identifications varied wildly in quality and in proximity to the offence.

The Monaghan report contained a certain amount of background information on the suspects named. In some instances, there were gaps. For example, no description or information was given regarding the person identified by Seamus and Mary Murphy as resembling a passenger in the bomb car, save that he was a member of the UVF. It appears that further information was not sought from the RUC, and no requests were made for them to question suspects or organise identity parades.

The Inquiry has been told by former D/Insp Colm Browne that one reason why no identity parades were held was because the witnesses would not have travelled to Northern Ireland to participate in them.⁵ This may well be true, although it seems that none of the witnesses in this instance were asked about it. Even if witnesses were reluctant, it may well be that their concerns could have been addressed.

Former C/Supt Tom Curran has told the Inquiry that sometime in July 1974, he was instructed to go to Portadown to obtain photographs of all known UVF members in that area. He said this was not in connection with the Monaghan bombing, and he did not believe that those photographs were shown to witnesses.⁶

Use of photofits:

Dublin:

There exists in Garda records a certain amount of confusion concerning the use of photofit images which were compiled as a result of interviews with certain witnesses. The Dublin report stated: “in the absence of corroboration it was not considered advisable to circulate or publish any of them.”

⁵ Interview with Commission, 16 November 2000.

⁶ Interview with Commission, 6 September 2001.

Despite this, it does seem from statements in the Garda files that a small number of witnesses were shown the photofits, but with little positive result. A woman from the Dunboyne area gave a statement on 10 June 1974 in which she said she had decided to contact the Gardaí when “she saw the photo-fit pictures in the daily paper in connection with the explosions in Dublin on the 17th May 1974”. The Inquiry has not found any evidence of photofits appearing in the national newspapers, but they may have appeared on television. An anonymous letter to Garda HQ dated 9 June 1974 referred to “...the man in the photo-kit picture shown on t.v. this evening - the man on the right of the picture.”

The Inquiry has seen a book containing twelve photofit images which were compiled in the course of the investigation into the bombings. Of these, ten can be attributed to particular witnesses. The sources for the remaining two are not known.

Three of the photofit images are attributed to a witness who saw the bomb cars near Sheephouse, Co. Louth. The first is of the driver of the Parnell St. bomb car. It bears a strong resemblance to David Alexander Mulholland, whose photograph was also picked out by the same witness.

In his report into issues raised by the ‘Hidden Hand’ programme,⁷ D/Supt O’Mahony records that the interrogation of Mulholland carried out by RUC officers in November 1993 included:

“producing a photo-fit made from descriptions given by eye-witnesses and a photograph of himself taken before the Dublin bombings and which clearly showed that it was very close to the photo-fit shown him.”

The second photofit by the same witness depicts a passenger seen in the Parnell St. car. The photograph chosen by the witness to resemble this man is number 8 (I) - the same photograph picked out by Patrick Bury – the Leinster lane car park attendant - as resembling the driver of the South Leinster St. bomb car. It is possible for both witnesses to have been correct: given that the two cars were seen travelling together, the man in question could have switched from one car to the other before the cars entered Dublin city.

The third photofit attributed to the same witness is of the man he saw driving the South Leinster St. bomb car near Sheephouse.

The book of photofits also contains one attributed to the unnamed witness who claimed that the description by Nora O’Mahony of the Parnell St bomb car driver matched that of a named British Army Corporal. His photofit, which is presumably supposed to represent the man he knew, bears little resemblance to Mulholland, the person whose photographs were picked out by Nora O’Mahony.

In addition to those in the book, a further unattributed photofit was found loose in an envelope. It closely resembles the second photofit created by the Sheephouse witness, but in the absence of any other information, it is pointless to speculate on its origins.

⁷ Broadcast 6 July 1993.

A final mystery concerning the photofits relates to the first image in the book. Though unattributed to any witness, a description beneath it includes the detail: “Usually wears a blue anorak”. This suggests that the witness was describing someone they knew. The Inquiry has been unable to reconcile this with any of the 1150-plus witness statements available to it.

Monaghan:

There do not seem to have been any photofits created in relation to the Monaghan bombing. Former D/Insp Colm Browne, a central figure in the investigation, told the Inquiry that he was against using photofits as he felt they were potentially very misleading.⁸ The sophisticated computer imaging techniques of today did not exist then. Instead, photofits were constructed in jigsaw fashion from books containing samples of different chins, noses, hair etc.

⁸ Interview with Commission, 16 November 2000.

FORENSICS AND INTELLIGENCE

1. **FORENSIC EVIDENCE**
2. **INTELLIGENCE INFORMATION**

FORENSIC EVIDENCE:

The Inquiry has sought to interview all those still alive who were involved in the forensic investigation - Gardaí, Irish Army EOD officers, and forensic scientists in Dublin and Belfast. Contact was also made with expert witnesses Dr John Lloyd and Mr Nigel Wylde. Dr Lloyd is a forensic science consultant based in England. Former Lieutenant Colonel Wylde is an acknowledged expert on explosives with a long record of army service in Northern Ireland, including a period from June to October 1974 as Commander of British Army no.1 Section 321 EOD Unit, based in Belfast. Mr Wylde has been interviewed by the Inquiry, and also supplied a number of reports based on information made available to him concerning the forensic inquiry into all bombings occurring in the State between 1972 and 1976. Dr Lloyd submitted a review of the forensic investigation into the Dublin and Monaghan bombings based on the reports of Dr Donovan and Mr Hall.

The Inquiry is aware that the reports of Dr Donovan and Mr Hall were among the few official documents relating to the bombings investigation to have made their way into the public arena prior to the establishment of this Inquiry. Not unnaturally, this has resulted in a high level of interest in this aspect of the investigation. Criticisms were made which shall be considered in due course. But first, it is necessary to establish the limits of what is and can be known concerning the forensic inquiry and its results.

Background:

It is clear that forensic science was in its infancy in the Republic at that time. The State did not have a dedicated Forensic Science Laboratory until 1975. Prior to that, Dr Donovan was attached to the State Laboratory, which provided a wide range of services for different agencies including Customs and Excise and Agriculture. His forensic work for An Garda Síochána was undertaken in addition to his usual duties, and prior to May 1974 was limited to confirming the content of explosives seized by Gardaí. While he may not have had the experience of his Northern counterparts, Dr Donovan has assured the Inquiry that he did possess the equipment and skill necessary to carry out trace tests on bomb debris. Nonetheless, the lack of a dedicated criminal forensic scientist meant that there was nobody available to give expert forensic advice at the bomb scenes themselves.

The striking contrast with the forensic capability of the security forces in Northern Ireland is clear. The knowledge, experience, manpower and technical resources available to the Department of Industrial and Forensic Science far exceeded that available here, and probably in the rest of the world. The decision by Gardaí to avail

of those resources made sense. The expertise was there, and they had absolutely no reason to question Mr Hall's ability, objectivity or dedication to the task.

Furthermore, Mr Hall's report was much more detailed than those of Dr Donovan. In addition to the test results, it contained a useful summary of the characteristic features of loyalist and republican improvised explosives, as well as advice on the best type of samples to collect, and the time frame within which a proper examination could be carried out. The failure to produce unambiguous findings was due entirely to the condition in which the samples reached Mr Hall, and cannot be used as a criticism of the decision to send samples to him in the first place.

Collection of debris for analysis:

The initial actions of Gardaí at the Dublin bomb scenes were governed by the Dublin Red Alert procedure, established six years previously in conjunction with the Fire Service and the Irish Medical Association. Both in Dublin and Monaghan, the following order of priorities was observed:

- (a) attending to the dead and injured, facilitating the work of rescue personnel;
- (b) taking steps to ensure the safety of victims, bystanders and rescue personnel in the area;
- (c) establishing control of the area and restricting scene access;
- (d) commencing a detailed examination of the scene.

The Garda officers tasked with collecting forensic samples all came from the Ballistics section of the Technical Bureau. It seems that there was no written code of procedure governing their actions. Training was done 'on the job', under the instruction of senior officers, who in turn had learned from their superiors.

In the course of an interview with Dr Donovan carried out by Justice for the Forgotten, the following opinion was noted:

"In his [Dr Donovan's] view, there was little understanding among the Gardaí as to what was required in terms of a forensic investigation of a bomb scene. There were no procedures or protocols. Insofar as items were brought to him, it was haphazard. Dr Donovan had a very high regard for Garda Jones, but he emphasised that there was no formal training systems or procedures in place. He also believed there was little appreciation of the importance or relevance of forensic findings. His analysis was but one part of building an overall forensic picture. He did not believe that the Gardaí were capable of drawing all the relevant findings and evidence together to draw a conclusion."

It should be noted, however, that Dr Donovan's findings in his reports of May 1974 were not tempered by any reference to a lack of quality in the samples or by any criticism of how they were stored. It may be that the second batch of samples was

requested by Dr Donovan, but neither he nor D/Sgt Jones have any recollection of this.

Recollections of serving Irish Army officers differ as to whether EOD units were supposed to assist the Gardaí in collecting forensic material. Former Commandant Boyle said that they would do so if asked, but that no one had asked him at the scene in Monaghan.¹ Former Lieutenant Colonel Kelleher, who co-ordinated the Dublin EOD teams, told the Inquiry that while the principle of preserving forensic evidence was part of the EOD philosophy, EOD officers were not forensically trained. Their principal duty was to make the area safe. Samples of any undetonated explosives would be given to An Garda Síochána before the remainder was disposed of. Any detonators found by EOD would be retained by them for testing. In his own investigation of the Dublin bomb scenes, he did not find anything which he considered to be of forensic value.² Former Commandant Trears, who assisted at the three Dublin sites, also claimed to have searched for explosive residue, detonators and timing mechanisms but without result.

D/Sgt Tom O'Connor (later Detective Inspector) was the officer in charge of the Ballistics Section. As both he and the officers in charge of the overall investigation³ are deceased, it is not possible to get a full picture of how the forensic investigation was conducted. However, the evidence suggests that D/Sgt O'Connor maintained overall charge of all four bomb scene examinations. The plan appears to have been to bring debris from each explosion to the Garda Depot, where it would be examined in detail. From this examination, a number of samples would then be sent to the Forensic Laboratory in Northern Ireland for analysis.

Though formal protocols for the collection of forensic material by Gardaí may not have been in place, there was broad agreement amongst the officers on the procedure to be followed. This was to be expected, given that all of the senior Ballistics officers received their principal training from D/Sgt O'Connor. Samples of similar type and quantity were received by Mr Hall from all four bomb sites.

While the collection of samples may have lacked the care and precision which would nowadays be expected, it is clear that the Ballistics officers were not working in a random manner. D/Sgt Jones, for example, made it clear that he understood the necessity of taking samples from objects in close proximity to the seat of the explosion - in this case, the boot of the car.⁴ The evidence of officers Jones, Ó Fiacháin and Ennis also suggests that a rigorous search for traces of the bomb mechanisms was conducted on the 17th and 18th May at each of the Dublin sites. This is supported by the evidence of the Army EOD officers, Kelleher and Trears. That no such traces were found is regrettable, but it does not necessarily reflect on the competence of the officers concerned.

¹Interview with the Inquiry, 21 June 2000.

²Interview with the Inquiry, 27 April 2000.

³D/Supt D. Murphy, C/Supt A. McMahon and C/Supt J. Joy.

⁴Interview with the Inquiry, 10 May 2000.

It would appear that D/Sgt Jones' decision to take samples to Dr Donovan at the State Laboratory was taken on his own initiative.⁵ A letter dated 30 May 1974⁶ signed by C/Supt Anthony McMahon gave retrospective approval, informing the State Analyst that "permission has been given to engage your services in the examination of certain exhibits in this case."

For the collection of samples, D/Sgt Jones stated that Ballistics officers were issued with nylon and polythene bags; the nylon was used for bloodstained material.⁷ It is known that some samples of foam rubber were submitted to Dr Donovan in a polythene bag; it seems likely that polythene was used for the other samples as well.

According to a report submitted to the Inquiry by forensic science consultant Dr John Lloyd, the use of polythene bags was inappropriate; nitroglycerine vapour could penetrate the polythene, diffusing rapidly into the atmosphere without trace. Nylon, however, is relatively impervious to nitroglycerin vapour. Dr Lloyd claims this would have been commonly known in 1974.⁸ Assuming it was known by forensic experts North and South of the border, it does not seem to have been communicated to the Gardaí. This was still the case some seven years later, when the Tribunal of Inquiry on the Fire at the Stardust, Artane, Dublin criticised Gardaí for using polythene bags in collecting samples for forensic analysis.⁹

It has been suggested that forensic samples should have been collected from clothing or from bodies of victims. However, the apparent failure to do this was not remarked on either by Dr Donovan or Mr Hall in their reports. According to Mr Hall, the most useful samples for analysis are "fragments of the bomb container or closely associated articles, non-porous surfaces in direct line with the explosion or debris from an explosion crater."

Chain of custody for debris:

The loss of laboratory records both in Northern Ireland and the State, the absence of Garda transport records, the lack of knowledge concerning who brought the samples to Belfast and the deaths of D/Sgt O'Connor and C/Supt A. McMahon mean that it is now impossible to reconstruct an unbroken chain of custody for the debris which was sent to Belfast for forensic examination. But there is no evidence before the Inquiry to suggest that Gardaí in 1974 would have been unable to trace possession of the debris samples, in the event of anyone being charged with the bombings.

⁵ Interview by the Inquiry with D/Sgt Jones, 10 May 2000.

⁶ Two days after Dr Donovan's second report was received.

⁷ Interview with Justice for the Forgotten legal team, 8 November 2000.

⁸ 'A review of the forensic investigation of the Dublin & Monaghan bombings', by Dr John Lloyd. Submitted to the Inquiry, 19 October 2000.

⁹ Report of the Tribunal of Inquiry on the Fire at the Stardust, Artane, Dublin (Dublin, 1981), pp.210 and 331.

In 1993 and again in 1999, journalist Frank Doherty claimed that the forensic evidence sent to Belfast “may have been handed over to the British officers who are now suspected of planning the bombings.” This allegation is dealt with elsewhere.¹⁰ At this point, it is sufficient to note that the Inquiry has found no evidence to support this theory, although the inability to trace an unbroken chain of possession for the forensic samples means that the passage of the items cannot now be fully mapped.

As for the remaining debris, it appears that once the investigation was wound down, no particular attention was paid to it. The fragments that are still in the possession of the Gardaí were found in an unmarked cupboard in Garda HQ, following an extensive search of the premises for documentary material relating to the bombings.

Forensic analysis of samples:

There is no doubt that the delay in delivering samples for forensic analysis fatally compromised the forensic investigation. It seems the first attempt to contact Dr Donovan was made on Monday morning, 20 May, when D/Sgt Jones delivered the samples which he had collected on Saturday, two days before. The other samples did not arrive in Belfast until 28 May, eleven days after the explosions had occurred. The delay in sending samples to Belfast is inexplicable. In the absence of any evidence to the contrary, the Inquiry accepts the evidence that the debris was being examined for a week to ten days at Garda Headquarters. But this evidence also serves to point up the lack of technical knowledge and facilities at the disposal of the Technical Bureau. Although subject to supervision in the form of daily visits from D/Sgt O’Connor, it seems clear that the officers, who were trainees, were not directed to look for material suitable for forensic examination. Presumably their searches were for more obvious clues– fragments of timing mechanisms, bomb casings, detonators, or any item that might be traceable to the bombers. It does not explain why it took senior Ballistics officers that long to collect a small number of samples for forensic analysis.

It seems even the senior Ballistics officers were unaware that reliable detection of volatile organic explosive components could only occur within six hours of an explosion taking place. As to the identification of more stable, inorganic components, Mr Hall stated “items should be analysed within a few days if success is to be ensured.” While Dr Donovan was able to do this, the items sent to Mr Hall arrived far too late for any hope of successful analysis. The lack of evidence before the Inquiry as to how samples were stored and transported to Belfast also means that contamination can not be ruled out.

However, the lack of such forensic knowledge does not excuse the delay in collecting and sending samples to Belfast. Common sense alone would dictate that a quick transition between collection and testing of samples would reduce the likelihood of contamination and improve the odds on getting useful results. If D/Sgt Jones was able to collect samples on the day following the bombings, there is no reason why the other officers could not have done the same at least.

¹⁰ See chapter 28.

INTELLIGENCE INFORMATION:

The intelligence information received by the investigation team pointed, unsurprisingly, to persons living outside the jurisdiction. The difficulties that this posed for the investigation team in terms of pursuing them were clear. Nonetheless, it seems to the Inquiry that on more than one occasion, intelligence leads were not followed as far as one would have hoped. It may be that in the end, nothing would have come of pursuing these matters; but the magnitude of the crimes surely demanded that every avenue be explored as far as possible.

Dublin:

One of the earliest items of information received was from the long-distance lorry driver who claimed to have seen three men get out of a minibus and into the cab of a lorry parked in a lay-by on the southern side of the Border at 6.30 p.m.

The RUC report into the matter concluded:

“In no case could I obtain any evidence that any of the drivers I interviewed were at Carrickcarnan at 6.30 p.m. on 17.5.74.”

This conclusion is misleading. In fact there was evidence from the statements taken that one driver could have been there at the time mentioned by the anonymous source.

The driver in question left Dublin at 12.45 p.m. on 17 May, heading for the border. He claimed to have met another driver employed by the same company at around 3 p.m. on the road before reaching Dunleer.

He then claimed to have picked up an American girl while coming through Dunleer some time after 3 p.m. She was hitchhiking towards Dundalk. He told the RUC her Christian name. He brought her into a pub on the road between Dunleer and Castlebellingham for a drink. He said they met another driver from the company there.

The first driver and the girl left the pub at around 4 p.m. Held up by road works, they reached Dundalk at 4.30 p.m. He said he then met and passed a few words with yet another driver for the company, who was heading south. In his own statement (taken a week later) that driver said he could not remember seeing any other vehicles or drivers from the company on that day.

The first driver continued:

“I reached Dundalk and went up to a lay-by on the northern side of Dundalk and parked there until 8.00 p.m. The girl was still with me. I unhitched my trailer and left it in the lay-by.”

After 8 p.m., he went back to Dundalk; to the Four Counties filling station and then to Beegin's Customs Clearance, where he claimed to have met another driver for the company. In his own statement, the latter admitted being there until around 8.30 p.m., but did not remember meeting any other driver from the company.

The first driver said he then went to the Express Café with the girl. They were joined for a meal by an unnamed driver working for a named English haulage firm. He said all three of them left the café around 10.40 p.m. The first driver and the girl spent the night together in the cab of his lorry. At around 8.30 a.m. the following morning, they had breakfast at the Express Café. The girl was given an address for possible lodgings in Dundalk by a woman working in the café. The driver gave the first name of the woman, and the surname of the person whose lodgings he thought had been recommended. According to him, the girl then left him, and he headed north, crossing the border at Carrickcarnan at 9.10 a.m.

By his own admission, this driver was parked between Dundalk and the Carrickcarnan border crossing from around 4.30 p.m. to 8 p.m. His story of having spent the time there with a female hitchhiker was not followed up. Even if it was true, it does not rule out the possibility that he was there to meet the bombers coming from Dublin at 6.30 p.m.

Unlike other instances where the Garda investigation team could do no more than to ask the RUC to act on their behalf, in this situation there were a number of leads to be followed up within this jurisdiction:

- (1) The driver in question crossed the border regularly in the course of his work. It would have been a simple matter to interview him in relation to his statement and if necessary, arrest and detain him. The same is true of all the other drivers of that company. This was not done.
- (2) Finding (or at least confirming the existence of) the American girl whom he claimed was with him from 3 p.m. on 17 May until around 9 a.m. the following morning seems an obvious and key task. Yet neither the driver in question nor anyone else who may have met the girl were asked for a detailed description.
- (3) From the first driver's statement, there were a number of people who might have been able to confirm or deny the existence of his female companion. They included:
 - the three drivers from his company whom he claimed to have met while in her company;
 - staff at the pub where one of the drivers was supposed to have met him and the girl;
 - staff at Beegin's Customs Clearance and the Four Counties filling station;
 - the English driver who ate with them in the Express Café;

- staff at the Express Café (in particular the named woman who gave the girl an address for possible lodgings)
- the named woman from whom the girl may have sought lodgings.

All of these people either resided in or regularly visited the State, yet there is no record of any of them having been questioned by Gardaí.

The failure of Gardaí to question the driver who met them in the Crowing Cock pub is particularly mystifying. This man lived in Dun Laoghaire, Co. Dublin; he was the only driver from the company not to have been interviewed by the RUC; and he had allegedly spent half an hour or more in the company of the first driver and the girl.

- (4) Appeals for other sightings of the driver, his vehicle and the girl could have been made via local and national media. An appeal could also have been made for the girl herself to come forward, in case she was still in the country. It seems this was not done.

Monaghan:

Of the fifteen names listed under the heading “suspects” in the Monaghan report, three are named because their photographs were picked out by eyewitnesses; the other twelve are named primarily on the basis of confidential information received.

According to D/Sgt Browne, most of the confidential information received in the course of the Monaghan inquiry came from two named RUC officers. However, one of the confidential sources quoted in the report is believed to have been cultivated by the Garda investigation team directly, without the assistance of the RUC. This is implied by a letter from a senior Garda officer to the Commissioner, C3 dated 23 July 1974. It states:

“In reply to yours of 10th instant in connection with the above, I am to state that in early June, [a named officer] who was then engaged in the investigation of the car bombing in Monaghan town on 17/5/74, came to me and stated that full details concerning those responsible for the bombing and the names and addresses of the persons who drove the car used in the bombing could be procured upon payment of £50.

I agreed to pay this amount if the information, as promised, was supplied in full. Some days later the [officer] again approached me in connection with this matter and I paid him £25 and agreed to pay the balance when the full information, as promised, was supplied.

He did not manage to get all the details originally promised and, consequently, I did not pay any more nor was any further payment requested.

The information supplied included the name but not the address of the person who drove the pick up car to Monaghan town on the evening of 17/5/74 to pick up the driver of the car used in the explosion; the name of the public

house near Middletown where they visited on their return from Monaghan on that evening; the name of the farmer near Middletown in whose shed the explosives used in the bombs were stored prior to the bombing and the name but not the address of the person who took the bombs used in the Dublin bombing from Middletown to Newtownhamilton on the morning of 17/5/74.”

No other documentation in relation to this lead has been found, but it is presumed to be the origin of the information attributed to the third source in the Monaghan report. However, the Monaghan report makes no mention of any pub visited by the bombers on the evening of 17 May.

Of all the intelligence information contained in the Monaghan report, that from “a contact in the Portadown area” which purported to describe a conversation between Ronald Michael Jackson and William Fulton (UVF) on UDA premises, is of particular interest. Aside from the implication that they knew who had carried out the Monaghan attack, it shows a degree of closeness between UDA and UVF members in Portadown which supports the theory that persons from both organizations could have been involved in the bombings.

The Inquiry has established that this information was given to Gardaí by an RUC Special Branch officer. When the Inquiry met with this officer in Belfast, he read passages from his own intelligence report which referred to the matter. He said the source of the information was marked in the report as a paid source who had previously produced good intelligence.

According to the Special Branch officer’s report, the account of the conversation between Jackson and Fulton was graded as B2 – not certain fact, but probably believed to be true by the source himself.

The other information given by the source was not considered as reliable, and was graded B3. Reading from his report, the RUC officer said that on or about 27 May, Jackson told the source that he and Stewart Young were told to get a car in a hurry, because they were going to hit the Free State that day. Jackson said he and Young got a car from West St carpark. Jackson then gave the ‘citymen’ directions. He said they were 300 yards short of their target in Monaghan, which was supposed to be a pub frequented by PIRA members.

FURTHER INQUIRIES

1. OVERVIEW
2. INTELLIGENCE SOURCES
3. FRED HOLROYD AND 'HIDDEN HAND'
4. JOHN WEIR

OVERVIEW:

All the indications are that the Dublin report was not intended to be the final report on the bombing investigation. It drew no conclusions as to likely suspects, and ended by stating explicitly:

“This investigation will continue and developments will be reported.”

The open-ended nature of this report contrasts with the apparent finality of the Monaghan report. It is clear that the authors of the latter believed that no further progress could be made by the Monaghan team alone. According to former D/Insp Browne, once all available information on suspects had been gathered, the pursuit of those suspects in Northern Ireland was the responsibility of the senior officers in charge of the Dublin investigation.

From August 1976 to date, the investigative work relating to the bombings falls into three distinct phases:

(1) *1974-79*

Aside from the arrest and interrogation of a farmer in 1975, the work carried out during this time consisted mainly of correspondence with the RUC concerning isolated pieces of intelligence information in which certain individuals were accused of involvement in the bombings. Garda correspondence recorded more than twenty intelligence leads of varying quality that were pursued during that time.

In general, this period of the investigation seemed to reflect a gradual loss of urgency, coupled with a diminishing belief in any prospect of success.

(2) *1987-95*

In May 1987, former British Army officer Fred Holroyd claimed to have information from an RUC source concerning the perpetrators of the bombings. In 1993, his allegations concerning British Army collusion with loyalist paramilitaries formed part of the 'Hidden Hand' television programme. The programme also featured the evidence of former Senior Information Officer Colin Wallace, and named a number of possible suspects for the bombings who were not mentioned in the investigation files.

The Garda investigations into the Holroyd and Hidden Hand allegations are characterised by an initial reluctance to give any credence to them at all.

Perhaps because of this, the preparatory work and research done was incomplete. The interviews with suspects and with those behind the allegations focused purely on the search for evidence capable of sustaining a prosecution – a search which unsurprisingly proved fruitless. The inquiries during this period also seem limited by a readiness to presume that the original investigation had carried matters as far as was possible, when a detailed examination of the records would have shown that this was not the case.

Allegations made by former Senior Information Officer Colin Wallace were not considered at all until 1994, on the basis that they did not apply to matters within this jurisdiction.

(3) *1999-2003*

By contrast, the investigation into the claims of former RUC officer John Weir has been pro-active rather than reactive. It has been characterised by a willingness to pursue all available avenues of inquiry in so far as they relate to events which took place within this jurisdiction. Probably the best example of this was the persistence which led to the discovery that a key witness thought by the RUC to have been dead was in fact alive and living in Northern Ireland.¹

INTELLIGENCE SOURCES:

Information received concerning Mulholland and others:

The principal suspect mentioned in the Dublin report was David Alexander Mulholland. On 15 July, 1974, a letter was written to the RUC concerning Mulholland and five other persons who had been implicated by confidential information received. This letter has not survived. However, a draft was found by D/Supt O'Mahony in the course of his Inquiry in 1993.

The draft letter referred to photographs, stating “With particular reference to photographs, the most concrete information elicited concerns David Alexander Mulholland, 11 Ulsterville Park, Portadown.” The letter then gave details of where he had been seen and the car he had been driving.

There followed a reference to three more names:

“Information has been received that Mulholland was one of those involved in the Dublin bombings. In addition the under mentioned are also alleged to have been implicated:

1. Suspect A... Belfast.

¹ See chapter 17.

2. Suspect B... Belfast.
3. Suspect C... Belfast.

These men are stated to be well known men in the UVF and usually drink in the Brown Bear and Horseshoe licensed premises on Shankill Road. They are believed to frequent the Carlow St., Canmore St. and Urney St. areas.”

The draft letter concluded with references to two more suspects:

“Further information was received that one Billy Marchant, UVF member, native of Belfast, was responsible for organising the Dublin and Monaghan bombings. It is understood that he has been in custody in the Maze prison since shortly after 17th May last. Also mentioned as having been associated with the bombings was [suspect D], UVF member, Belfast, who is stated to be an explosives expert.”

To this point, the draft is typed; the rest was in handwriting with some abbreviations and is difficult to decipher. It is also possible that the final letter differed from the draft, since there is a side note indicating that the views of others would be sought.

In the form in which the draft has survived, the handwriting was as follows:

“In the light of the foregoing we feel it would be desirable to have Mulholland and the others mentioned interviewed.”

There are then two lines which it is virtually impossible to decipher but they appear to be:

“It will be necessary to discover their movements on the day in question. If it be agreeable to RUC authority officers of the Garda Síochána will be available to travel to Portadown, or elsewhere in Northern Ireland, for the purpose of interviewing Mulholland and/or other suspects for the bombings.”

On 23 July, a letter from the head of RUC Special Branch to C/Supt Wren contained a passing reference to William Marchant, stating:

“He was our guest for a number of hours (and CID) but with negative result. Another... had an IOM² alibi which is borne out.”

The letter concluded:

“In general what I am saying is that we have not lost any enthusiasm on the Dublin and Monaghan jobs, but prefer to tell you about tangible progress rather than sceptical intelligence.”

² IOM is taken to mean ‘Isle of Man’.

It was not until the 2nd of December 1974 that a full answer was received. A summary of the reply was passed on by C/Supt Joy to the Deputy Commissioner, Dublin Metropolitan Area, on 25 February 1975.

The RUC were unable to trace suspects A and B, though they did interview a man of the same surname as suspect A. In respect of suspect C, who was known only by a surname, a known Belfast paramilitary of that name was interviewed. Both Billy Marchant and suspect D were also interviewed, but David Alexander Mulholland was not.

The letter from the Gardaí to the RUC of the 15th July 1974 was not unusual. The Inquiry has seen numerous examples of letters seeking information about Loyalist paramilitaries. The information received in reply would normally have indicated the organisation to which the person named belonged, their address and any vehicles associated with them, as well as any information about criminal convictions. In this instance, the reply from the RUC was disappointing in its lack of detail.

For instance, the RUC response was silent on the question of whether those mentioned were members of loyalist extremist groups, even though the letter requesting the information had alleged this.

This contrasts with a reply to an earlier request in July 1974, concerning the four men accused of hijacking an oil lorry near Moira, Co. Down. On that occasion, the RUC had confirmed that the four were members of the UVF and were recorded as such at RUC Headquarters.

The information which Gardaí required concerning Mulholland and the others was not only their reactions if and when they were questioned, but anything that the RUC knew about them which might have supported the allegations made against them. In relation to Marchant, in particular, one would have expected details of the circumstances leading to his internment, and the evidence upon which he had been interned.

When an answer came back in which these details were not forthcoming, it is surprising that Gardaí did not write again seeking further and better information on all of the suspects mentioned. It is also surprising that they apparently made no effort to find out the names of any other persons interned at the same time as Marchant, or to find out why the RUC had thought another named UVF member (mentioned for the first time in the letter dated 23 July 1974) might have had something to do with the bombings.

The RUC response of 2 December 1974 was satisfactory in one respect: despite their own decision not to interview Mulholland, they indicated a willingness to do so at Garda request, and were prepared for members of An Garda Síochána to sit in on the interview. However, the draft version of the original Garda letter seemed to indicate a desire on the part of the Gardaí to be present at interviews with all six suspects: this was not adverted to in the RUC reply.

Analysis of the information contained in the letter of 2nd December 1974 is instructive. Two of those interviewed, Marchant and suspect C, were likely to be active paramilitaries. One could not be identified. In relation to suspect A, the man interviewed had a different Christian name. It was said that he had been checked out and was not involved because he was at his pigeon club from approximately 5:30pm on the evening of 14 May 1974. But this man was from Belfast, and proof of his movements after 5:30pm did not provide an alibi for the taking of the cars, nor for bringing them to Portadown, Markethill or wherever else in Northern Ireland they may have collected the bombs before heading across the border.

The fifth man, suspect D, told the RUC that he was not involved. The information received by An Garda Síochána – presumably from the RUC in Portadown, who had supplied them with his name - had said that he was a member of the UVF and an explosives expert. The RUC reply did not confirm or deny this.

There is no record of any further communication by the investigation team with the RUC in relation to the answers given in the letter of the 2nd December 1974. Nor is there any record that the team returned to the source which had supplied the confidential information relating to suspects A, B and C. It was only in relation to Mulholland that consideration was given to taking the matter further.

Decision not to interview suspects in Northern Ireland:

In the end a decision was taken by C/Supt John Joy not to take advantage of the RUC's offer to question Mulholland in their presence, even though the suggestion had come from An Garda Síochána in the first place. In his memo of 25 February 1975 to the Deputy Commissioner, D.M.A., he stated:

“Our prime suspect was David Alexander Mulholland referred to at (6) in the report. He has not been interviewed by the RUC for the reasons stated and I believe little would be gained in members from here joining the RUC in interviewing him.

Information was [received] to the effect that he occasionally visited Monaghan, Castleblayney and Dundalk. I have discussed this aspect of with D/Supt Murphy, Technical Bureau who has been in charged [sic] of the investigations of serious crime in that area in recent months. So far we can get no confirmation of it. Mulholland's photograph is in possession of members of the Detective Branch in these areas and if he is located in the Republic he will be detained for questioning and placed on an Identification Parade for witnesses.

I will keep in contact with Detective personnel in Border [sic] and will report any developments.”

It seems that no further developments occurred. If Mulholland did cross the border again, he did so without the knowledge of Gardaí stationed there.

A internal Department of Justice memo, written following the Garda review of the 'Hidden Hand' programme was rightly critical of this decision. It stated:

“With regard to the Gardaí’s hope that Mulholland could be detained in the State a number of points can be made. The first point is that while so hoping they could in the meantime have, with the RUC, interviewed Mulholland in the North – the two courses of action were not necessarily alternative. Secondly, this hope of interviewing Mulholland in the South was based on unconfirmed information that he occasionally visited Monaghan, Castleblayney and Dundalk. The third point – and more important – is that there is no indication that the decision to wait was ever reviewed – it became an indefinite wait.”³

The reliability of identification evidence diminishes with the passing of time. The longer the delay, the more difficult it becomes to secure a reliable identification. This 'wait-and-see' tactic on the part of senior Gardaí was flawed. C/Supt Joy records that Garda officers on the border were given Mulholland’s photograph; but there is no evidence that this was accompanied with any sense of urgency, of the importance of interviewing Mulholland as soon as possible.

C/Supt Joy also promised to keep in touch with border personnel on this issue. Again, it is disquieting to find no correspondence from Garda Headquarters asking for progress reports or for updated information concerning Mulholland’s movements, here or in Northern Ireland - though it is possible that such reports were made by telephone or person-to-person, and not recorded.

There was some precedent for Garda officers travelling across the Border to participate in interviews with the RUC. When Dublin had been bombed on the 1st December 1972, detectives had gone to Northern Ireland to interview witnesses to the hiring of the cars used. This investigation has been followed up in August 1973 when Chief Superintendent John Joy had interviewed a witness whom he had been unable to interview earlier.

Before extradition had been sought of suspects for the murder of Oliver Boyce and Bríd Porter, in Co. Donegal on the 1st January 1973, a team of six detectives had interviewed suspects in Belfast, without the presence of RUC officers in some cases.

In September 1973, following the death of a Loyalist paramilitary when a car bomb exploded prematurely, detectives again went to Northern Ireland to interview witnesses. On this occasion however, the investigation team received a warning that the presence of Gardaí interviewing witnesses in Northern Ireland was resented and that it was something of which the senior administration of the RUC disapproved.

In November 1973, an internal memo from a senior Garda officer reported confidential information received “from a source which is considered reliable” suggesting that the PIRA might act against any members of the Gardaí found in

³ Department of Justice memo dated 12 January 1994 entitled 'Dublin and Monaghan car bombings, 17 May 1974: for internal discussion.'

Northern Ireland. The memo did not place a blanket ban on Gardaí going North, but left it to each individual to act on the warning as they saw fit. The Inquiry has also heard from several officers of a reluctance to visit the RUC in relation to subversive, rather than ordinary criminal inquiries. Though not stated, it is conceivable that fear of PIRA reprisals may have influenced the decision not to accept the RUC's offer of a joint interview of Mulholland. However, when this was put to former Minister for Justice Patrick Cooney, he dismissed the possibility that such a fear would have affected Garda / RUC cooperation.

Another possible reason is that Garda officers believed themselves unable to reciprocate any offers to question witnesses across the border. The Inquiry has been told by a number of Gardaí that there was a general policy of not allowing the RUC to question witnesses or suspects in the State. This policy was assumed by them to have originated with the Government. One former Chief Superintendent said that when Government approval was sought to allow RUC officers to question witnesses in the State, the reply was that the time was not ripe for such actions. Other Gardaí have spoken of a perception that politicians were unwilling to take the risk of offending a significant portion of the electorate by allowing RUC officers to operate in the State.

Patrick Cooney, Minister for Justice in 1974, told the Inquiry:

“I have no recollection of a Garda request to sit in on RUC questioning. This would have been a radical departure and would have to have been regarded by the Gardaí as essential to their investigation... The fact that they received an invitation to sit in might not necessarily of itself convince them in this regard. They and the Department would have in mind other considerations which would arise from such a radical departure, considerations of legal, political and constitutional import, and especially that it would be a precedent for a request by the RUC to sit in on Garda questioning. Such a request might well have to be refused for perfectly good operational or legal reasons but in the political climate of those times, could be seriously misrepresented to the detriment of relations between the jurisdictions.”⁴

Dr Garret Fitzgerald, Minister for Foreign Affairs in 1974, told the Inquiry that Gardaí or civil servants might conceivably have presumed a Government attitude of non-cooperation in these matters, but that he was aware of no basis upon which they could validly have reached such a conclusion.

Nevertheless, even if the members of the investigation team felt that they were unwelcome to investigate matters in Northern Ireland, there seems to have been no reason why they could not have asked the RUC to do it for them. It is difficult to criticise the RUC for not taking greater efforts to discover who was responsible for the taking of the cars in Belfast, and for the bombing in Dublin, when Gardaí did not avail themselves of the offer to have their most prominent suspect interviewed. Although there is no reason to doubt the RUC assessment that Mulholland would not have talked, there was nothing to be lost by making the attempt.

⁴ Letter to the Inquiry dated 24 April 2003.

Trinity College graduates:

There was a failure to seek information from the RUC about the five Trinity College Dublin graduates. The source of the original allegation was a report from Irish Army Intelligence, based on information passed to an Army Officer. The Inquiry has interviewed this officer. He maintained that his source had been reliable in the past and he believed that the information on this occasion was also reliable.

SDU officers took the preliminary step of establishing that the persons concerned did exist and were graduates of Trinity College. Four of them were found to have addresses in Northern Ireland. As they were also alleged to have been members of the UDA, it is surprising that inquiries were not instituted with the RUC.

Information received concerning a man from Keady, Co. Armagh:

The RUC conclusion that this man was not a known paramilitary and was unlikely to have been involved was accepted.

However, what the RUC did not mention was that another man of the same name was at that time a very well-known loyalist paramilitary. He had come to the attention of the authorities as early as 1966 and by 1974 occupied a position of some prominence in the UVF. It is surprising that this was not mentioned by the RUC, and equally surprising that Gardaí were either unaware of his existence, or else chose not to pursue him as a potential suspect.

Information received about Robert Bridges:

There is no documentation to suggest that the information received regarding the alleged involvement of Robert Bridges in the Dublin bombings was taken up with the RUC. This is despite the fact that at this time, Bridges was in custody for another offence and could easily have been questioned on the matter.

Information received from CID, 1979:

This information was primarily concerned with the bombings of Dundalk and Silverbridge on 19 December 1975. Nonetheless, three of those implicated were also accused of having participated in the Dublin and Monaghan bombings. The indications from the Garda officer concerned were that the RUC were co-operating well with him on the matter, and the prevailing Garda view seemed to be that interviewing these men was the logical next step. The fact that there is no recorded impediment to such interviews being organised makes it all the more mystifying that they did not take place.

FRED HOLROYD AND ‘HIDDEN HAND’:

Allegations of former Military Intelligence Officer Fred Holroyd:

A full analysis of Holroyd’s claims will be made at a later stage of this report. At this juncture, however, it is appropriate to point out that his claim to know the identity of some of those responsible for the Dublin and Monaghan bombings should have been pursued further by Gardaí. Holroyd claimed to have received this information from a named RUC officer. The same officer had been an important source of knowledge and information for D/Sgt Browne and others investigating the bombings at the time. It would have been a simple matter to check Holroyd’s claim with him, but if this was done, the results were not recorded. It should be noted that when interviewed by the Inquiry, the officer in question denied ever giving Holroyd such a list.

There is one other indication that the inquiry into this allegation lacked thoroughness. Gardaí had known as early as January 1976⁵ that one of those mentioned by Holroyd, Ivor Young, had been interned at the time of the bombings. Yet this was not mentioned in the Garda report of June 1987, which contained the results of their inquiries into Holroyd’s claims on the Dublin / Monaghan bombings and other matters.

Report of D/Supt O’Mahony into ‘Hidden Hand’ allegations:

The Garda review of the ‘Hidden Hand’ programme received its first public mention from then Minister for Justice Máire Geoghegan Quinn at meetings with relatives of those killed in the bombings, on 23 and 27 July 1993 respectively. The Minister made it clear that the Garda inquiry would be limited in its scope, saying that its aim would be to try and secure evidence that would stand up in court.

Former D/Supt Sean O’Mahony was interviewed by the Commission of Inquiry on 1 March, 2000. He told the Inquiry that he received a copy of the Dublin investigation report from Crime Branch (C1) and a copy of the Monaghan report from D/Supt Tom Connolly, who had acted as liaison officer with the Yorkshire Television research team. He did look for other documentation, but found nothing in Store Street or Pearse Street Garda stations, “no big correspondence” in Crime Branch, and nothing at all in Special Branch. The exhibits book was not found; nor was he able to trace the albums of photographs received from the RUC and shown to eyewitnesses in Dublin and Monaghan.

In addition to the written material available to him, he interviewed a number of Garda and RUC officers, including some key figures in the original Garda investigation.

D/Supt O’Mahony told the Inquiry that the RUC co-operated fully with his investigation: he said he was given anything he asked for. He was permitted to attend the questioning of Robin Jackson and Ronald Michael Jackson in Northern Ireland,

⁵ Letter from RUC HQ to C/Supt Larry Wren dated 16 January 1976.

and to examine RUC records in Portadown in relation to the original investigations. RUC officers also accompanied O'Mahony to Wales to interview David Mulholland.

The level of co-operation he received from the RUC was not matched by the makers of the Hidden Hand programme. Their refusal to reveal their sources meant that he could make no progress in analysing many of the claims made in the programme.

His report began with a summary of the results of the original investigations. He stated:

“In the course of my examination of the investigation files, reports and records, it was evident that the original investigation pointed towards Loyalist groups in Northern Ireland and that a number of members of these groups were suspected for these crimes.”

He continued:

“Confidential information at that time led to the investigation team examining the evidence against a number of loyalist suspects. These included fifteen (15) persons for the Monaghan bomb and over twenty (20) for the Dublin bombs. Some of the names are common to both Monaghan and Dublin.”

This statement is not entirely accurate. Although the Monaghan report listed fifteen suspects, five of those names came from photographic identification by witnesses rather than through confidential information. And although more than twenty names arose from information given by confidential sources in the course of the Dublin investigation, most of these were the names of lorry drivers who were in no way involved in the bombings. No more than seven of the twenty names had known loyalist connections.

D/Supt O'Mahony concluded that the 1974 investigations “were pursued as far as was then possible and that no more could be achieved from the then available evidence.” As we have seen, this was not the case. Indeed, D/Supt O'Mahony himself was forced to fill in some of the gaps in the original investigation by interviewing Mulholland, Sammy Whitten and Ronald Michael Jackson. Although nothing positive emerged from those interviews, it does not alter the fact that these suspects were not “pursued as far as was then possible” by the original investigation team.

The decision by D/Supt O'Mahony not to interview the remaining suspects still living (Stewart Young and Charles Gilmore) was based on RUC opinion that nothing would be gained by so doing. But the same might equally have been said regarding Mulholland, Whitten and Jackson, yet they were all interviewed. All these men were hardened paramilitary criminals; the prospect of getting confessions from any of them must have seemed slim. But once one was interviewed, there was no logical reason not to interview all of them.

The reasons given for not interviewing former members of the security forces Fred Holroyd and Colin Wallace were as follows:

“Fred Holroyd has made allegations of this type for some time and is not regarded as credible in this area. Similarly Colin Wallace has his own agenda and the letter mentioned as written by him contains no proof. I have not and do not intend to interview him either, as I see nothing in what they have said which would be of evidential value.”

It is not surprising that D/Supt O’Mahony chose not to interview Holroyd, given that he had been interviewed by Gardai in relation to many of his allegations in 1987.

Even aside from any issue of credibility, however, the decision not to interview Wallace was open to criticism. The letter referred to above was written by Wallace in September 1975, and named a number of persons whom he said were suspected by the security forces of having participated in the bombings. Some of those named were not mentioned in the Garda files as suspects. Although the letter was not proof of their involvement, it was strong evidence that the security forces in Northern Ireland had intelligence information which was not shared with the Garda investigation team.

Opinion of the Director of Public Prosecutions, 1994:

On 10 February 1994, the Secretary of the Department of Justice wrote to the Garda Commissioner requesting that D/Supt O’Mahony’s report, the Departmental analysis of it and the original investigation files be referred to the Director of Public Prosecutions. This was done on the 21 March. On the 18 April 1994, the DPP wrote to Garda Headquarters with the results of his analysis.

Regarding the question of whether his office had been consulted in 1974, he wrote:

“After extensive checking we have been unable to trace any record of any papers relating to the above matter having been submitted to this Office at any time.... We are ... satisfied that no investigation file relating to the bombings was ever received here.”

As to the current situation, he stated:

“I did not see the ‘First Tuesday’ programme. I do not think that it is necessary for me to do so. The matters therein contained are obviously fully set out in D/Supt O’Mahony’s report, in the Department of Justice memorandum and in the minute of 10 February. I can state without hesitation that there is no evidence on which a prosecution could now be initiated. Neither is there any further line of enquiry which occurs to me which might alter this situation. I think it proper to add, lest the word ‘now’ in the second last sentence be misconstrued, that there was not, at any time since 1974, anywhere near sufficient evidence to warrant proceedings against any person.”

Regarding the question of the evidential value of visual identification evidence in this case, the DPP made the following observations:

“A fact which I am sure would have been present to the minds of the investigating Gardaí at the relevant times is not clearly brought out in the papers now submitted to me. It is that the identification of Mulholland from photographs, however significant and persuasive, would have been wholly inadmissible in Court as evidence if the prosecution sought to lead it and rely upon it. The *Mills* case [1957] IR 106 was then and still is regarded in this jurisdiction as authority for the proposition that evidence led by the prosecution implying that the Gardaí had, prior to his arrest, been in possession of a photograph of an accused is wholly inadmissible. Accordingly a visual identification of Mulholland in person... would have been essential for progress to have been made in establishing a case against him. It is unnecessary here to express any opinion as to whether or not such identification, if it had been secured, would by itself have been sufficient to warrant a criminal charge against him in relation to the Dublin bombings. Without it, and without any other evidence to connect Mulholland with the outrage, there was no case at all against him...

Even if the principle in *Mills* had been reversed... it is crystal clear that no question of a prosecution based solely on the photographic identification of Mulholland could have been seriously contemplated. While the effect of *Casey* is correctly stated in the departmental memorandum, in practice it is, except in the most unusual circumstances, virtually impossible to prosecute successfully on the sole basis of a visual identification of a person previously not known to the identifying witness. That difficulty would be immeasurably magnified if such identification were from photographs only.”

This critique failed to point out that the fact as there was no effort to apprehend Mulholland meant there was at least one lead that could have been followed and was not.

It was also incorrect to say that it was virtually impossible to prosecute successfully on visual identification alone. The case law makes clear that in appropriate circumstances, it can be an acceptable level of proof.

Report of D/Supt Murphy concerning ‘Hidden Hand’ allegations:

In 1999, programme producer Glyn Middleton was questioned at a hearing of the Joint Oireachtas Committee on Justice, Equality and Women’s Rights about the Garda inquiry into ‘Hidden Hand’ – in particular, the conclusion of the Garda Commissioner that the programme makers “failed to substantiate any of the assumptions or conclusions which had been included.”⁶ He responded:

“He [O’Mahony] was asking me about new evidence contained in the documentary. As I already said, this is not a film about new evidence, but about what went on in the investigation... His terms of reference should have

⁶ Letter from Garda Commissioner to the Secretary, Department of Justice dated 8 December 1993.

been to find out what went wrong with the investigation and what could now be done to clarify what went wrong.”⁷

Concerning the Garda Commissioner’s conclusion, Midleton added:

“The statement annoys me in that it takes a view on the film which it never intended to be, which sounds like a classic civil service trick. The wrong terms of reference are given, therefore one asks the wrong questions and it can be said that one got nowhere with Mr. Midleton. It all depends what one is asking... I do not blame the officer concerned. I am sure he did not draw up the terms of reference for that.”

In claiming that the programme did not seek to adduce new evidence, Midleton was incorrect. The programme claimed to have information concerning suspects which they had not got from the Garda file. However, he was right to point out that the Garda inquiry into the programme focused primarily on the issue of evidence capable of sustaining a prosecution, rather than the equally pertinent issue of whether the original investigation had been satisfactory. Although D/Supt O’Mahony did make efforts to ascertain whether full co-operation had been obtained from the RUC, it is clear that the reasons why the investigation ended were not the main focus of his inquiry.

The report of D/Supt Murphy came about because of misgivings expressed by the Department of Justice over D/Supt O’Mahony’s decision not to interview suspects Young and Gilmore, and programme contributors Holroyd and Wallace. These misgivings were conveyed to the Gardaí in a letter from a senior Department official dated 9 May 1994.

The interviews with Holroyd and Wallace followed the same pattern as the interviews that D/Supt O’Mahony had conducted with the makers of the Hidden Hand programme. Allegations attributed to them in the programme were repeated, and they were then asked whether they had any evidence to support those allegations. Predictably, Holroyd and Wallace were either unable or unwilling to furnish evidence of the kind that D/Supt Murphy was looking for. Once again, the evidence provided by Wallace’s letter that British Army intelligence suspected persons who were not on the Garda list of suspects was not followed up.

The reality is that, whatever the frailties in relation to the provenance of any information either of these men might provide, they were nonetheless providing to the Gardaí their views on the subject of collusion between loyalist extremists and the security forces, based upon their own experience and military roles in Northern Ireland at that time. There doesn’t appear to have been any real attempt to follow up elsewhere the substance of either Holroyd or Wallaces’ claims. Indeed one might wonder what ‘evidence’ the Garda authorities expected either of these men to be in a

⁷ Transcript of hearing before Joint Committee on Justice, Equality and Women’s Rights, 25 November 1999.

position to furnish. It cannot be the practice of any effective police force simply to ignore or discontinue a line of enquiry because the person making the allegation is not in a position to offer concrete evidence of the matter alleged. Rather there exists a free standing obligation on the police force to investigate an allegation fully and to seek to identify all potential evidence in support of or contrary to the allegation. In the case of Holroyd and Wallace, it is necessary to ask whether the principal purpose of D/Supt Murphy's enquiries was to properly investigate their claims or simply to allow the Gardaí to say that the claims had been investigated and found to be unsubstantiated.

The same question arises in relation to the interviewing of suspects Charles Gilmore and Stewart Young. The former was interviewed by RUC officers: D/Supt Murphy was not present at the interview. His report refers briefly to Gilmore denying any involvement with the bombings, loyalist extremists or subversive activity of any kind. There are no transcripts or notes of the interview attached to the report, and it appears they were not sought.

During the course of the interview with Stewart Young, the latter denied involvement in loyalist subversive activity of any kind, including the bombings. He was then questioned about his friends and associates in Northern Ireland. It seems that a list of names was put to him to ascertain whether he knew any of those named. He denied any knowledge of most names on the list. In particular, he denied knowing three named UVF members with whom he had been arrested and charged in relation to the hijacking of an oil tanker near Moira, Co. Down on 3 July, 1974. This incident was clearly a loyalist paramilitary operation. However, the memo of D/Supt Murphy's interview with Young indicates that this fact was not used by the interviewers to contradict Young's denials. It may be the case that D/Supt Murphy was inadequately briefed, but this would beg the question as to what information was made available to him prior to his commencing the investigation. Whatever the cause, a valuable opportunity was squandered.

A further and perhaps more serious deficiency arises in relation to the interview with Young which goes to the very purpose of the interview itself. It would appear that at the commencement of the interview Young indicated that if he was to be considered a suspect in relation to the bombings he would require the attendance of his solicitor. The explicit response to this question is not recorded although it is clear that the interview then proceeded in the normal fashion. It is therefore possible that it was indicated to Young that he was not in fact a suspect. Clearly, if this was the case there would be a significant difficulty in relation to the admissibility of any such memo of the interview in the context of a subsequent criminal trial of Young in relation to the bombings. The memo also makes no mention of a legal caution being administered. If that was the case, this too could give rise to similar difficulties. Once again, the question must be asked as to whether the true aim of this interview (and that with Charles Gilmore) was to obtain admissions from him which might lead to a re-opening of the investigation, or to obtain denials which might finally put to rest any qualms concerning the adequacy of the original Garda investigation.

THE IRISH GOVERNMENT

1. AN GARDA SIOCHANA
2. THE BRITISH GOVERNMENT

Concerning the attitude of the then Irish Government towards the bombings, the following allegations have been brought to the attention of the Inquiry:

- (1) The Government was not fully aware of the progress (or lack of progress) of the Garda investigation into the bombings; or alternatively, that it was aware, but failed to apply political pressure on the British Government to secure better co-operation by the security forces in Northern Ireland in the hope of achieving a breakthrough in the investigation.
- (2) The Government caused or allowed the Garda investigation to come to a premature end - either out of fear that illegal Garda collaboration with the British Army and Intelligence Services would be revealed; or in order to minimise publicity which might have led to an increase in popular support for the IRA.

AN GARDA SIOCHANA:

Communication:

In addition to interviewing all living members of the Garda investigation team, the Inquiry has met and corresponded with as many of the key persons in the Government of the day as possible, including the then Taoiseach Liam Cosgrave, Minister for Justice Patrick Cooney, Minister for Foreign Affairs Dr Garret Fitzgerald, Minister for Posts and Telegraphs Dr Conor Cruise O'Brien. Unfortunately, there are other important persons who are now deceased - including, on the Garda side, C/Supts John Joy and Anthony McMahon; and on the Government side, former Secretary to the Department of Justice Andy Ward.

At a meeting dated 30 August 2000, former Minister for Justice Patrick Cooney told the Inquiry that in the ordinary course of events, the Gardaí would report to the Secretary of the Department of Justice. He would brief the Minister for Justice, who in turn would brief the Taoiseach.

He also wrote:

"It appeared to me that relations between the Guards and the Department were cordial. The number of persons on each side was small and they knew each other well. I was never aware of information being withheld from me or the Department and no complaint on that score was ever made to me. I was happy

to rely on the professional expertise of both sides, interacting with each other and conscious of each other's role, to keep me informed."

The civil servant primarily involved in the security aspects of the bombings was a Principal Officer in the Department of Justice. The Secretary of this Department and the Assistant Secretary concerned with security were the only other civil servants who would have been privy to the information being provided by the Gardaí to the Department. It was however the Principal Officer who would have the most meetings with the Minister. Apart from the Minister, the Taoiseach was the only other member of the Government who was kept informed.

Although there was a special Cabinet Sub-Committee on Security and an Interdepartmental Committee also dealing with security there was nothing in the minutes of either of these bodies that they at any time considered what the Garda investigations had discovered or what, if any, action should be taken to assist them. Reference is made in contemporaneous minutes of the interdepartmental body to the need for a special Garda force to protect the Border, but this was never established.

None of the members of the cabinet to whom the Inquiry has spoken was aware of any efforts having been made on a political level to assist the Gardaí. Absence of reference to the bombings in minutes of cabinet meetings was explained on the basis that minutes did not relate to the subject matter of what was discussed at the meeting but only to what was decided. Nor was any of these members aware that the Gardaí had the names of possible suspects. Alone of those to whom the Inquiry spoke, the Minister for Justice was aware of names. He knew what the Gardaí reported to him.

The Inquiry has been told by a fellow member of the cabinet that the Taoiseach of the day was a "hands-on" Taoiseach and that any representations by An Garda Síochána would have come before him and the Minister for Justice, but would not necessarily have come before the cabinet. The Minister for Foreign Affairs and the Minister for Defence are the only other Ministers who might have been consulted. Accordingly, the Inquiry limited its inquiries to the Taoiseach, Minister for Justice and the Minister for Foreign Affairs, as well as the to members of the Gardaí, the then Minister of Defence having since died.

A full account of the dealings between the Garda investigation team and the Government is impossible, owing to the fact that the officers in charge – C/Supt John Joy, C/Supt Anthony McMahon and D/Supt Dan Murphy – are all deceased.

An internal inquiry conducted by the Garda Commissioner at the request of the Inquiry in 2001 produced the following statement from an officer who was stationed in Monaghan at the time of the bombings:

"Some months after the main investigation in Monaghan was over, I met Detective Superintendent Dan Murphy, Garda Technical Bureau in Monaghan and we were discussing the Monaghan bombing. In the course of the conversation he expressed dissatisfaction that the investigation team did not have an opportunity of interviewing the suspects. I said, 'I suppose you were

not allowed to do that', and he said 'No, we were not. It was referred to the Government.' We didn't discuss this aspect any longer and that was as far as the conversation went."¹

There is no other evidence that any difficulties encountered by An Garda Síochána were brought before the Minister for Justice or An Taoiseach. Both deny any approach. The Taoiseach denies any direction to An Garda Síochána which he said could only have come from him.

Nor is there any evidence of any political approach by the Government itself concerned at the lack of progress by An Garda Síochána. This Inquiry accepts that no such approach was made.

Termination of Garda inquiry:

A witness told the Inquiry that he was told by a Garda Officer involved in the Dublin investigation that there was a decision to terminate the investigation prematurely; that he objected to it and that he had placed papers in a safe to be opened only upon his death which would set out full details of the decision.

The Inquiry has sought to prove or disprove this allegation but without success. No such papers have been found nor has the Inquiry been able to confirm that the Garda said to have provided this evidence was in fact a member of the investigating team. Furthermore, the information does not suggest the source of the alleged direction to end the investigation.

The suggestion that such a direction came from the Government is absolutely denied. The Minister for Justice at the time, Patrick Cooney has further pointed out that any such direction would have been grossly improper.

Although Garda investigations of this type were operational matters for them alone, the Department of Justice would have been kept fully informed of the course of the investigation. Having regard to the Northern Ireland element, this would have been very full. An examination of Garda security files shows that all matters of importance were reported to the Secretary of the Department in writing.

Evidence has been given that Peter Berry, who was Secretary to the Department of Justice until 1970, was meticulous in obtaining day-to-day details of the workings of An Garda Síochána; it was suggested that he largely controlled what was being done. It was said that even after his retirement as Secretary, that a similar attitude existed in the Department for some years.

The evidence of former civil servants in the Department concentrated more on the workings of the Department rather than on its relationship to the Gardaí. They stressed however, that criminal investigations were operational matters for the Gardaí. They accepted also that where there were Dáil Questions to be answered, the Department had an input in that it had to be able to place the Minister in a position

¹ Statement dated 27 June 2001.

where he or she could explain to the Dáil that all possible avenues had been explored. It was upon this basis that the request was made to the Garda Commissioner in 1994 to review the decision by D/Supt O'Mahony not to interview Wallace, Holroyd and others for his inquiry into the 'Hidden Hand' allegations.

Unfortunately, Departmental files are of no assistance on this issue since they are missing in their entirety. The central register kept by the Department shows that relevant files which did exist were as follows: there was a general file on bombings, but no specific file apparently opened in respect of individual cases. Notwithstanding this, the Department has provided a number of files relating to other bombings within the State, but has failed to produce any files relating to the Dublin bombings in May 1974.

There is no explanation for their absence. Nor is it possible to indicate when they went missing. This is because they are not noted on the Register of Files. It is likely that they went missing before the enquiry into the 'Hidden Hand' programme. The former Minister for Justice Máire Geoghegan-Quinn has told the Inquiry that there was very little in the Departmental files concerning the bombings. In regard to the files furnished to the Inquiry by the Department, the files that she is likely to have seen, apart from current ones, would have been those relating to the investigation into the allegations made by Fred Holroyd.

One thing which is clear is that there was no single reason why the investigations ended when they did.

At the request of this Inquiry, the Garda Commissioner undertook to establish an internal inquiry to establish why the investigations ceased when they did. He expressed doubt that he would find any reason other than that the inquiries had gone as far as they could. In pursuance of this undertaking, many Gardaí were questioned without any specific or unexpected reason being found. The Inquiry has been furnished with statements from these officers and has interviewed many of them but none has been able to give any information that would explain even the absence of final reports.

Reference in reports to further information being provided when it comes to hand was not exclusive to the Dublin and Monaghan reports. Other files where reports contain similar expressions do not contain further reports on such information if it did come to hand.

THE BRITISH GOVERNMENT:

Communication:

Certain information did come to the knowledge of An Taoiseach and the Minister of Foreign Affairs, as well as to some of their senior officials in the course of high level inter-governmental meetings.

A meeting was held in London on 11 September 1974, at which the British side comprised the Prime Minister, the Secretary of State for Northern Ireland, The British Ambassador to Dublin, the Permanent Secretary to the Northern Ireland Office, and other senior civil servants. The Irish side comprised An Taoiseach, the Minister for Local Government, the Minister for Foreign Affairs, the Irish Ambassador to London as well as senior civil servants of the Department of the Taoiseach and the Department of Foreign Affairs.

In the course of this meeting, minutes prepared in the Department of Foreign Affairs quote the Prime Minister as saying the following:

“In recent months some very nasty men had been lifted on the Unionist side. On the Friday and Saturday of the UWC strike, twenty five interim custody orders had been signed and the perpetrators of the Dublin bomb outrages had been picked up and were now detained, but it was impossible to get the evidence to try them in ordinary courts. The Secretary of State pointed out that the number of cases reaching the courts was increasing and the defendants were coming from the minority and majority sides in about equal proportions. Much of the evidence required was coming via the Army, both by their being in areas where there was no police and also from information which they picked up from interrogations and screenings.”

These minutes were circulated to the Department of An Taoiseach, the Department of Foreign Affairs and to the Irish Ambassador in London.

A similar statement is recorded in minutes prepared by the Department of Foreign Affairs relating to a meeting in Dublin on 21 November 1974. This was a smaller meeting at which the British side comprised the Prime Minister, the British Ambassador to Dublin and senior civil servants. The Irish side comprised An Taoiseach, An Tánaiste and two senior civil servants, one each from the Department of An Taoiseach and the Department of Foreign Affairs. At this meeting the British Prime Minister is recorded as saying:

“He (the Prime Minister) emphasised again that the people who had bombed Dublin were now interned, and that this was the only way which they could be dealt with because the sort of evidence against them would not stand up in court. They were certain they had the right people but they could not bring them to trial.”

Minutes prepared by the British side are slightly different. In their minutes of the meeting of 11 September, the whole of the information referred to in the Irish minutes as having been said partly by the British Prime Minister and partly by Merlyn Rees, is recorded as having been said entirely by Merlyn Rees in the following terms:

“The Secretary of State said he was able to inform the Irish ministers, in confidence, that the twenty-five ICOs he had signed during the UWC strike, included person that he believed to be responsible for the Dublin bombing (he was unable to state this in public because of the nature of the evidence). Prosecution in the courts of those responsible for security offences was increasing, and that arrests by the police now took place in about equal

proportions in both communities. Upon the general point raised, it was undeniable that routine questioning by the Army did produce valuable results, and that a lower profile would not yield the necessary range of information to improve security.”

The minutes of the meeting of 21 November 1974 record the information as been given by the British Prime Minister, but in the following terms:

“...those responsible for the border terrorists in Dublin were now in detention, and this was no doubt welcome to the Irish Government, but if detention was ended, it would probably not be possible to win a conviction if they were sent for trial.”

Notwithstanding the information supplied in the course of these meetings, there appears to have been no follow through by any of those who became aware of it. Nothing was apparently raised at the meeting. Names were not sought, nor the evidence which justified the internment, nor the allegation that they had been responsible for the Dublin bombing.

Following the meetings, there is no evidence that the information was passed, either to the Minister for Justice or any of his officials, or indeed to the Garda Commissioner or any other Garda officer. Certainly, Patrick Cooney, the then Minister for Justice was never made aware of it, nor is there any record of such information being passed to An Garda Síochána.

This absence of apparent interest in those interned, and in whatever evidence there was which indicated that some of them were involved in the Dublin bombings, strongly suggests that the Irish Government made no efforts to assist the investigation into the Dublin and Monaghan bombings at a political level. It is also surprising that they did not convey this information to An Garda Síochána. Gardaí did receive similar (though not as extensive) information from the RUC.

The fact of the arrests, the internments and possible links to the bombings had been reported in the public press at the time, though formally denied by the police on both sides of the border. Irish Army Intelligence were also informed at a meeting with the British Intelligence services in London on 1 June 1974. Their information did not indicate that all those interned had been involved in the Dublin and Monaghan bombings. It said that forty prisoners had been arrested, of whom thirty-one were the subject of detention orders, and that of this group, at least two had been so involved.²

It is expected, given the standard practice of the time, that An Garda Síochána were informed by Army Intelligence of this information. There is no record of Gardaí questioning the RUC as to the names of those so interned, or attempting to ascertain the nature of the intelligence which had led to their being detained. Nor is there any record of Irish Army intelligence seeking further information from their British counterparts.

It should be noted that, based on an examination of its records, the Northern Ireland Office told the Inquiry that it believes the reference to 40 arrests in the Irish Intelligence report to be incorrect; the correct number being 22, of whom 15 were subsequently detained. The remaining 7 were released on 20 / 21 June.

PART FOUR

ISSUES RAISED BY THE 'HIDDEN HAND' PROGRAMME

ISSUES RAISED BY THE ‘HIDDEN HAND’ TELEVISION PROGRAMME

1. **BACKGROUND**
2. **THE PROGRAMME**
3. **OBSERVATIONS**
4. **ISSUES RAISED**

BACKGROUND:

“Hidden Hand - the Forgotten Massacre” was the title of a television documentary made by Yorkshire Television as part of its “First Tuesday” series, and first broadcast on 6th July, 1993. The programme was directed by Glyn Middleton and co-produced by Glyn Middleton and Mark Ackerman. Its principal researcher was Joe Tiernan. Amongst those who appeared or contributed to the programme were:

1. former Secretary of State for Northern Ireland, the Rt. Hon. Merlyn Rees (now Lord Rees of Cillfynydd);
2. former head of British Army Bomb Disposal in Northern Ireland, Lieutenant Colonel George Styles;
3. former British Army Captain and Military Intelligence officer Fred Holroyd;
4. former British Army Senior Information Officer Colin Wallace;
5. former Irish Military Intelligence staff officer, Lieutenant Colonel John Morgan;
6. former Irish Army bomb disposal expert, Commandant Patrick Trears;
7. former Garda Commissioner Eamon Doherty;
8. various unidentified Garda officers of senior and lesser rank, two unidentified RUC Special Branch officers and one unidentified member of a British Army special duties unit.

In the course of an appearance before the Oireachtas Joint Committee on Justice, Equality and Women’s Rights on 25 November 1999, Glyn Middleton described the research process for the programme as follows:

“The investigation work for the film occurred in two parts. The first part was in the North where a team of two or three of us spent almost a year trying to talk to everyone we could about the bombings. That included loyalist terrorists and

activists, politicians, RUC officers, UDR people, army people, intelligence people and anyone who could give us some kind of insight into the bombing. We quickly realised that the information did not constitute evidence as to what happened or who was responsible for it but that it was information on which we would have to base the film. That information led us to 20 or 25 loyalist terrorists in the Portadown, Lurgan and Belfast areas who, if the information we had heard from so many sources was correct, were involved in this operation. It was clear that the RUC people to whom we spoke, who were in crucial positions at the time, knew the names of the alleged suspects as did the army, people from the UDR and intelligence people. It was a very poorly kept secret. That does not mean to say the information was accurate but the same names kept coming up time and time again.

There were also some questions raised about the capability of the loyalist terrorists to carry out such a sophisticated operation at that time and huge question marks were raised about the dubious contacts of those loyalists with security forces in the North and, to some extent, about the protection those people had received from the course of law in the North.

After a year had passed, we finally came south and asked An Garda Síochána to co-operate with the making of the programme. It took two or three months to persuade them to do that; it certainly was not an easy thing to do. We were told that the subject was too sensitive and too difficult. However, we kept pushing and, after two or three months, we were told that the Commissioner had agreed to co-operate. A liaison officer was appointed with whom we had to make contact and, from that point on, we enjoyed a surprising level of co-operation from the Gardaí. We were given extensive briefings for many hours at a time with the liaison officer, a Superintendent, who had the files in front of him. We were given aerial photographs, crime scene photographs, sketches of the bombed streets and details of the forensic evidence. The liaison officer even facilitated the release of a forensic document for which permission was required from the Northern Ireland Office.

We were informed that the Gardaí did not have any problem with us talking to retired officers. We literally interviewed scores and scores of Gardaí who served during that time; Murder Squad, Special Branch and Technical Bureau officers. We spoke to anyone we could find who agreed to speak to us, including three former Commissioners on more than one occasion.”

The Garda liaison officer who worked with the Yorkshire Television team was former D/Supt. Tom Connolly. He was interviewed by the Inquiry on 25 February 2000. He stated that he was asked by Assistant Commissioner O’Dea to meet with Yorkshire Television’s research team, to co-operate fully with them and to “tell them what they want to know”, but without showing them the files. D/Supt. Connolly remembered two or three meetings taking place between August and October of 1992. At these meetings, he

had in his possession a single file containing copies of the Dublin and Monaghan reports, with maps and one or two items of correspondence.

The Yorkshire Television team were not permitted to see the file, but D/Supt. Connolly used it to answer any questions he was asked by them in relation to the investigation. As D/Supt. Connolly was not involved in the original investigation, he had no knowledge beyond that contained in the file. The information obtained by the programme researchers depended to some extent on their asking the right questions, and was limited to the matters raised in those questions. As a result, the programme makers often were not in a position to fully contextualise the information received.

THE PROGRAMME:

The 'Hidden Hand' film began with footage of a memorial service for victims of the bombings, overlaid with statements from eyewitnesses, survivors and relatives of the victims. From there, the narration purported to describe how the bombings took place, beginning with the theft of the bomb cars in Northern Ireland. Some persons referred to in the Garda investigation reports were named as suspects, along with others not mentioned in the Garda reports but suspected by the programme makers of having been involved in the bombings. The four additional suspects were:

- (1) Billy Hanna – a well-known UVF figure from Lurgan, murdered outside his home on 27 July, 1975 ;
- (2) Harris Boyle – a UVF member, killed on 31 July, 1975 when a bomb he was planting in a van belonging to the Miami Showband exploded prematurely;
- (3) Robert McConnell – a part-time UDR member and suspected member of the UVF, killed by the IRA on 5 April, 1976;
- (4) A man known as 'The Jackal' – not named in the programme but known to be Robin (Robert John) Jackson, a well-known member of the UVF. He was still alive at the time the programme was made, but died of natural causes in June 1998.

The focus then shifted to the progress of the Garda investigation, and in particular to what happened when the Northern Ireland authorities became involved. It was queried as to whether the RUC, the British authorities and the Irish government had done everything in their power to expedite the Garda inquiry.

Having indicated that the evidence available to the Garda investigation team placed responsibility for the bombings with UVF members based in Portadown, the programme

then considered whether that group had the capacity to carry out bombing operations of such size and apparent sophistication at that time.

Reference was made to the complexity of the attack, the synchronised detonation of the Dublin bombs and the fact that all four bombs detonated completely, leaving no detectable explosive residue. Opinions from former British Army Captain Fred Holroyd, former Garda Commissioner Eamon Doherty, and retired bomb disposal experts Lieutenant Colonel George Styles (British Army) and Commandant Patrick Trears (Irish Army) all suggested that the bombings were not characteristic of the UVF and that they could not have planned or executed the attacks without expert assistance. It is important to remember that, for all the experience and knowledge of the above-mentioned persons, this was and remains an unproven thesis. The evidence for and against this thesis will be examined in a later section of this report.

The remainder of the programme was given over to answering the question of where such assistance could have been found. Although no firm conclusions were reached, the programme clearly implied that the security forces in Northern Ireland were the most likely source for such assistance. Allegations concerning the existence of a covert British Army unit based at Castledillon were considered; as well as alleged links between that unit and loyalist paramilitaries. Former Secretary of State for Northern Ireland, Merlyn Rees was shown to have known of the unit's existence.

It was suggested that the security forces in Northern Ireland were allowing loyalist paramilitaries to carry out atrocities unhindered, in order to protect sources of information within the UVF and other groups. It was further suggested that some elements of the security forces may have been using loyalist paramilitaries as a "friendly guerilla force", advising them on potential targets and assisting them with weapons and planning. These allegations centred on former British Army Captain Robert Nairac.

As an officer with the Grenadier Guards, Nairac's first tour of duty in Northern Ireland was in Belfast from July to November 1973. Following completion of a training course run by the SAS, he returned to Northern Ireland in 1974. Much confusion exists concerning his role at that time, but it appears that he was attached to Four Field Survey Troop – a sub-unit of a Special Duties unit known as 14th Intelligence (14 Int). Four Field Survey Troop was officially tasked with surveillance duties. Nairac seems to have acted as a liaison officer between his unit, the local Army brigade and the RUC Special Branch.

However, he also seems to have taken on tasks which were wholly outside his jurisdiction as a liaison officer – working undercover, developing contacts amongst loyalist and republican paramilitaries. He apparently boasted of visiting pubs in republican strongholds and singing songs in Irish. Former SAS officer Ken Connor, who was involved in the creation of 14 Int, wrote of him:

“Had he been an SAS member, he would not have been allowed to operate in the way he did. Before his death we had been very concerned at the lack of checks on

his activities. No one seemed to know who his boss was, and he appeared to have been allowed to get out of control, deciding himself what tasks he would do.”¹

On the evening of 14 May 1977, Nairac visited a pub in Drumintee, alone and without military back-up. Witnesses say that he got up and sang a song with the band who were playing that night. At around 11.45 p.m., he was attacked outside the pub, abducted and killed. His body was never found. In November 1977 Liam Townson, a member of the IRA, was convicted in the Special Criminal Court of Nairac’s murder.

In relation to Nairac’s activities in 1974, the narrator of the ‘Hidden Hand’ programme stated:

“We have evidence from police, military and loyalist sources which confirms the links between Nairac and the Portadown loyalist terrorists. And also that in May 1974, he was meeting with these paramilitaries, supplying them with arms and helping them plan acts of terrorism against republican targets.

In particular, the three prime Dublin suspects, Robert McConnell, Harris Boyle and the man called The Jackal were run before and after the Dublin bombings by Captain Nairac.”

Support for this allegation was said to have come from various sources:

“They include officers from RUC Special Branch, CID and Special Patrol Group; officers from the Garda Special Branch; and key senior loyalists who were in charge of the County Armagh paramilitaries of the day...”

A similar range of sources was said also to have confirmed that

“Billy Hanna, the most senior loyalist on the suspect list was run separately as an agent by the British Army from Lisburn and 3 Brigade Headquarters in Lurgan.”

In seeking to explain why members of the security forces might have aided loyalist extremists in attacks such as the Dublin and Monaghan bombings, it was said that there was within the security forces a significant element who were opposed to the efforts towards a political solution to the Troubles being pursued by the Labour government. Merlyn Rees was said to believe that his policies in pursuit of peace as Secretary of State for Northern Ireland in 1974 had been undermined by a subversive faction in British Army Intelligence:

“REES: It was a unit, a section, out of control. There’s no doubt it reflected the views of a number of soldiers: ‘Let’s go in and fix this lot’, and so on. But that it went on, and that it went on from Lisburn and it went on from the

¹ Connor, *Ghost force*, p.263.

Army Information Service and those associated with it, I have no doubt at all.”

The inference drawn was that the bombings were intended to destroy the Sunningdale Agreement and to force both governments to take a stronger line against the IRA.

OBSERVATIONS:

Before proceeding to a consideration of the various issues raised by the ‘Hidden Hand’ documentary, the following preliminary observations and corrections must be made:

- (1) It is essential to realise that much of the information gathered by the programme makers came from unnamed sources. It is accordingly not possible to test the accuracy of the information directly.
- (2) It is by no means clear whether it was being alleged that the Monaghan bomb came from the same source as the Dublin bombs.
- (3) The programme gave a misleading impression of the level of Garda co-operation with its makers. While the Garda authorities did co-operate in the making of the programme, they did not release their files to the programme makers. The liaison officer, D/Supt Connolly, possessed only a copy of the Dublin and Monaghan reports. Producer Glyn Middleton told the Joint Oireachtas Committee in 1999:

“There will be all kinds of things in [the Garda files] about which I have no knowledge because I did not know what to ask.... In the course of many hours of briefings I could not honestly say what percentage of the file we touched.”

- (4) This leads into a wider point concerning the perception created by the programme of the accuracy of its sources. We know that the allegations made in the programme came from a variety of sources including interviews with unnamed Garda personnel, RUC and British Army officers, Irish and British intelligence officers, eyewitnesses, alleged loyalist paramilitaries, and the meetings with D/Supt Connolly. However, it was not often made clear which sources were responsible for which allegation. The result created a misleading impression that certain allegations were confirmed by official Garda sources when in fact this was not the case.

For example, the account of the bombing operation, which is prefaced by the assertion that “the Gardaí knew how they were carried out and the identities of the leading suspects”, contains an allegation that the bombs had been taken down to

Dublin separately from the bomb cars. There is no information in Garda files to support this.

- (5) In relation to eyewitness evidence, it was stated in the programme that

“Everyone who had seen the Dublin and Monaghan bomb cars were shown official police photos. The result was a list of suspects: eight faces and eight names. This was a significant early breakthrough for Gardai.”

As the Inquiry’s account of the Garda investigation makes clear, this is misleading in two respects. Firstly, although the photographs came from the RUC, they were not standard police mugshots, but photos of varying quality taken without the knowledge of the parties concerned. Secondly, though the Dublin and Monaghan reports refer to eight persons whose photographs were picked out by witnesses, many of those witnesses had not seen the bomb cars. For instance, three of those eight names come from the witness who saw three men “acting suspiciously” in the car park from whence the bomb car was stolen, some ninety minutes before the bomb car was actually parked there. Two more were seen in Monaghan town, but without anything specific to connect them with the bombings other than their past history as loyalist extremists.

The programme continued:

“Two of the eight suspects they identified closely resembled bomb car drivers: David Alexander Mulholland for Dublin, and Samuel Whitten for Monaghan. In both cases, police had three separate eyewitnesses who identified them from photos as the drivers of the bomb cars.”

This again was inaccurate. In the case of Whitten, one witness placed him as a passenger in the bomb car en route to Monaghan town; another saw him driving up and down Glaslough St. in a *different* car on the day *before* the bombings.

Even the Garda statements of the three witnesses who made the strongest identification, that of David Alexander Mulholland, have inconsistencies which undermine the reliability of their evidence. To say, as one anonymous Garda officer was quoted as saying, that “they could have taken them to court with such positive identification”, was not correct. These identifications were not sufficient to justify a conviction in court.

- (6) Having described the probable route taken by the bomb cars, the narrator stated:

“By 4 p.m., all the vehicles had gathered in a car park on the outskirts of Dublin. A Garda detective confirmed:

SENIOR POLICEMAN: that's where they all met up. Civilian eyewitnesses who had spotted their number plates put them on the spot. There were three or four cars met there to prime their bombs."

While the route of the bomb cars to Dublin was accurately described having regard to the contents of the Garda reports, there was no reliable evidence that the cars had gathered in a car park on the outskirts of Dublin at 4 p.m. The Dublin Report referred to two witnesses who saw cars with Northern registrations enter and leave such a car park. But these witnesses did not note the registration numbers, only that they were Northern registrations. Nor were they able to describe the cars in sufficient detail. Further, these sightings were made between 1 and 2 p.m., not at 4 p.m.

ISSUES RAISED:

The principal achievement of the 'Hidden Hand' programme was to place the Dublin and Monaghan bombings once more at the forefront of the public mind. Although constrained by the limitations of the television documentary format and by a lack of full access to Garda and RUC records, it succeeded in making the case that there were questions to be answered in relation to the conduct of the original investigation. The issues and allegations raised by it were the catalyst for a campaign by Justice for the Forgotten and others. It was as a result of that campaign that the Government set up this Commission of Inquiry. The Inquiry though focused initially on the claims made in the 'Hidden Hand' programme, has received a considerable amount of previously unseen information from a variety of sources. Accordingly, this report both encompasses and goes beyond the issues raised by the programme.

The key claims arising from the programme were as follows:

(1) The perpetrators:

The programme-makers purported to give details of how and by whom the bombings were carried out which exceeded those contained in the Garda files. In some instances, their claims were based on inaccurate information as to what was in those files. But in the main, these claims are believed by the Inquiry to have been based on information supplied by former RUC Sergeant John Weir, supported by information from unknown loyalist paramilitary sources.

(2) The investigation:

It was alleged that proper co-operation was not forthcoming from the RUC in relation to the pursuit of suspects in Northern Ireland. It was also alleged that the

security forces in Northern Ireland had intelligence pointing to suspects for the bombings, but had failed to follow it up. These claims were based largely on information from former members of the security forces Fred Holroyd and Colin Wallace.

Finally, on the assumption that An Garda Síochána had reported such lack of co-operation to the Minister for Justice, the Irish government was accused of failing to use political pressure in an effort to secure the necessary cross-border co-operation and revive the investigation.

(3) Collusion:

As set out earlier, the programme made specific allegations of links between British Army officers and loyalists whom it suspected of having participated in the bombings. It also considered the issue of collusion between elements of the security forces and loyalist paramilitaries in a wider context, and raised allegations of a conflict between those sections of the security forces who supported and opposed the Sunningdale process respectively. Again, Wallace and Holroyd were the principal sources for this part of the programme.

ALLEGATIONS OF JOHN WEIR, FORMER RUC OFFICER

- 1. INTRODUCTION**
- 2. PERSONAL BACKGROUND**
- 3. ALLEGATIONS**

INTRODUCTION:

The Inquiry believes that the information supplied by John Weir, Colin Wallace and Fred Holroyd is key to a proper assessment of the Hidden Hand allegations. All three men combine significant personal experience and knowledge with a complicated and controversial past. Each of them have made allegations, based partly on first-hand knowledge and partly on information received, which far exceed the Dublin and Monaghan bombings in their scope.

John Weir is a former RUC Sergeant. He is also a convicted criminal: between 1980 and 1992, he served a prison sentence for his part in the murder of one William Strathearn. Both during and after his imprisonment he had made a number of allegations involving members of the RUC, UDR and RUC Reserve, as well as known loyalist paramilitaries. His allegations were based on personal knowledge as well as on information from third parties. Information supplied confidentially by Weir formed the basis of articles by investigative journalist Liam Clarke; he also contributed to the 'Hidden Hand' programme, although again his name was not mentioned.

Weir's first public statement was obtained from him on 3 January 1999 by Sean McPhilemy, author of *The Committee* - a book which posited the existence of a group, drawn from the security forces and the unionist business community, engaging in systematic collusion with loyalist paramilitaries to commit sectarian murders.¹ Following publication of his book, McPhilemy became involved in libel actions both in America and the United Kingdom. To assist him in these actions, he obtained the aforementioned statement from Weir. In the statement, Weir gave the names of persons who he said were involved in a number of bombings and shootings - including the Dublin / Monaghan bombings - and suggested that collusion between loyalist paramilitaries and certain elements in the security forces was taking place in the mid-1970s.

This statement was disseminated widely via the internet, and came to the attention of An Garda Síochána, who since that time have been investigating matters arising from Weir's allegations.

In order to assess the truth of those allegations the Inquiry has found it necessary to examine not only his statements and the resultant Garda and RUC investigations; but

¹McPhilemy, *The Committee: political assassination in Northern Ireland*, (1998, Colorado).

also evidence in relation to Weir's own arrest, trial and conviction. The results of that examination make up the contents of this chapter.

PERSONAL BACKGROUND:

John Weir was born in Co. Monaghan and was educated in the State. In March 1970, at the age of 20 he joined the RUC and was posted to East Belfast as a Beat Constable. On 1 August 1973 he was transferred to a Special Patrol Group (SPG) for an area roughly covered by County Armagh.

The Special Patrol Groups were composed of uniformed policemen, but were intended to focus on tackling subversive crime. They were specialist units, separate from the regular RUC and under the direction of an Assistant Chief Constable. Weir says that at the time of the Ulster Workers Strike in May 1974, membership of the Armagh SPG was entirely Protestant. Its members fully supported the striking loyalists' efforts to bring down the power-sharing executive. According to Weir, they toured the barricades and encouraged the strikers to persevere, and when ordered to go to Portadown to contain the loyalist protest, deliberately sabotaged their police vehicles by putting sugar in the petrol tanks.

On 25 January 1975 Weir was transferred from Armagh to another SPG located at Castlereagh in Belfast. On 1 September, 1976, he was transferred to the SPG in Omagh, Co. Tyrone.

On 11 October 1976 he was promoted and transferred to Newry RUC station as a Section Sergeant. On 1 November 1977, he was transferred to Newtownhamilton, Co. Armagh in a similar position. On 17 April 1978, he was transferred to Dunmurry, Belfast in a similar situation. His final posting was on 4 September 1978 to the Special Patrol Group based in Magherafelt, Co. Derry.

In December 1978, RUC Sergeant William McCaughey was arrested in connection with the abduction of a Fr Murphy from his home at Ahoghill, Co. Antrim. McCaughey confessed his involvement in this and other crimes, including the murder of William Strathearn on 18 April 1977.² He accused John Weir, Robin Jackson and R.J. Kerr of taking part in the murder with him. Weir was arrested, but Jackson and Kerr were not. Charges were brought against Weir and McCaughey only.

Weir pleaded not guilty, but was convicted on the basis of admissions made during questioning. In June 1980, he was sentenced to imprisonment for life. He was released from prison in 1992. Although he has spent some periods since then in Northern Ireland and England, he has, in the main, been employed abroad.

Whilst in prison, Weir wrote a letter to a friend in which he made allegations linking British Army Captain Robert Nairac with loyalist paramilitary Robin Jackson and

²At the time of the murder, Weir was based in Newry.

then RUC Reserve member James Mitchell - both of whom would feature heavily in his later statements. He also gave a history of the illegal activities of a group of RUC officers of which he was one to Liam Clarke, a journalist with the Sunday Times. In 1992, he gave the same history to Glyn Middleton and Joe Tiernan, who were conducting research for the 'Hidden Hand' documentary.³ Sometime during the 1990s, he gave the same history to Sean McPhilemy, who published a book which contained allegations of RUC corruption which went far beyond those made by Weir.⁴ As we have seen, he subsequently gave McPhilemy a written statement on 3 January 1999.

Following the publication of this statement, Detective Chief Superintendent Basil Walsh and Detective Superintendent Peter Maguire were appointed to conduct an investigation into Weir's claims on behalf of An Garda Síochána. They interviewed Weir in London on 14 and 15 April 1999. On 15 April, he signed a written statement. The interview and statement dealt only with the allegations of offences committed within the State.

On 12 November 1999, the Justice for the Forgotten legal team met Weir in London. A memorandum of that meeting has been made available to the Inquiry. In June 2000, Weir sent Justice for the Forgotten a number of audio tapes which he had dictated. An edited transcript of their content has been supplied to the Inquiry. The Inquiry itself interviewed Weir on 15 and 16 February 2001.

ALLEGATIONS:

Most of Weir's allegations stem from his involvement with the group of RUC Special Patrol Group officers who he says were collaborating with well-known loyalist paramilitaries from the Portadown area in acts of sectarian violence.

Sometime between January 1975 and September 1976, while he was stationed in Castlereagh, Weir was visited by two of his former colleagues in the Armagh SPG – Gary Armstrong and Ian Mitchell. They said that a group of policemen had decided that the time had come to take direct action against not merely known republicans or IRA activists but against the Catholic population in general; that the only way to stop the IRA murder campaign was to attack the Catholic community itself so that it would put pressure on the IRA to call off its campaign. Weir agreed to join this group in its activities aimed at the Catholic community.⁵ Although senior members of the RUC were not involved, and did not sanction their activities, Weir says that they were aware of what this group was doing, but took no steps to stop or discourage their

³The Inquiry has been supplied with an extract from this interview, as well as a transcript of his interview with Liam Clarke.

⁴McPhilemy, *The committee: political assassination in Northern Ireland* (Colorado, 1998).

⁵ There are discrepancies in Weir's accounts of when he joined this group. In his statement to Gardaí he claimed to have joined some time after the bombing of the Rock Bar, Keady (June, 1976). But he also claimed to have been present at preparations for the bombing of Tully's Bar, Beleek. That bombing took place in May 1976. Some years prior to that, he told journalist Liam Clarke that he attended his first meeting of the group in 1975.

actions. This acquiescence, it is said, amounted to approval and unofficial sanctioning of their activities.

The 'Glenanne group':

A few days later, there was a meeting of SPG officers in Armstrong's house. Armstrong and another officer named Laurence McClure explained that the group had connections with UVF members through a farm at Glenanne, near Markethill. Together, they had already carried out a number of sectarian attacks on both sides of the border. The Glenanne farm was the place where most of these attacks were planned, and where explosives, weapons and ammunition were stored and prepared. The farm owner, James Mitchell (who was a member of the RUC Reserve) was fully involved in this.

Weir said he was given details of these activities by a few of the RUC officers, "so that I would have a proper understanding of the character of the organisation I was joining". Some of these stories were later confirmed by UVF members of the group and by the farm owner. The Dublin and Monaghan bombings were among the atrocities for which they claimed to have been responsible. Weir claims that members of the gang (often but not always including RUC officers) were involved in the following sectarian attacks:

- (1) The Dublin and Monaghan bombings, 17 May 1974.
- (2) A gun and bomb attack on two pubs in Crossmaglen on November 1974.
- (3) The murder of well-known PIRA member John Francis Green near Castleblayney on 10 January 1975.
- (4) The murder of John Farmer and Colm McCartney, at Tullevallen, 24 August 1975.
- (5) A gun and bomb attack on Donnelly's Bar, Silverbridge, 19 December 1975.
- (6) A car bomb at Kay's Tavern, Dundalk on the same date.
- (7) The murder of three members of the Reavey family at Whitecross, 4 January 1976.
- (8) The shooting of three members of the O'Dowd family at Ballyduggan on the same night.
- (9) A car bomb in Castleblayney in March 1976.
- (10) A bomb attack on Tully's Bar, Beleek, Co. Armagh in May 1976.⁶

⁶ Weir stated, inaccurately, that the attack took place on 8 March 1976.

- (11) A bomb and gun attack on the Rock Bar, near Keady, 5 June 1976.
- (12) The planning of a bomb attack on a pub in Clontibret, Co. Monaghan, 15 August 1976.⁷
- (13) A bomb attack at the Step Inn, Keady, 16 August 1976.
- (14) The murder of RUC Sergeant Joseph Campbell at Cushendall, 25 February 1977.
- (15) The murder of William Strathearn, 18 April 1977.

For each of these attacks, he named the persons whom he believed to have carried them out. Weir claims his only involvement was in the planning of the Beleek and Clontibret attacks, and in the murder of William Strathearn.

He says that these attacks were not sanctioned or claimed by the UVF or UDA. Instead, the Glenanne group used cover names such as the Protestant Action Force, the Red Hand Commandos or the Red Hand Brigade.

Weir stated that whenever bombs were used by the group, the explosives for them were supplied by a named UDR officer. Weir claims to have seen him bringing explosives to the Glenanne farm on a number of occasions. He told journalist Liam Clarke:

“[He] would have brought the explosives. Where did [he] get them from? Nobody asked that. Nobody wanted to know where he was getting such large amounts of explosives... He had gelignite, fertiliser, detonators, the whole lot. Fertiliser-based explosive with a gelignite detonator.”

Weir also claimed to have seen James Mitchell mixing homemade ANFO⁸ explosive in the farmyard on one occasion.

Dublin / Monaghan bombings:

Weir has named Billy Hanna as the main organiser of the bombings. Hanna was a well-known loyalist from Lurgan. In November 1973, he was arrested and charged in relation to a round of ammunition and two six-volt batteries wired together, all found at his home. Defence counsel described him as a former British Army soldier with a “distinguished” career in the Royal Irish Fusiliers, having served in the Korean War. He had at one time been weapons instructor at Gough military barracks, Co. Armagh.⁹ According to Hanna himself, on leaving the regular army he joined the Territorial

⁷ According to Weir, the attack was not carried out because those involved discovered that the Gardaí had received intelligence that it was to take place. The bomb was returned to the Glenanne farm, and later used in an attack on the Step Inn, Keady. See below.

⁸ Ammonium Nitrate and Fuel Oil.

⁹ *Irish News*, 16 November, 1973.

Army and then the Ulster Special Constabulary. He later joined the UDR and became a permanent staff instructor.¹⁰

According to a Garda intelligence document from 1974/75,¹¹ Hanna was known to be in command of the Lurgan branch of the Mid-Ulster UVF. He was murdered on 27 July 1975.

In his January statement, Weir said he was told that Hanna was assisted in carrying out the Dublin bombings by Robin Jackson (UVF, Lurgan) and David Payne (UDA, Belfast). He says that Stewart Young (UVF, Portadown) had been involved in carrying out the Monaghan bombing – adding that he heard this from Young himself as well as from others in the group. He said that explosives for all four bombs were supplied by a named UDR officer. In his subsequent statement to Gardaí,¹² he also claimed that William Marchant had been involved in the Dublin bombing, and that Ivor Dean Knox Young had been involved in Monaghan. He believed that the one of those involved in making the bombs was Joe Bennett.

According to information received by the Inquiry, both Ivor Young and Joe Bennett were in prison at the time of the bombings, and so could not have played a direct role. Having said that, a source close to the UVF told the Inquiry that bombs had been made by Joe Bennett for a planned attack on Dublin some months earlier, which was abandoned.¹³ It is therefore possible – though proof will never be found - that one or more of Bennett's bombs were stored and used in the attacks of 17 May.¹⁴

In more recent interviews with Justice for the Forgotten and the Commission of Inquiry, Weir claimed to have been told by Stewart Young that John and Wesley Somerville had assisted the latter in carrying out the Monaghan bombing. He also alleged that the Monaghan bomb had been primed (and perhaps assembled) not at Glenanne, but at a house near Middletown belonging to another farmer who had been arrested for being in possession of a gun some time in the early 1970s.

He also named a number of other persons as possible participants in the Dublin and Monaghan bombings. However, it seems that these names were based not on any specific information received by Weir, but simply on his own opinion as to those members of the Glenanne group most likely to have been involved.

¹⁰ *Lurgan Mail*, 11 April, 1974.

¹¹ Memo from a D/Gda to the Supt, Monaghan Garda station; date uncertain but believed to be between September 1974 and July 1975.

¹² 15 April 1999.

¹³ Interview with Inquiry, September 2003.

¹⁴ This information in turn must be read in light of the fact that Bennett turned 'supergrass' in the 1980s, informing on a number of his former UVF colleagues. It might therefore suit the UVF to attribute a role in the Dublin / Monaghan bombings to him.

Awareness amongst senior RUC officers of collusion with loyalist paramilitaries:

In order to support his suggestion that senior officers in the RUC knew of and encouraged connections between RUC officers and loyalist extremists, Weir referred to the following incidents:

- (1) On one occasion he visited a named RUC constable in the company of a named senior RUC officer. They discussed the constable's connections to a loyalist group called Down Orange Welfare. The constable informed them that Down Orange Welfare were making machine guns, and showed them two prototypes:

"... he then offered me the two sub-machine guns because he knew about my connections to Loyalist paramilitaries. I accepted them and took them to Mitchell's farmhouse."

- (2) On another occasion, while in the company of RUC officer Gary Armstrong and UVF member Robin Jackson, Weir was stopped at a road block under the control of a named RUC Inspector. The latter showed no surprise at seeing two RUC officers in the company of Robin Jackson and just waved them through.
- (3) Within a week of Strathearn's murder, Weir informed a named senior RUC officer of his involvement. He was told to forget about it.
- (4) At a later date, he witnessed a conversation between the same senior officer and a named CID inspector. Both men discussed with approval the ongoing sectarian attacks committed by two named RUC officers along with Robin Jackson.
- (5) In November 1977, Weir was transferred to Newtownhamilton Station. Before his departure for Newtownhamilton, he had a meeting with a senior Special Branch officer who told him that he was aware of Weir's involvement in loyalist paramilitary activity for some time and that his connections with loyalist extremists were part of the reason why he was being placed in charge of Newtownhamilton RUC station.

The meaning of this became clear to Weir upon arriving at Newtownhamilton, as he was asked to commit various criminal acts (which he refused to do). He referred to a distrust between the RUC Special Branch and Military Intelligence there, each warning him against the other. He believes the reason he was transferred to Dunmurry Station on 17th April, 1978 was because of his refusal to engage in criminal activity. The official explanation given by the RUC is that he was transferred in order to discourage him from making regular cross-border visits to his parents near Castleblayney – visits which might have made him a target for the PIRA.

RUC / GARDA INQUIRIES INTO WEIR ALLEGATIONS

1. THE RUC
2. AN GARDA SIOCHANA
3. ASSESSMENT

John Weir's allegations have been the subject of inquiries by both the RUC and An Garda Síochána. These inquiries have relied on shared information, for the most part obtained by the RUC. Despite this, the RUC and An Garda Síochána have arrived at markedly different conclusions regarding his credibility as a witness.

THE RUC:

On 14 February 2000, the RUC sent a report to the Garda team tasked with looking into Weir's allegations. The report contained the views of the RUC on Weir's claims, as well as a summary of the Dublin and Monaghan investigation from their perspective, and some information on persons named by Weir in his statements. The report concluded:

“As Weir is... a convicted murderer his credibility must be in doubt and the results of research so far do not encourage any belief that he is now being genuine.”

The following reasons were offered in support of this:

- (1) That Weir did not disclose any of his information in 1978 when he had ample opportunity to do so;
- (2) That his allegations were only made after the deaths of Robin Jackson and Robert Kerr;
- (3) That he had established a relationship with Sean McPhilemy (there was an animus between McPhelimy and the RUC);
- (4) That his evidence in relation to the Dublin and Monaghan bombings was based on hearsay; and
- (5) That he could have obtained information relating to the police officers whom he accused of participating in various crimes from William McCaughey - with whom he served a lengthy term of imprisonment - or from Robin Jackson, who was also a prisoner for a period during Weir's detention.

To the Inquiry, these reasons seem insufficient to dismiss Weir's claims. While it is true that he did not publicly make allegations until after Jackson's death, he had made the same allegations on an unattributable basis to journalists Liam Clarke and Joe

Tiernan many years previously. As to his connection with McPhelimy, Weir has never claimed to support those of McPhelimy's claims which fall outside the boundaries of his own allegations. In fact, he informed Gardaí that he did not attach much credibility to most of McPhelimy's material.¹ The claim that his information is hearsay is of course true, but it seems that the circles in which he moved were very knowledgeable about such things.

The RUC report also contained a number of errors and inaccuracies. For instance, it said that James Mitchell's housekeeper, Lily Shields, had died: but discreet Garda inquiries subsequently found her to be not just alive, but living at Mitchell's farm. The report also said that Weir had pleaded guilty at his trial, when he had not. It said that William McCaughey had served with Weir in the Armagh Special Patrol Group: this was not so.

Concerning Billy Hanna, the report said that he had not served in the UDR and that there was no information linking him to Mitchell's farm. Both these statements were incorrect. In the first place, Hanna had served for a period in the UDR, as was made clear during the course of his trial in 1973. Secondly, information had emerged during the 1978 investigation that Billy Hanna was the first person to have asked Mitchell to store weapons and explosives on his farm.

This omission of this latter piece of information from the report of February 2000 was not deliberate, but arose from the fact that the CID officer who compiled the report did not have all the available material in front of him. The original notes of the interviews conducted in 1978 had been lost; CID had only the written statements made. However, Special Branch files contained abstracts of information from the interview notes. These abstracts were known as Daily Record Sheets. They were not comprehensive; their purpose was to note information of interest to Special Branch. Nonetheless, they recorded a great deal of additional information given by the interviewees that did not appear in their statements. In the absence of the original interview notes, they should have been referred to.

It is not clear why the Daily Record Sheets were not made available to the CID officer who compiled the February 2000 report. The officer himself told the Inquiry that if he had seen the information contained in them, he would have included it in the report.

There are two other instances in which information contained in the Daily Record Sheets contradicts assertions made in the report of 2000. Both related to the discovery of arms and ammunition on James Mitchell's farm in December 1978. The report sought to play down the significance of this for Weir's allegations by saying that there was no indication that Mitchell knew the persons who had asked permission to store weapons on his land. But there was information in the Daily Record Sheets which established that Mitchell knew ten named loyalists whom he believed were involved in moving arms and explosives to and from his farm. Of those ten, six appear in Weir's statements accused of participating in one or more of the attacks listed above. In any event, as a subsequent Garda report pointed out, amongst the equipment that was found in 1978 were two home-made sub-machine guns – something that lends

¹ Report of D/Supt Maguire dated 13 June 2000.

credence to another of Weir's allegations concerning the acquisition of those guns from an RUC constable.

Secondly, the report said that there was no evidence from the investigation papers that Mitchell's farm had been used to store any equipment other than that which was recovered in the search. This too is incorrect; the investigation in fact established that his farm was a major arms dump for the UVF.

In relation to Weir's transfer to Castlereagh on 25 January 1975, the RUC report claimed that he was transferred because of fears for his safety arising from his habit of crossing the border regularly to visit his parents. While it is true that Gardaí had warned of a possible threat to his safety, these warnings came some months prior to his transfer. Weir's regular cross-border visits were first mentioned by Gardaí by letter dated 5 February 1974. It was stated:

“While we have no information that his life is in danger, it is highly likely that the Provisional I.R.A. will become aware of his visits.”

On 22 March 1974, Gardaí again contacted RUC Headquarters, this time with a more specific warning, saying:

“I wish to inform you that confidential information has been received from a reliable source that Constable Weir will be a target for the Provisional I.R.A. and will be shot in the event of him returning to Shantony, Cortober, Castleblayney.”

If this was the reason for his transfer to Belfast, the delay of ten months from the receipt of this second warning would be difficult to explain.

The same reason was offered as an explanation for why he was transferred to Dunmurry, Belfast in 1978. In this instance, the timing is more plausible: a Garda warning concerning Weir's cross-border visits was received by the RUC on 22 February 1978. A reply dated 1 March indicated that Weir had been warned of the risks inherent in his behaviour, and he was transferred on 17 April – presumably because the warnings had proved ineffective.

The report purported to summarise contemporary RUC information as to the suspects for some of the attacks mentioned by Weir; but here too there were inconsistencies. In the case of the bomb attack on Donnelly's Bar, Silverbridge, Co. Armagh, the report said that in January 1976, Gardaí were told the names of three UVF men who were involved, and that

“the intelligence suggested that the UVF was using a farm convenient to the border.”

A letter from the RUC to An Garda Síochána dated 16 January 1976 did indeed mention the three UVF men, but said they had been involved in the Dundalk bombing (which took place on the same day as the Silverbridge attack). Moreover, the letter did

not refer to the use of a farm near the border: this piece of information does not appear to have made known to An Garda Síochána.

Finally, in relation to the alleged use of cover names by the Glenanne group when claiming responsibility for their actions, the RUC report stated that the Silverbridge attack had been claimed by the Red Hand Commandos, but claimed:

“There is no reference to the Protestant Action Force or Red Hand Brigade in any of the cases reviewed.”

Once again, this is simply not true. As we have seen, a phone call to the Belfast office of the *Irish Times* claimed the Dublin and Monaghan bombings on behalf of the Red Hand Brigade. There was also the *Sunday News* interview of 24 November 1974, in which three loyalist paramilitaries claimed to belong to the Protestant Task Force, while also acknowledging the existence of the Protestant Action Force.

Not only was the RUC report inaccurate in many of its attempts to adduce evidence contradicting Weir’s allegations, but it also failed to draw sufficient attention to evidence uncovered by the RUC which supported Weir’s stories. The fact that three of the four people named by Weir as having attacked the Rock Bar, Keady on 17 August 1976 were subsequently convicted of offences in relation to it was mentioned. But no mention was made of other evidence arising from interviews conducted with those persons and others arrested following admissions by William McCaughey in December 1978.

The full account of the allegations and cross-allegations made during the course of those interviews is too complex to set out here. But what can be said is that in relation to the attacks on Donnelly’s Bar (Silverbridge), John Farmer and Colm McCartney, the Reavey family, and the O’Dowd family, information was given by one or more of the interviewees which confirmed Weir’s account of who was responsible in each case. One of those interviewed, an RUC officer, also confirmed Weir’s story of the RUC constable who was building home-made machine guns for loyalist extremists. Finally, two of those convicted for the Rock Bar attack gave information which suggested that the fourth person named by Weir was indeed involved, although he made no admissions and was not charged.

AN GARDA SIOCHANA:

Almost everyone implicated by John Weir resides outside this jurisdiction. Apart from interviewing Weir himself, Garda inquiries have been largely confined to reviewing information received from the RUC and on the basis of those reviews, making further requests for information or for the questioning of certain persons.

The Inquiry has spoken to the Garda officers who interviewed Weir in April 1999. They said he had been an impressive witness, and that they believed his allegations should be treated seriously. That view clearly informed their review of the RUC

report, in that they focused mainly on the information in it which served to support Weir's credibility.

In relation to Weir himself, they wrote:

“John Weir comes across as an intelligent and discerning man who is a very convincing witness. He is highly credible and has very comprehensive details about the crimes he purports to have knowledge of.”

Arising from this, Gardaí requested that interviews be carried out with a number of people mentioned in Weir's allegations: James Mitchell, Laurence McClure, Gary Armstrong, Lily Shields and the UDR officer alleged to have provided explosives.

The RUC complied with the request and reported the results on 24 October 2000.

The UDR officer whom they interviewed proved not to be the person known to Weir. But the RUC made further enquiries and identified another UDR officer who had been attached to a particular station during the period that John Weir was an RUC Sergeant at the same station. He was interviewed on 11 December 2000.

The UDR officer:

Weir named a UDR officer whom he said provided the explosives for most, if not all of the bombings carried out by the group with whom Weir associated.

The officer interviewed by the RUC originally joined the UDR in a part-time capacity. In civilian life, he was also a Technical Adviser with a company that manufactured commercial explosives.

Concerning his experience with explosives, the officer said that he had trained as a shot firer – that is, the person responsible for setting an explosive charge. He was quite clear that as a shot firer, he had no access to explosives or detonators: they would have been supplied by the quarry company under police or army supervision.

The officer denied all the allegations contained in Weir's statements as they applied to him. He summed up his attitude to Weir's allegations as follows:

“I am totally disgusted at listening to the allegations because I was no way involved in anything; nor did I supply any explosives or assist in any way. I think it's a load of nonsense.”

Nonetheless, at the outset of his interview he did accept that he was the UDR officer being referred to by John Weir. He said he was based in a particular barracks at a time when Weir was stationed there and that Weir had probably seen him going in and out. He said Weir was probably aware also that he was a shot firer.

Beyond this, the officer was unable to recall any specific association with Weir. He agreed that there were often joint military and police briefings and patrols in the area during which he met with police personnel. He had visited the Mitchell farm on a few

occasions. This was in his role of maintaining contact with the public. He said he purchased farm produce during these visits. He also met Lily Shields.

The interviewing officer told him that Weir had said that he (the UDR officer) had been best man at a named RUC Chief Inspector's wedding;² the UDR officer denied this.

When questioned about Robert McConnell, he said he knew McConnell had been a part time member of the UDR. He said it had been his job to identify McConnell's body when he was killed. He also said that he had met British Army Captain Robert Nairac.

Lily Shields:

In 1974, as a young woman, Shields was working for James Mitchell as a poultry keeper, though Weir and others have referred to her as the housekeeper. In 2000, she was living on Mitchell's farm as a paying guest

Shields was detained and questioned by the RUC in 1978, along with a number of others including Mitchell. Eventually she admitted accompanying Laurence McClure in the car which collected those responsible for attacking Donnelly's Bar, Silverbridge. She admitted knowing that they were going 'on a job.' She was charged, but a *nolle prosequi* was issued – in effect, the charge was withdrawn. When interviewed by the RUC on 9 August 2000, she maintained that her participation in that incident was a one-off and that she still could not identify any of the others involved in the Silverbridge incident.

She said that in the mid-1970's various members of British Army units posted at the local military base at Glenanne visited the farm regularly, and she would make them tea. She did not recall any UDR patrols visiting the farm, and only remembered one policeman calling - a sergeant from nearby Markethill station who came to buy eggs.

The farm sold farm produce to the public and many members of the public called to make purchases. An agent for a poultry firm also called on a weekly basis. The Army visitors did not buy anything.

According to Shields, Weir started to visit the farm when he was attached to Newtownhamilton Police Station. She could not remember the dates. He became friendly with James Mitchell. Shields and Mitchell used to visit him twice yearly in prison, both before and after his conviction.

From the transcript of her interview, she appears to have said that the guns and ammunition found on Mitchell's farm were in fact found on an out-farm.

²This allegation was made by Weir in interview with the Inquiry on 15 February 2001, but not in any of his other statements or letters of which the Inquiry are aware. The significance of the allegation lies in Weir's contention that this Chief Inspector was aware and approved of the subversive activities of McCaughey, Armstrong, Jackson and others. He was also said to have assisted Weir in conveying home-made machine guns from Down Orange Welfare to the UVF and other loyalist paramilitary groups. See statement to Sean McPhilemy dated 3 January 1999.

She knew Gary Armstrong since his brother-in-law was married to her sister. She said he only visited the farm once in a social capacity during the relevant period. Laurence McClure was a close neighbour living beside Mitchell's farm but was not a regular visitor to it. She said that she had heard of Robert McConnell but didn't know him. She didn't know the UDR officer named by Weir either. She claimed to have no knowledge of any other police officers, UDR members and paramilitaries referred to by Weir.

There were three sessions of interviews and throughout she strongly denied the accusations and accused Weir of telling lies.

The interviewers regarded Shields as a very timid individual. She was obviously unwell and they were told that she was suffering increasingly with arthritis and was on constant medication.

James Mitchell:

Weir claimed that the Glenanne farm owned by Mitchell was central to the activities of the group that carried out the attacks cited by him. In 1978, Mitchell was convicted on charges relating to the discovery of arms and ammunition on his lands. Following the Garda request, he was interviewed by the RUC on 9 August 2000. When reporting the results, the RUC said that when he was first approached to arrange an interview and during two subsequent sessions of interviews, he demonstrated himself as being

“a cantankerous old man who very much resented his presence at a police station to answer accusations which he considered to be outrageous and concocted by Weir for no apparent reason.”

Mitchell described Weir as “a damned liar and convicted murderer.” He vigorously denied all the allegations relating to him.

According to Mitchell, the farmhouse had been a calling house for the British Military forces since World War II. When they called they were given cups of tea. Fishermen who used the lake on the farm were also constant visitors. He said that he had got to know Weir after the latter first started to visit the farm when he was stationed locally at Newtownhamilton. He said that Weir used to visit the farm about twice a year and if he was in the area, would have called to see Mitchell. He confirmed that he had visited Weir while the latter was in prison.

On some occasions when Weir visited the farm he was in a police vehicle and accompanied by other police officers. Mitchell did not remember Gary Armstrong but knew Laurence McClure as a neighbour who had a repair garage beside the farm.

According to the RUC report of 24 October 2000, Mitchell claimed to have no knowledge of the other police officers named by Weir. Neither did he remember any of the named paramilitary suspects visiting the farm.

When asked if he knew the UDR officer named by Weir, he admitted to knowing a farmer of the same name who was an officer in the UDR though he wasn't sure of his rank. It is not clear whether this is the same man who was interviewed by the RUC. He said that he had sold him hay on one occasion and that he had loaned him his tractor to bring the hay to his home which was between eight and ten miles away.

In relation to his own conviction, he was adamant that the find of weapons and ammunition had been on adjacent land, which he had merely rented. He said he had no previous knowledge of the existence of the equipment on the property before the search in 1978. From the transcript of his interview he said that he had never seen where the arms and ammunition were found and that in any case the land was in the joint ownership of himself and his brother. He said that he didn't know the men that had left the arms and ammunition on the land and that the RUC had never shown him where they were found. Later in the interview he suggested that the arms and ammunition must have been left at night since he didn't know when it had been left in the field.

These denials are contradicted by his account to the RUC in December 1978, in which he admitted knowing the men, seeing them and talking to them on at least one occasion, and giving them permission to store 'stuff' on his land. Regrettably, the RUC did not attempt to reconcile the differences between his accounts in 1978 and 2000.

Laurence McClure:

Former RUC officer McClure was alleged by Weir to have participated in a number of sectarian attacks with the Glenanne group. As we have seen, he was convicted of involvement in the Rock Bar attack following admissions on his part during questioning in 1978.

He was interviewed by the RUC on 15 August 2000. The RUC report of this interview began as follows:

“McClure was already very aware of Weir's allegations through the media and other exposures and it became apparent that he was delighted to have the opportunity to respond to the numerous allegations which related specifically to him. He proved to be an extremely confident individual who conversed freely and at length when each of the accusations was put to him. He claimed to have adhered to strong Christian principles following his arrest and conviction on terrorist-related charges in 1980 and was very annoyed that Weir had made what he considered to be false allegations, especially as he had rendered considerable assistance to Weir, both during and after his prison sentence.”

McClure said he had joined the Armagh Special Patrol Group in May 1975. Gary Armstrong, David Wilson and Ian Mitchell were members of that group when he was originally transferred to it; Weir was not. He first met Weir when he was stationed at Newtownhamilton. He knew James Mitchell since he lived about half a mile from him.

McClure said that he had no association with or knowledge of the various paramilitaries referred to other than in the course of his normal police duties. He had met Robin Jackson in Crumlin Road Prison when he himself was on remand. When asked about whether he knew Stewart Young he said that he'd heard of 'the Young brothers' but had no individual contact with them. Nor did he recall Sammy McCoo or David Payne. He was not a close friend of Robert McConnell but he admitted they had both been involved in the attack on Donnelly's Bar, Silverbridge on 19 December 1975.

He admitted to having met a man of the same name as the UDR officer named by Weir. He said the man had come once to James Mitchell's farm with a brand new international tractor. As he (McClure) was a mechanic he was allowed by the man to take the tractor for a drive. It was a model which he hadn't seen before. He thought that he was probably at Mitchell's drawing a load of hay or something. He did not associate the man with being an officer the UDR. He said he had only met him on that one occasion.

He accepted that there had been a meeting at Gary Armstrong's home of the nature suggested by Weir, but denied that it took place when as suggested by Weir or that Weir was present. He said it was a meeting which discussed the plan to attack the Rock Bar, Keady in June 1976. That was his only meeting at Armstrong's house.

He denied connections with the UVF, saying:

"I had no connections with the UVF, now that was totally untrue. All I was, was a desperate policeman looking to stay alive."

He explained his action over the Rock Bar as originating in information given to him that well-known republican paramilitary Dessie O'Hare had details of him on a note found by the Garda Síochána. He maintained that the explosives used were at least a year old at the time and thought that they had been supplied by a quarry owner who was later murdered by the IRA.

He regarded the allegations of criminal activities at Mitchell's farm and associated attacks within the State as being "a load of nonsense".

In relation to the planned attack on Clontibret, he said:

"Well, that's about the stupidest thing I've ever heard, I wouldn't have went near the border unless with the police escort."

At the same time however, he admitted that he had called to Weir's home in Co. Monaghan having taken Weir over the border. He not only drove him to his home but returned to collect him two days later.

In relation to the later bombing at the Step Inn, Keady, he said that he had been on holiday in Scotland when it occurred.

He admitted talking to a journalist (presumed to have been Liam Clarke), but only in relation to matters for which he was convicted. When asked about the allegation that certain senior RUC officers had known of and actively encouraged the criminal activity of McClure and other policemen, he said it was totally untrue.

He said that Ian Mitchell had supplied the back-up car for the Rock Bar bombing. On that occasion he had lit the fuse of a bomb and taken three steps but it didn't explode properly, the explosives were dud and the bomb had been made a year before by a named man who has not featured in any other allegations. McClure said the bomb was a hoax and it was intended to fire shots and to frighten people.

He admitted to having acted as a courting couple with Lily Shields on the occasion of the bombing of Donnelly's Bar, Silverbridge. He said that he'd been approached by McConnell at Mitchell's farm to do so.

Gary Armstrong:

Armstrong, another police officer who had been convicted on charges arising from the 1978 RUC investigation, was interviewed on 13 September 2000. He waived his right to have a solicitor present. Following a brief outline of Weir's allegations, Armstrong read a statement as follows:

“I am now aware of the allegations made against me amongst others. These alleged events took place a quarter of a century ago, an era which, from a personal point of view, is now buried and forgotten. I am not prepared to resurrect any part of it as I seek to live as a decent citizen in my community. It beggars belief that the RUC should be expending such resources in response to the malicious, spiteful and money-grabbing exploits of a psychologically unstable person, especially with so many heinous unsolved IRA crimes still on the books and so many members at large as a result of the pernicious Belfast Agreement. My refusal to take part in this charade should in no way be reflective of my attitude towards law and order agencies which I continue to support.”

For the remainder of his interview in relation to any allegations, he merely referred to this statement. He indicated that it was his intention to reply in this manner to every question put to him. At the end of the interview, he apologised for his attitude but explained that following his conviction in 1980 on charges relating to the kidnapping of a priest, Fr. Murphy, he had decided to put all of those matters behind him. He said that he had received financial inducements from television and media sources but always turned them down. He was convinced that the allegations made by Weir were a complete distortion and made for financial gain by Weir.

Following a review of the information obtained in these interviews, An Garda Síochána asked the RUC to interview David Payne and William McCaughey. This was done on 6 June and 5 July 2001 respectively.

David Payne:

When interviewed, Payne denied Weir's allegations. He said he had first met Weir when in prison. He accused him of making up these stories for money. Towards the end of the interview, he suggested that Weir had joined the "South African or Rhodesian Security forces or something" - apparently mixing him up with former Military Intelligence Officer Fred Holroyd.³

He admitted to having been interned in 1974. He knew of Joe Bennett having been a supergrass. He denied knowing Mitchell's farm, even though his conviction in the late eighties related to possession of arms obtained at Mitchell's farm. However, this fact does not appear to have been followed up by the RUC.

William McCaughey:

McCaughey denied Weir's allegations in so far as they extended to matters which he had not admitted. He claimed he had been in hospital for three months with a "fake drink problem" before his arrest and that no police officer had been allowed to question him; he denied having been in hospital following a mental breakdown. In a somewhat oblique fashion, he admitted illegal behaviour by saying that "both he and Weir had a toleration for physical force."

He denied that he had made any references to the Dublin and Monaghan bombings following his arrest in 1978.

He said that Weir was a last minute replacement in the gang which murdered Strathearn and that he did not know why he was going until he was halfway there.

He said that Weir had threatened to get even following his conviction when he saw supergrasses getting away with what he had done. He was now making his allegations for money.

McCaughey said that he knew James Mitchell, but knew nothing about him.

Finally, he said that his position as a member of the RUC had lengthened the time he had to serve in prison. He had served sixteen years, Weir thirteen years, while a civilian would have served nine or ten years.

Analysing the results of the interviews with Mitchell, Shields, McClure, Armstrong and the UDR officer, D/Supt Maguire reached the conclusion that little of substance had been gained. He stated:

³ See chapter 20.

“Nothing significant emerged during this part of the investigation, which would warrant any conclusion that John Weir is telling lies. The most that can be said with certainty is that all the allegations made by Weir concerning the activities of this group in Northern Ireland has been verified by materials supplied by the RUC.

However, no collateral for the allegations concerning the crimes committed in the South has been found yet. On the other hand it could be fairly said that very little contradicting what he has said has emerged except bald statements of denial...”⁴

He added that in his opinion, the interviews gave rise to questions regarding the credibility of those interviewed. These conclusions apply equally to the interviews with Payne and McCaughey.

Consideration of the interview transcripts does give cause for concern, including the following:

- The statement by Gary Armstrong makes it clear that whatever his conduct may have been in the mid 1970's he wishes it to remain a closed book. While making no specific admissions, it would suggest that he was involved in greater illegal activities than that for which he was sentenced. His only reason for this attitude could have been that he did not wish to re-awaken past history in which his own involvement was less than creditable.
- James Mitchell's professed ignorance of when and where arms and ammunition was left on his lands is contradicted by his own account given in 1978, and by Lily Shields' indicating where they were found with precision.
- The UDR officer interviewed by the RUC did have some experience with explosives, as Weir had alleged. However, this of itself may not be significant, particularly in light of the officer's statement that shot firers did not have access to explosives.
- In light of the fact that evidence has been found to support many of Weir's allegations, it seems unlikely that Weir would have named that UDR officer in such a central position on the basis of having seen him a few times in a police station.
- One other piece of evidence arising from the UDR officer's interview is his unprompted assertion that he had been asked to identify Robert McConnell's body. Though not significant in itself, it does imply a close association between McConnell and himself.
- In his interview, James Mitchell said that he had not met Weir until he was stationed at Newtownhamilton. McClure also said that he had not met Weir until he was stationed at Newtownhamilton. Lily Shields was not as positive

⁴ Report of D/Supt Maguire dated 16 February 2001.

as James Mitchell but thought that it was while he was stationed at Newtownhamilton that she first met him. James Mitchell then says that he only saw Weir about once every six months. This seems unlikely. Firstly, Weir was only six months at Newtownhamilton Station and was at Dunmurry for the next four and a half months. It seems much more likely that Weir's statement that he used to visit the farm weekly when he was stationed locally and less frequently when he was stationed at Belfast is true.

Weir said in his statement of 3 January 1999 that he would first have met James Mitchell in or about June 1976. However there is internal evidence in the same statement that he was involved in planning the bombing of Tully's Bar, Beleek which took place in May 1976. It is therefore by no means clear when he would have met James Mitchell. However, it can be seen from the account of Weir's placements given at the start of this chapter that, save for six weeks in Omagh (1 September to 11 October 1976), he was stationed either locally at Markethill or in Belfast between 1 August 1973 and 4 September 1978.

Even accepting Weir's own statement that he met James Mitchell for the first time in or about June 1976, the period of his acquaintanceship with James Mitchell lasted for a period of two and a quarter years during which he would have been stationed locally for a period of eighteen months. He would have come to know James Mitchell and the farm relatively well if his account is correct. This would certainly have been capable of leading to a friendship which resulted in Mitchell and Shields visiting him in prison. Such a relationship would have been unlikely if, as Mitchell and Shields assert, Weir had not been a visitor to the farm until appointed to Newtownhamilton on 1st November 1977; as on their evidence they would have met him perhaps two to three times in all.

ASSESSMENT:

The assessment of credibility in a witness requires the answers to several questions.

- (1) Are they a person of character, who would be expected to be telling the truth;
- (2) Were they in a position where they would have come by the information which they claim to possess;
- (3) Was that in fact the way in which they came by the information; and
- (4) Have they any motive for providing false information.

If the motive is improper, it may so colour the information, as to make it so unreliable that the other questions need not be posed.

John Weir was sentenced to imprisonment for a murder for which he was properly convicted, but for which he did not consider himself primarily responsible, insofar as

he had neither initiated the plan nor carried out the shooting. The conviction itself shocked him, and his ensuing imprisonment distressed him. When it is considered that the two UVF men who Weir says actually committed the murder were not charged or even questioned in relation to it, one could understand if he felt bitterness towards the RUC as a result.

Such bitterness would suggest that Weir might attempt to make false accusations against police officers acting in the course of their duties, and this is a factor that must be taken into account in examining his allegations.

John Weir is a convicted murderer. He has admitted to having engaged in illegal actions as a policeman, and to having been prejudiced against the nationalist community in Northern Ireland. Clearly, Weir's character then was such that whatever he may have said against republicans should not be accepted. But it does not greatly militate against the truth of what he was saying concerning the activity of similar minded persons.

The Inquiry is also aware of the possibility that Weir may not have told the whole truth in relation to his own involvement in the incidents he refers to. His apparent confusion over when he first joined the Glenanne group may be the result of the passage of time; but it might equally stem from an unwillingness to admit his own involvement in other crimes committed by the group. Another possible indicator was his statement that he became fearful for his life when he learned that the IRA was targeting those involved in the attack on Donnelly's Bar, Silverbridge which took place on 19 December 1975. This suggests that he might have been involved in that attack. Alternatively, it is possible that he could have been involved in the bombing of Dundalk on the same day. Some support for this view comes from his positive statement to Gardaí on 15 April 1999 that the bomb for Dundalk was not made up at Glenanne, and from his further statement that he did not know any other participants in that outrage other than Robert Jackson. This latter statement is at variance with an assertion made to the Inquiry that very little went on within the area of his duties of which he was not aware.

When these matters were put to Weir by the Inquiry, he insisted that he had not been approached to join the group until after the attack on the Rock Bar, Keady in June 1976. As regards the reference to being involved in the planning of the bombing at Tully's Bar in Beleek, he said that he must have been mistaken in the dates. He maintained that he was not concerned that he might be prosecuted again if he made any admissions which he had not already made. In relation to Silverbridge, he said his fear for his life was not because he had been involved in that attack but because of a more general apprehension that his activities would lead him to be targeted by the IRA. He denied any involvement of his own in subversive actions beyond those mentioned in his statements.

The next questions relate to the provenance of his information. Having regard to his own admitted conduct, and his relationships with those with whom he was admittedly involved at Glenanne, and at the attacks at Tully's Bar, Belleek, and the Step Inn, Keady, he was certainly in a position through conversations and observation to have

obtained the information which he now claims to be true. While it is possible that he obtained all these details from other sources since his conviction, this is unlikely. The amount of details on which he has been proven correct suggest that his sources were authentic and contemporary.

Bearing in mind that Weir was an active member of the security services, and that his allegations relating to the period from May to August, 1976, have received considerable confirmation, the Inquiry believes that his evidence overall is credible. Some reservation is appropriate in relation to his allegations against police officers having regard to his possible motive in going public, and also in relation to his own part in the offences which he relates.

This view is one based also on a meeting with Weir, in which he came over as someone with considerable knowledge of the events which were taking place in the areas where he was stationed and who was prepared to tell what he knew. As has already been noted, the Garda officers who interviewed him were of the same opinion. In the light of all the above, the Inquiry agrees with the view of An Garda Síochána that Weir's allegations regarding the Dublin and Monaghan bombings must be treated with the utmost seriousness.

COLIN WALLACE, FORMER SENIOR INFORMATION OFFICER

- 1. INTRODUCTION**
- 2. PERSONAL BACKGROUND**

INTRODUCTION:

Additional evidence concerning ‘dirty tricks’ and the role of intelligence organisations in Northern Ireland came in the late 1980s from Colin Wallace. Between 1973 and 1975, Wallace served as Senior Information Officer in the Army Information Services Department. During that same period, he was also working for a covert psychological operations (psyops) unit embedded within the Information Services Department, and known as the Information Policy Unit.

The Information Policy unit engaged in all kinds of propaganda, misinformation and news manipulation on behalf of the security forces. Wallace was not only instructed in techniques of deception by his employers, but was permitted and in some cases ordered to use those techniques in his dealings with the media. The information available to the Inquiry suggests that he was highly valued by his superiors, both for the quality of his work and for his dedication to it.

The covert nature of Wallace’s work, and his experience in manipulating truth and untruth to serve particular ends make it especially difficult to assess the worth of his allegations.

Like former Military Intelligence Officer Fred Holroyd, Wallace believes himself to have been the victim of a campaign by elements of the security forces to discredit him. In particular, he claims to have been treated unjustly in relation to disciplinary proceedings in 1975 which resulted in his dismissal from the Army, and to have been framed in relation to a conviction for manslaughter for which he served five years in prison, from December 1981 to December 1986.

Upon his release from prison, Wallace began to make his allegations public, through newspaper, television and radio interviews. On 27 February 1987 he appeared with Holroyd on the Radio Ulster programme, ‘Talkback’. On 18 March, 1987 the two men were featured on RTE’s ‘Today Tonight’ programme. In both programmes Wallace talked of efforts by elements within the Intelligence Services to destabilise the political process in Northern Ireland. On ‘Today Tonight’ he also made allegations of collaboration between members of the security forces and loyalist paramilitaries.

D/Supt Patrick Culhane was asked to report on the allegations made by Holroyd and Wallace in these programmes. While his report dated 4 April 1987, dealt in some detail with the various issues raised by Holroyd, he confined his comments on Wallace to the following:

“Regarding Major Colin Wallace’s interviews, they refer mainly to his involvement in black propaganda against loyalist politicians and senior members of the Labour party. None of his allegations are attributed to this side of the Border, therefore his remarks are not relevant to this investigation.”

Notwithstanding a lack of interest from the authorities in Ireland and the United Kingdom, Wallace continued to stand over his allegations. He collaborated with author Paul Foot to produce a book, *Who framed Colin Wallace?* (London 1989). In 1993, he was interviewed as part of the ‘Hidden Hand’ programme.

As with Fred Holroyd, Wallace was not interviewed by D/Supt O’Mahony during the Garda investigation into ‘Hidden Hand’. In reviewing the O’Mahony report, the Minister for Justice expressed disappointment that this had not been done, asking the Gardaí to reconsider the matter. As we have seen, Wallace was subsequently questioned by D/Supt Murphy on 25 May 1994.¹

Wallace continues to assert the truth of his allegations, and has co-operated fully with this Inquiry. He has been interviewed by the Inquiry on a number of occasions, and has supplied some written material. He has also corresponded and met with representatives of Justice for the Forgotten. All information received by them has also been passed to the Inquiry.

PERSONAL BACKGROUND:

The following account of Wallace’s professional career is of necessity quite detailed, because any judgment of his credibility is intimately linked to an understanding of his true tasks while working for the security forces in Northern Ireland; of the efforts by his superiors to disguise the nature of those tasks; of the circumstances of his leaving the Army in 1975, and of the dubious nature of his conviction for manslaughter in 1981.

Information Policy Unit:

In 1961, Colin Wallace joined the Territorial Army Volunteer Reserve (TAVR) on a part-time basis. In 1966, he joined the Ulster Special Constabulary (also known as the ‘B’ Specials) – also on a part-time basis. In 1968, he was approached by the Army and asked to apply for a job as deputy Public Relations officer, Army Headquarters. He did so, and began work on 1 May 1968. He was a civil servant with a rank equivalent to that of a major in the Army. He retained his membership of the TAVR and was also commissioned as a captain in the UDR (which replaced the ‘B’ Specials).

With the outbreak of the Troubles, the public relations needs of the Army changed dramatically. With that in mind, the Information Policy unit was set up

¹ See chapters 10, 13.

The role of this new unit was to use psychological means in support of military objectives. This involved the dissemination of information and disinformation with the aim of disrupting terrorist activity - in particular, giving unattributable briefings to journalists.

Although still on the staff of the Public Relations department, Wallace found himself increasingly working with Information Policy. Initially, he was used by them purely as an outlet to the media; but over time his Irish background (almost unique in Army Headquarters), his personal abilities and dedication to duty resulted in him contributing much creative thought to the unit. In July 1973, a decision was made to appoint a new Chief Information Officer who would have control over both Public Relations and Information Policy. One of the first acts of this new officer was to move Wallace officially to the Information Policy unit.

In the course of his duties Wallace had access to a wide range of information about all the major paramilitary organisations, their members and associates. As part of Army Intelligence, Information Policy worked closely with MI6, MI5 and to a lesser extent the RUC Special Branch. Its existence was not officially acknowledged by the British Government until 1990.

Removal from Northern Ireland:

According to Wallace, a new propaganda project entitled Clockwork Orange was begun in late 1973. It was a disinformation campaign aimed at the IRA. In June 1974, it was expanded to target loyalist groups such as the UVF. However, in September 1974, the project began to target left-wing organisations and people who had nothing to do with sectarian violence in Northern Ireland. Wallace says he refused to continue working on the project because of this.²

Also in 1973, Wallace was contacted by a social worker who told him that the Kincora Boys' Home was rife with sexual abuse. One of the persons accused of being involved in the abuse was also a prominent member an extreme loyalist organization. Wallace reported this information to his superiors, assuming that appropriate steps would be taken. Subsequently, when he discovered that nothing had been done, he began to suspect that the intelligence services were using the information to blackmail the extreme loyalist into helping them sow dissension between the various extreme loyalist groups. In November 1974 he wrote, as he puts it himself, "a stroppey memo" to his superiors. He said that he found it very difficult to explain the failure of the police to take action regarding the alleged abuse at Kincora "unless they had specifically received some form of policy direction" not to do so. He concluded by saying that "if the allegations are true then we should do everything possible to ensure that the situation is not allowed to continue."

On 24 December 1974, Wallace was called to London to meet with the Assistant Chief Public Relations Officer at the Ministry of Defence. Wallace says he was told at that meeting that he was being transferred out of Northern Ireland because his life was

² Interview with the Inquiry, dated 27 January 2003.

in danger. He was offered a choice between two posts of equivalent rank, one at Preston and one at Taunton in England. He opted for the former. He did not believe the reason being offered for his transfer, and suspected that the real reasons were his refusal to use black propaganda against non-paramilitary, left-wing targets and his memo castigating the lack of action in relation to the Kincora abuse allegations.

In the weeks leading up to his transfer at the end of January 1975, Wallace had been preparing a document to be shown to representatives of the Army, UDR and RUC as a summary of the work undertaken by the Information Policy unit. According to Wallace, the document was intended to persuade these persons that Information Policy were not knowingly disseminating false information in their work. Around the same time, he had had numerous conversations with Robert Fisk, the *Times* correspondent, who was engaged in preparing a long article about the Army's alleged use of black propaganda. Wallace claims he agreed to show Fisk the document on the usual unattributable basis, in order to support his assurance that the Army were not engaged in black propaganda.³

On 4 February 1975, (the day he left Northern Ireland) Wallace says he delivered an envelope containing a document to Fisk's house. Fisk was unaware of this, as he was in London at the time. Before he could see it, the envelope was recovered by the police.

Wallace was suspended from duty, and on 18 May received a letter from the Ministry of Defence accusing him of "breaches of discipline amounting to serious misconduct" – to wit, the passing of a document to an unauthorised person. On 25 June he was informed that he was being dismissed from the Civil Service. An appeal to the Civil Service Appeal Board was rejected, but because of his long service he was given the option of resigning, which he did in December 1975.

An insight into Wallace's qualities as an officer may be seen from a statement made by the Chief Information Officer in Northern Ireland to the Appeals Board on his behalf. Within this statement he said:

"Wallace's primary job was to win friends among the Press and to gain their total confidence as a reliable source of information. By agreement with Intelligence in each case, he was supplied with selected information about terrorists, their activities, their sources of money and arms at home and overseas, of the allegiances of so called innocents and such matters. This - together with his long term and intimate knowledge of the Irish scene - made him an invaluable contact for the Press - that I cannot recall a single occasion when any reporter - even from the hostile papers, disclosed the source of the briefings.

To my knowledge, he worked at least 80 hours a week - coming to his desk every day. He lived in the Officers Mess and regarded himself as always on duty. He has never claimed long hours, gratuity nor overtime as a matter of principle. For about two nights each week, he served with the Ulster Defence

³ *Who framed Colin Wallace?* (London, 1989).

Regiment which meant going on armed patrol from 8 p.m. until dawn and getting no sleep.

I do not hesitate to say that Colin Wallace is the best thing that ever happened to Army Public Relations in Northern Ireland: as if it had not been for his talents, knowledge and efforts, the Army could well have lost the propaganda war; and they could not wish to meet anyone more dedicated to the Army than he was and, so obviously, still is.

The particular incident which this Board is now considering happened after my departure from the scene. Some facts have been made available to me. Knowing Wallace and how deeply he feels about his work, knowing Robert Fisk - the journalist concerned - and his particular style, knowing my successor and above all knowing the atmosphere and pressures of Northern Ireland, I venture to say that Colin Wallace is capable of an error of judgement; particularly against the background of six years under constant strain and pressure; and I just cannot conceive of any situation in which he would act maliciously against the interests of the Crown and the Army.”

Conviction for manslaughter:

In November 1976, Wallace secured a job as Information and Liaison Officer for Arun District Council, West Sussex. In 1980 he was questioned by police in relation to the death of Jonathan Lewis, the husband of a work colleague with whom Wallace had been romantically involved. He was eventually charged with murder, but mid-way through the trial the judge directed that the charge be reduced to manslaughter. Wallace was convicted and sentenced to ten years imprisonment. He was released on parole after five years.

Inquiries into Wallace's removal from Civil Service:

Following his release, and the revelations of Peter Wright concerning MI5 activities in his book, 'Spycatcher', the government came under increasing pressure to inquire into the circumstances of Wallace's dismissal from the Civil Service and his manslaughter conviction. Eventually on 30 January 1990, the Minister for the Armed Forces admitted in the House of Commons that Wallace had a false job description, and that he had in fact worked on a campaign of disinformation, code-named 'Clockwork Orange' which existed up until 1975.

An Inquiry was then set up within the Ministry of Defence in relation to Wallace's case. The report, published in May 1990, found that past official statements relating to his job description were inaccurate and arose because the papers available to the Appeals Board were not complete. They had been held on two separate files, only one of which was made available as a result of an administrative deficiency. The Inquiry also found that full knowledge of Wallace's case was known only to a limited number of very senior officials.

The matter was then referred to David Calcutt, Q.C. for his advice and recommendation. He reported on 10th August, 1990. He concluded the hearing before the Appeal Board was unsatisfactory for two reasons. Firstly, representatives of the Ministry of Defence had been in private communication with the Chairman of the Board prior to the appeal. Secondly, the full range of Wallace's work was not made plain to the Appeal Board.

Mr. Calcutt found that, in attempting to pass a restricted document to a journalist, at a time when and in the circumstances in which he did, Wallace erred; but if this incident had been considered in the overall context of Wallace's work, neither dismissal nor resignation (as an alternative to dismissal) was a reasonable penalty. He concluded:

“To this extent, I am of the opinion that an injustice was done to Mr. Wallace and I so advise.”

He recommended payment of £30,000 - according to Wallace, the maximum available - by way of compensation.

Review of manslaughter conviction:

Following the result of the Calcutt inquiry, Home Office Pathologist Professor Bernard Knight was asked to review the forensic evidence at Wallace's manslaughter trial. He found it to be seriously flawed. The conviction was referred by the Home Secretary to the Criminal Division of the Court of Appeal.

The original post-mortem carried out by Dr Ian West had found no evidence of foul play, but two further autopsies carried out by Dr West purported to find evidence of injuries consistent with the deceased having been in a fight. At the appeal hearing, particular attention was given to a finding that the victim's skull had been fractured by a “karate-type” blow to the base of the nose. Dr West had said the blow could have been delivered by someone who had been taught “unarmed combat”.

Having studied the evidence provided at the trial, Professor Knight was of the opinion that it would be “almost impossible” for a blow on the nose to have caused a skull fracture without causing serious damage to the nose itself. There was no evidence of any nasal bone damage, bleeding, swelling or bruising. He was supported in his opinion by Professor Sam Galbraith, a consultant neurosurgeon, and by other medical experts. When challenged, Dr West told the Court of Appeal that he had been given the information about the karate-type blow by “an American security source”, but he could not remember who the source was. He admitted that he had never seen an injury caused in such a manner, and that he had not disclosed the source of his information to the trial court.

Wallace's conviction was quashed on 21 July 1996.

Colin Wallace is an important source of information about the workings of the intelligence community in Northern Ireland during the period preceding and following the bombings in Dublin and Monaghan on 17 May 1974. His work for the Information Policy unit gave him access to information denied to all but a few. In addition, his service as a UDR captain, together with the fact that he is a native of Northern Ireland, gave him a depth and breadth of understanding which many of his colleagues lacked. This is confirmed by the then Chief Information Officer who in giving evidence to the Civil Service Appeals Board on Wallace's behalf, said:

“He also had knowledge of the Irish situation which was totally unique in the Headquarters and surpassed that even of most of the Intelligence Branch. As time progressed, he was not only the main briefer of the press, but also the advisor on Irish matters to the whole Headquarters and - because of his personal talents - contributed much creative thought to the Information Policy Unit. In order to do his job he had constant and free access to information of high classification and extreme sensitivity.”

In person, Wallace comes across as intelligent, self-assured, and possessed of a quiet yet unwavering moral conviction. Though he has reasons enough to be bitter - the abrupt and unjust ending of a promising career in Northern Ireland, five years spent in prison on a conviction which has since been quashed - he displays no outward signs of resentment towards individuals or institutions. He remains intensely loyal to his country and to the Army: insofar as he has a quarrel, it is with individuals rather than the institutions concerned. He says he believes that much of the propaganda work undertaken by Information Policy was justifiable in the interests of defeating subversives and promoting a political solution to the Troubles.

When speaking of matters directly within his own experience, the Inquiry believes him to be a highly knowledgeable witness. His analyses and opinions, though derived partly from personal knowledge and partly from information gleaned since his time in Northern Ireland, should also be treated with seriousness and respect.

ALLEGATIONS OF COLIN WALLACE:

- 1. INTELLIGENCE SOURCES**
- 2. DUBLIN / MONAGHAN BOMBINGS**
- 3. IRA 'DOOMSDAY' PLANS**

Wallace makes a number of claims that are relevant to this Inquiry. The first is that from the early 1970s until the 1980s, ongoing rivalries and lack of communication between intelligence groups, together with a failure to create an effective centralised control of intelligence, created a climate where illegal collaborations between loyalist paramilitaries and elements of the British security forces could take place with relative impunity.

In particular he has singled out differences in approach between MI6 and MI5 to the problems of the North. Whereas MI6 was inclined towards a political, peaceful solution to the Troubles, MI5 saw itself as defending the realm from subversion, and preferred military over political means. Between 1973 and 1975, the militant approach won out, as MI5 gradually gained overall control of intelligence operations in the North.

INTELLIGENCE SOURCES:

Intelligence and Psychological Operations:

The Information Policy unit, according to Wallace, was a “common user facility” - meaning that although nominally part of Army Intelligence, it worked for all the intelligence agencies in Northern Ireland. So, while he reported directly to Army Intelligence, Wallace also had an agreed link to the senior MI6 officer in Northern Ireland, Craig Smellie. His dealings with MI5 were few: Wallace believes this to be because his unit was principally engaged in assisting efforts to seek a political rather than a military solution.

In the initial years of the Troubles, it seems that MI5 involvement in the North was limited. But as the level of terrorist activity and civil unrest continued to escalate, its role increased. According to Wallace, the crucial point came at the end of 1973, when the Government appointed a Director and Co-ordinator of Intelligence (DCI), who would oversee and co-ordinate all of the intelligence agencies operating in Northern Ireland. An MI5 officer was appointed to the job:

“That then changed the character of intelligence in the North completely because, with his appointment, he not unnaturally replaced lots of MI6 people with MI5 people and, in my opinion, that’s where the rot set in.”¹

¹ Interview with Justice for the Forgotten, 8 September 2000.

Early in 1975, Craig Smellie left Northern Ireland and his role was also given to an MI5 officer.

Wallace also told Justice for the Forgotten that MI5 had forged close links with the RUC Special Branch:

“The RUC were largely operating on their own because it took a long time, from the intelligence point of view, for the RUC to get over the Hunt Report, which was very damaging from a credibility point of view. But then, I think, with the appointment of the Chief Constable - he was ex-Met., Sir Arthur Young... At that stage, there was then an attempt to restructure the RUC, particularly the Special Branch. So then, as time progressed, the sort of power base became MI5 and the RUC Special Branch as a close alliance. Army Intelligence, to some extent, largely on its own, because it had the resources available, huge numbers of people and perhaps then Army Intelligence were closer to MI6, so that was roughly what happened before all sorts of things like 14th Intelligence and all the other people developed later on.”²

According to Wallace, MI5 was dominated by right-wing officers who deeply distrusted the Labour government of Harold Wilson. They were also opposed to the Sunningdale Agreement, and to the role being given to the Irish government in Northern affairs. He maintains that the Ulster Workers Council Strike which commenced on 15th May 1974 was encouraged and to some extent directed by MI5 officers with the express intention of destabilising the peace process in the North, and undermining the Wilson government.

Wallace has told the Inquiry that, while in general the RUC Special Branch were suspicious of the Army, they did forge close links with the covert surveillance units who ultimately became 14th Intelligence (14 Int). By way of example he cited the raid on a PIRA house on Myrtlefield Road, Belfast on 11 May 1974, which resulted in the discovery of PIRA ‘doomsday plans’, referred to earlier in this report.³ This raid was a joint operation between Special Branch and 14 Int. Wallace also cites this raid as an example of how elements within the security forces manipulated information in order to subvert and change British Government policy on Northern Ireland.

‘Targeting’ loyalist extremists:

The primary function of the Information Policy unit was to spread dissension amongst hard-line paramilitary groups. This was done through the controlled release of information - some of it true, and some fabricated. In some instances, the media would be used; in others, information would be disseminated by word-of-mouth using informants moving in paramilitary circles.

Quite often, a particular individual within an organisation would be the target of psyops propaganda; but this could only be done once clearance had been obtained from Army Intelligence. Speaking to Justice for the Forgotten, Wallace explained:-

² Ibid.

³ See chapter 3.

“Well, what we had, we usually had desk officers, who were people who were handling particular groups or the IRA or the loyalist paramilitaries and so, every operation we did had to be cleared in case it compromised something else. So, for example, if I was trying to cause dissension within this group and I had got information that someone like Billy Hanna has been embezzling money, then I’ve got a story that can really cause friction within this group. I would write it up as a project and then I would put it into the main Intelligence system to make sure that it was cleared, that it wasn’t impacting on another operation and so on, because on a need-to-know basis, I wouldn’t know what you’re doing or what you’re doing. And then eventually, someone will come and see you from the system and maybe just say ‘Thanks for the note. Go ahead’... but what often usually happened was, that the person might come back and say ‘we’d just rather you didn’t touch that’.”

Wallace believed it significant that Information Policy were refused clearance to target a number of key members of the mid-Ulster UVF during 1973 / 74, at a time when that group was highly active. In recent correspondence with the Inquiry, he referred to a written request which he had made on 28 June 1974 asking permission to target a large number of named loyalist paramilitaries. He said that at that time, a number of those mentioned were already on the ‘excluded’ list – meaning they could not be targeted. These persons included Harris Boyle, Robert Kerr, Billy Hanna, Robin Jackson, Billy Mitchell, Stewart Young and Robert McConnell.⁴

However, in a subsequent letter, Wallace warned against the dangers of reading too much into this. He wrote:

“It would be wrong to attach too much significance to the fact that clearance was not granted. I do not recall if any specific reasons were given for clearance being withheld on that particular occasion, but it did occur fairly frequently on other projects – usually when there was a danger that another Intelligence operation might be compromised or where the specific individual was working as an informant for the security forces.”⁵

Nevertheless, he had previously claimed to have been told in 1974 that Hanna was working for British Army 3 Brigade, and that McConnell and Jackson were working for Special Branch.⁶ This allegation is supported by a letter from Wallace to a former colleague dated 14 August 1975, in which he wrote:

“...there is good evidence that the Dublin bombings in May last year were a reprisal for the Irish Government’s role in bringing about the Executive. According to one of Craig’s people, some of those involved, the Youngs, the Jacksons, Mulholland, Hanna, Kerr and McConnell were working closely with SB and Int. at that time.”

⁴ Letter from Wallace to the Inquiry dated 13 August 2003.

⁵ Letter from Wallace to the Inquiry dated 30 August 2003.

⁶ Interview with Justice for the Forgotten, 8 September 2000.

Although it is significant that Wallace was making these allegations as early as 1975, it should be noted that his letter does not contain any objective evidence to support these claims.

Finally, Wallace told the Inquiry that on the loyalist side prior to 1973, there was an element of collusion between paramilitary figures and elements within the security forces, but that this became much greater later. During 1973 and 1974 the activities of the mid-Ulster UVF increased considerably, and its members were responsible for some of the worst atrocities of that time. But they were also the least touched by the security forces.

DUBLIN / MONAGHAN BOMBINGS:

Intelligence:

Regarding the bombings, Wallace contends that the British security forces had infiltrated loyalist paramilitary organisations to such a degree that they must have known the Dublin / Monaghan attacks were being planned, and who the likely planners and participants were. This is based partly on the premise that sources of information are valuable only if they can tell you in advance what is going to happen. An allegation that they “must have known” is by its nature, one that cannot be satisfactorily proved or disproved. However, Wallace also makes the more specific allegation that some of those involved in the bombings were working with British intelligence at that time. Finally, he supports the assertion that loyalist terrorists could not have carried out the Dublin attacks as successfully as they did without outside assistance.

His first point is that the bombings could not have taken place without the knowledge of the security forces. He told Justice for the Forgotten:

“I have argued along the line and there is no doubt, in my opinion, from my own experience, that several of the key players in the mid-Ulster UVF were working for the Special Branch and for ourselves. Now, when I say working for, it was giving information and liaising and so forth. If you just draw the line there and don’t even go any further than ‘liaison’, and if the informers were doing their job - and if they weren’t doing their job we wouldn’t have been using them - an operation of that size, in terms of the logistics and planning, was so big that there was something seriously wrong if the Security Forces as a whole did not know that (a) an operation was going on; and (b) had some idea about it, because of the scale of it. That would have been a prime target for the intelligence agencies to get to grips with.”⁷

⁷Ibid.

Secondly, he says that in the event of something as serious as the bombings taking place, whatever intelligence was available would have been rapidly circulated amongst the higher echelons of the security forces in Northern Ireland by means of handwritten additions to the Daily Operations sheet – an Army Intelligence document aimed at summarising the key events on any given day. The copies of this document with the additional handwritten notes would have been seen only by senior personnel in the security forces. Wallace says that because of its possible uses in propaganda work, he too was on the circulation list for this highly secret document. In a written statement for Justice for the Forgotten, Wallace described the information which circulated concerning the bombings as follows:

“At Army Intelligence, we had identified a list of suspects within 24-36 hours of the bombings taking place. To the best of my knowledge that has not changed substantially over the years. The list was not only of those who actually took part in the operation, but also contained the names of associates who were likely to be aware of what took place.”

He added that three men who gave an interview with the *Sunday News* on 24 November 1974) claiming to be members of “the mid-Ulster unit of the Protestant Task Force” were involved in the Dublin bombings.

In recent interviews, Wallace named two persons whom he considered would have been centrally involved. One was Billy Hanna whom he believed to have been the organiser; the other was Robin Jackson. He referred also to David Alexander Mulholland but said that he would not have been at the hub of the organisation.

In relation to the list of suspects on the Daily Op. sheet, Wallace makes one final claim. He says that when he met the former Secretary of State For Northern Ireland, Merlyn Rees at the launch of Paul Foot’s book *Who framed Colin Wallace*, Rees told him that he was not given the list of suspects for the bombings which was in circulation at the time.

Thirdly, he makes the point that the whole attitude of those who carried out the outrage was one of careless disregard for whether they might or might not have been discovered. In particular, no effort was made to disguise the stolen bomb cars. During the UWC strike the UVF, in particular, were under very close scrutiny and the fact that they were able to drive openly and without difficulty from the North into the South in stolen vehicles, to Wallace, suggested a high level of protection. Equally, the failure to change the number plates on the bomb cars might equally be the result of incompetence, oversight, or overconfidence – something which if true would be evidence against participation by members of the security forces in the attacks. Even if it was evidence that the bombers believed they would not be stopped on their journey South, that subjective belief would not in itself prove collusion with the security forces.

Investigations:

In relation to the reaction of the security forces in Northern Ireland to the bombings, Wallace said that initially, there seemed to be a determined effort to identify those responsible. He himself briefed the media without attribution about the identity of a Belfast UVF member, William "Frenchie" Marchant, who according to his information was responsible for obtaining the cars used in the operation. In a written statement prepared for Justice for the Forgotten, Wallace said that Marchant was identified to Army Intelligence as a Special Branch source being run by a named officer.⁸ When questioned about this by the Justice for the Forgotten legal team, he qualified it, saying:

"That's right, that was my belief... there were a number of Special Branch people who at that time appeared to have very close links with various loyalist groups. I'm not saying for good or ill, but certainly had close links with key loyalists. Marchant may well have been an informant, but I don't know."⁹

It was thought that the cars had been stolen in Belfast to deflect attention away from the mid-Ulster UVF. Despite the pressures of the Ulster Workers' Council Strike, the RUC appeared to be pressing ahead with their investigations and some people were interviewed. Almost immediately, however, the Security Service (MI5) objected strongly to media briefings and the Information Policy unit was ordered to discontinue further work on the incident because it was out of their jurisdiction.

Once this limited activity had come to an end, Wallace believes the notable feature about the Dublin and Monaghan investigation was the apparent lack of interest by authorities on both sides of the border. In all other major bombing incidents during the period, people were brought in for questioning and informants were pressed for information. Wallace believes that never really happened in the present instance. In the 'Hidden Hand' programme, he said:

"It was the lack of interest that concerned us – it was a departure from normal procedure. The outrageous nature of the bombings would have justified a greater interest and that just did not seem to be present at the time."¹⁰

While acknowledging that the primary impetus in any investigation into the bombings should have come from this State, Wallace has advanced a theory to the Inquiry that persons in authority within the security forces didn't want to have some of those responsible charged and prosecuted in this jurisdiction because of a very real danger that they would disclose their connections with the British intelligence community and give details of other activities involving collusion with the security forces. If links between key members of the mid-Ulster UVF and some members of the local RUC existed, the potential for serious damage to the reputation of the RUC was enormous.

In his interview with Justice for the Forgotten, Wallace referred to Captain Robert Nairac. He said that Nairac was a Military Intelligence Liaison Officer (MILO) and that his duties did not involve agent handling. Nevertheless, Wallace says that Nairac

⁸ Statement of Colin Wallace dated 8 September 2000.

⁹ Edited transcript of interview with Wallace by Justice for the Forgotten, 8 September 2000.

¹⁰ 'Hidden Hand', Yorkshire Television documentary broadcast on 6 July 1993.

seems to have had close social links with prominent members of the mid-Ulster UVF including Robin Jackson and Harris Boyle. According to Wallace, he could not have carried out this open association without official approval because otherwise he would have been transferred immediately from Northern Ireland.

One other matter mentioned by Wallace in his interviews was that one location frequented by members of the mid-Ulster UVF in the mid-1970s was a farm near Glenanne, owned by a member of the RUC Reserve, James Mitchell. As we have seen, this farm features heavily in allegations made by former RUC Special Patrol Group officer John Weir. Wallace told the Inquiry that information that loyalist extremists were meeting at the farm was circulating on Army intelligence documents from late 1972.

Finally, Wallace points to the fact that nothing on the scale of the Dublin bombings had been attributed to the UVF either before or since. He refers to the generally unsophisticated timing systems employed by the UVF at that time, and to a number of failed operations (including the Miami Showband attack) which resulted in the deaths of UVF bombers. To Wallace, this raises the possibility that specialist Army or security forces personnel provided advice or assistance for the Dublin bombings.

On the 'Hidden Hand' programme in 1993, he stated:

"The belief certainly held by certain people at Army Headquarters in Lisburn is that some of the explosives used in the Dublin bombings had been provided from security force sources in the widest sense and that could mean from the RUC, from the UDR or from the Army. It was not specific, but it was a widely held belief that that had been the case and that the planning and some of the organising of that operation had been done with the assistance of people who had been working within the security community."

Wallace was careful to make clear that these beliefs were essentially unsubstantiated. They were not deductions based on specific items of intelligence or other evidence. Unsurprisingly, when questioned on by D/Supt Murphy in 1994, he could only reaffirm that he had no facts to support them.

IRA 'DOOMSDAY' PLANS:¹¹

Wallace points to what he claims are a number of departures from standard procedure regarding the Myrtlefield raid and the subsequent treatment of the IRA 'doomsday' plans discovered there.

- (1) The Army did not take possession of the documents, as would have been normal in any joint operation; instead, the documents were kept by the RUC Special Branch.

¹¹ See chapter 3.

- (2) The press conference announcing the details of the find was held, not by the Army Press Office at Lisburn, but by the RUC Special Branch at Stormont.
- (3) The press conference was not held on the day of the find, as was the norm, but 3 days later.
- (4) The standard procedures for vetting information with Army Intelligence were effectively bypassed, allowing the 'doomsday' plans to be presented to the Secretary of State for Northern Ireland and the Prime Minister as evidence of a new IRA offensive, rather than as the defensive plans which the Army knew them to be.

To him, all this points to the existence of a group within the security forces, involving both personnel on the ground (who could authorise Special Branch to retain possession of the documents) and in leadership (who could bypass normal channels of information control and feed information directly to the Government). The aim of this group was to undermine the conciliatory approach of the Labour Government as outlined in Merlyn Rees' policy statement of 4 April 1974 - phasing out internment, removing proscription from Sinn Féin - by creating the spectre of an imminent PIRA offensive which would necessitate harsher counter-terrorism measures and an escalated military response. It may also have been their intention to inflame loyalist sentiment and precipitate acts of violence by loyalist paramilitaries.

Wallace does not believe that the political and media attention given to the IRA 'doomsday' plans acted as a catalyst for the Dublin and Monaghan bombings. Nor does he claim any proof that the same persons were involved in instigating the bombings or in protecting the bombers; but he does raise the possibility that the two events shared a similar motivation - that is, an intent to destabilise the peace process and escalate tensions between the British and Irish Governments.

In response to a request from the Inquiry, the Northern Ireland Office found four documents from May 1974 relating to the Myrtlefield find. None of the documents date from before the Prime Minister's speech. One, a telegram, was sent on the same day. It did not address the issue of whether the plans were offensive or defensive in nature, but said that investigations into the discovery were continuing. An extract from an intelligence assessment for the period 1-14 May notes the find but is similarly uninformative on this point. Another telegram dated 16 May purports to pass on a comment that the details of the plans indicated they were probably not for defensive purposes. Finally, an assessment dated 22 May does not reach a judgment on whether the plans were defensive or aggressive, but suggests that had the plans not been discovered, the events of mid-May would have presented the IRA with opportunities to convince the nationalist population that the loyalist threat was sufficient to justify putting the plans into action.¹²

¹² Letter from Secretary of State for Northern Ireland dated 26 September 2003.

These documents do nothing to detract from Wallace's interpretation of the events surrounding the Myrtlefield field, and indeed support the proposition that the Prime Minister and the Secretary of State were allowed to make public statements concerning the nature of the IRA plans with a confidence and conviction that was not shared by the Ministry of Defence or the RUC Special Branch at the time. There is other information contained in the first two documents which implies that in the first few days following the raid, the arrest of two PIRA members and the discovery that the PIRA might have been intercepting Army communications were considered far more important than the finding of the 'doomsday' plans.

FRED HOLROYD, FORMER MILITARY INTELLIGENCE OFFICER

- 1. INTRODUCTION**
- 2. PERSONAL BACKGROUND**
- 3. HISTORY OF ALLEGATIONS**

INTRODUCTION:

Former British Army Captain Fred Holroyd arrived in Northern Ireland in January 1974 as a Military Intelligence Officer. He was removed from his position at the end of May 1975, ostensibly on medical grounds. He resigned from the Army in September 1976.

Since that time Captain Holroyd has persistently accused the British Army of having engaged in serious unlawful acts including murder and kidnapping; of encouraging and assisting loyalist paramilitaries in the commission of such acts; of recruiting agents from the ranks of the security forces of this State; and of acts of gross incompetence which resulted in loss of life.

He has claimed to have received reliable information during his period in Northern Ireland concerning the perpetrators of the Dublin and Monaghan bombings. He has also made other allegations which are important to the Inquiry because they have been frequently used to support the theory that the bombings were part of a pattern of collusion between elements of the security forces in Northern Ireland and loyalist paramilitaries.

A detailed examination of his most prominent allegations is also vital to any assessment of his credibility as a source of information. That credibility is also affected by his personal history and the reasons for his removal from Northern Ireland in 1975.

It is extremely rare for a voice from within the security forces in Northern Ireland to make allegations of this kind. For that reason, his claims justify careful scrutiny. At the same time, it must be acknowledged that Holroyd is in some ways a compromised source: he made no complaint concerning British Army actions until he was removed from his post in Northern Ireland. He believed then and still does, that his removal was completely unjustified. While he continues to profess loyalty to and respect for the Army as an institution, he feels victimized and betrayed by certain elements and individuals within it.

PERSONAL BACKGROUND:

Born in 1942, Fred Holroyd joined the British Army in 1960. In 1964 he successfully completed the Officers' course at Mons, and held a variety of commissions over the

next seven years, rising to the rank of Captain. Towards the end of 1973 he completed a three month course at the Joint Services School of Intelligence at Ashford, Kent. On completion of this course, he was posted to Northern Ireland as a Military Intelligence Officer (MIO), arriving in January 1974. From then until his removal from the post in May 1975, he was based predominately in the RUC 'J' Division, which corresponded largely with the area covered by British Army No. 3 Infantry Brigade - that is to say, South Armagh including Portadown. Initially based in 3 Brigade HQ, he soon moved his office to the British Army camp at Mahon Road, Portadown.

Holroyd told the Inquiry¹ that he had the following roles while in Northern Ireland: he was a commissioned Army Officer; he was a Military Intelligence Officer, he recruited intelligence sources, and he acted as a liaison officer - linking local RUC Special Branch with Special Forces leadership and the 3 Brigade HQ. Notwithstanding this variety of roles, Holroyd was clear where his ultimate loyalties lay. In a statement to the RUC dated 19 September 1982, he described the chain of command:

“At 'J' Division I was under the command on the Army side of Lt Col Dixon, Int Corps and subsequently his successor Lt Col JHS Burgess, Int Corps, the C/O. They were known as Senior Military Intelligence Officers (SMIO). I was also under the command on the police side of Asst Chief Const CH Rodgers. After some time I came under the direct command of Mr Craig Smellie whom I believe to be part of MI6, or his second i/c Mr Hugh Galton-Fenzie. When MI6 were replaced by MI5 I came under the command of Mr Campbell but on the day of change I was informed by the GI HQNI Intelligence that in future I would work through him and not Mr Campbell as recent events indicated there was a leak in MI5 intelligence system. My operational area was commanded on the army side by Brigadier Wallis-King, HQ 3 Infantry Brigade Lurgan and his successor Brigadier Anderson, Queen's Own Highlanders. I did not come under the command of the Brigade Commander but I had a responsibility to provide him with basic and current intelligence relating to his area.”

He said he was not a member of MI6, but had been recruited to work for them by Warrant Officer Bernard 'Bunny' Dearsley - with the knowledge of his Army superiors, to whom he also reported. In his statement to Gardaí dated 11 May 1987, he said:

“My Army charter, during my tour in Northern Ireland, stated that my prime loyalty must be to the RUC Head of Special Branch. My reports were sent to Mr Craig Smellie, MI6, based at Headquarters, Northern Ireland, with a copy to my Commanding Officer, Brian Dixon / John Burgess, both Colonels in the Intelligence Corps who shared an office with the Head of Special Branch at the RUC, Knock Road, Belfast.”

Holroyd took to the tasks assigned to him with great enthusiasm, working from early in the morning until late at night. He grew a beard and long hair, and wore civilian clothes. His initial daily routine revolved around meetings with the RUC with 3 Brigade, but on becoming involved with Dearsley and MI6 he also went out on 'jobs'

¹Interview conducted 2 February 2001.

– in some cases simply accompanying Dearsley on visits to local estates, but in other cases going out on more dangerous, secret operations, about which he is still reluctant to talk.²

Describing his own work to the RUC in 1982, he said:

“I totally re-organised the facilities and methods of collecting, collating and disseminating intelligence based on the instructions I had received at the Joint Services School of Intelligence. I re-organised the area of my operational responsibility by dividing it equally between my FINCO³ and myself, thus enabling far greater analysis to be carried out. Concurrently I assisted the resident Army battalion to create an intelligence system that could be extended and improved as each battalion passed on from the province, and integrated the system with my own.”

Even those who speak disparagingly of Holroyd acknowledge that his administrative ability and organisational skills were first-rate.

By his own account, Holroyd arrived in Northern Ireland at a time of deep mistrust between the British Army and RUC Special Branch. In order to restore a relationship of trust with the latter, he redirected the flow of intelligence material coming from Special Branch through his own office. Intelligence staff at 3 Brigade HQ were given only that information which Holroyd deemed relevant to their jurisdiction:

“Intelligence which did not relate to the Brigade area or which had been specified by the SB to have limited dissemination I passed directly to the SMIO.”

Holroyd says that “80 to 90 per cent” of intelligence emanating from 3 Bde HQ Intelligence staff was coming from W/O Dearsley, who was not being credited for it. Under Holroyd’s new system, Dearsley’s reports now went directly to the SMIO via Holroyd, and Dearsley rather than 3 Brigade staff was credited. According to Holroyd, this and other changes instituted by him led to a deterioration in his relationship with 3 Brigade HQ.

The pressures on Captain Holroyd during his time in Northern Ireland were considerable. His mother died of cancer in September 1974; his father was also diagnosed with cancer and came to live with Holroyd, his wife and their four children until his death in February 1975. This, together with the long hours Holroyd was working, placed a severe strain on his marriage. He himself says that he informed his Army superiors of his domestic problems, and would have accepted medical treatment at that stage if it had been offered.⁴

In May 1975, Holroyd visited Garda Headquarters in Dublin in the company of an RUC officer (CID branch), to view the results of a recent arms find. His superior

² Interview with Justice for the Forgotten, 18 September 2000.

³ Field Intelligence Non-Commissioned Officer.

⁴ Statement to RUC dated 19 September 1982.

officer, Colonel Burgess, has since stated that in doing so Holroyd disobeyed his verbal instruction that no officer from the unit was to operate outside of Northern Ireland. He said that when informed by RUC Special Branch of the visit, he interviewed Holroyd and admonished him. He also said that the Head of Special Branch was so upset with Holroyd that he requested he be removed from his position as liaison officer with Special Branch.⁵

In the meantime, Holroyd had applied for and been granted a month's leave. He purchased tickets to Canada for himself and his family. On the night of 27 May however, a few days before his leave was due to begin, he had a row with his wife. By his own account, it ended with him telling her to get out of bed and go back to England, after which he went to sleep. When he awoke the following morning, his wife and children were not in the house. Shortly afterwards, he received a visit from Brigade Major Simon Firth:

“He said that my wife had come to his house and had made several serious allegations about my behaviour including that I had an unattributable weapon with which I was going to murder a terrorist and that I had threatened to shoot her and the children: that I was brutal to her and that I had threatened my wife and children with a gun.”

According to information received by An Garda Síochána from the RUC, Mrs Holroyd later confirmed that she believed her husband had an unattributable gun, but said that he had never threatened herself or her children with it, nor had she ever told anyone that he did.⁶

The Major said the family doctor in Portadown had supported Mrs Holroyd and had stated that unless the Army did something immediately, the doctor herself would seek to have him committed to a civilian hospital for psychiatric examination. At the invitation of Major Firth, Holroyd agreed to see an army doctor at Musgrave Park hospital. He was examined by the duty medical officer, who had no psychiatric experience. He said that Holroyd would have to go to the Royal Victoria Hospital at Netley, Southampton for psychiatric examination. Holroyd refused, on the basis that the stigma attached to Netley would adversely affect his career, but was told that he had no choice.

There is some controversy regarding the circumstances of the referral to Netley. In 1990, a doctor who had been senior Consultant Surgeon at Musgrave Park in 1974 wrote an open letter concerning Holroyd's case which was published in *Lobster* magazine. He stated that the failure to involve the doctor attached to Holroyd's unit was “totally irregular”. He continued:

“Had his Unit doctor been involved and had he found cause for further referral in Psychiatric terms, such referral would have been made either to civilian Psychiatric Consultants present at Musgrave Park Hospital or to Army Psychiatric Consultants. As it was, he was brought to the hospital and presented to the duty medical officer. The duty medical officer was hardly a

⁵ Report of Garda C/Supt Kelly dated 5 June 1987. The Inquiry has not seen the original statements of Col Burgess.

⁶ Report of C/Supt Kelly, 5 June 1987.

person to adequately assess a supposed acute case, having had no Psychiatric experience himself and not knowing, as the Unit doctor automatically would, the background of the family concerned.”

He also recalled that a physician at Musgrave Park had taken refuge in the operating theatre, in order that he would not become involved in the matter.

Holroyd was held at Netley for approximately four weeks. He says it was four days before he met any doctor. He then met Lt Col Stewart, a psychiatrist and Commanding Officer of the hospital. He says the first question he was asked was why he had disobeyed orders and gone to the South of Ireland. Though surprised at this, he did not think it had anything to do with the reasons for his removal to Netley.

Holroyd says that he took three tests under the supervision of a clinical psychologist, who informed him that the results showed him to be normal. On his release however, he was told he would not be returning to Northern Ireland, and was sent to the holding unit for his Corps at Aldershot. In December 1975, he and his wife divorced. On 2 September 1976, he resigned from the Army.

Up to and including his statement to the RUC in 1982, Holroyd claimed that his removal from Northern Ireland had been engineered by officers in the local Army Brigade with whom he had clashed in the course of his intelligence work. He says he was told as much by his Colonel during a visit to Netley.

In later years he has broadened this to describe himself as the victim of an ongoing power struggle between all the agencies involved in security in Northern Ireland - including MI5 and MI6. He believes that MI5 wished to oust him from his position in order to bring his intelligence sources under their exclusive control. These allegations, by their nature, are difficult to prove or disprove.

The official Army line is that the refusal to let him return to Northern Ireland was motivated partly by ongoing concern for his health, and partly by the request of RUC Special Branch that he be removed from liaison duties. In 1987, Holroyd himself told Gardaí that he now believed that his visit to Dublin had angered the MI5 and RUC Special Branch leadership, and was a direct cause of his subsequent removal from Northern Ireland.⁷

Following his resignation from the Army in 1976, Holroyd took up a commission with the Rhodesian Army, where he attained the rank of major, serving there for three years.

Since his return to the United Kingdom he has held a number of low-paid jobs, often with security firms. In a recent interview with the Inquiry, he claimed the Ministry of Defence has hounded him out of employment positions by making approaches to his employers.⁸

⁷ *War without honour*, pp. 99-103. See also statement to Gardaí dated 11 May 1987.

⁸ See also *War without honour*, pp.129, 136.

HISTORY OF ALLEGATIONS:

In order to examine allegations of collusion in relation to the bombings, the Inquiry believes it important to look at the information that is said to support a wider pattern of collusion. If evidence for such a pattern is found not to exist, this weakens the argument for collusion in the instance of the Dublin / Monaghan attacks. If, on the other hand, such evidence is found, it is a factor which should be taken into account – though not in itself proof that elements of the security forces were involved in the bombings. In that regard, Captain Holroyd has instanced a number of occasions which he maintains individually show collusion, and if taken together, form a pattern.

Initial complaints:

On 27 July 1976, Holroyd made his first complaint in writing to Lt Col R.Ching, the Commanding Officer of the Royal Corps Transport regiment to which he had been transferred in 1975. Also in 1976, he says he made verbal complaints to the Hampshire Police, Special Branch and to the Metropolitan Police, Special Branch. In 1977 he made a verbal complaint to his local MP (and then Shadow Defence Minister) Mr Robert Banks. On 23 November, 1977, Holroyd made a written statement to the North Yorkshire Police, Special Branch which contained a small number of allegations relating to illegal activities by British Army officers.

Following this, Holroyd took up a position with the Rhodesian Army. He returned from Rhodesia in April 1981, to find that nothing had been done concerning his complaints to Yorkshire Police. He resumed his campaign to have these allegations investigated.

On 21 July, 1982, he made a formal statement to the Essex Police which contained a increased number of allegations against members of British Army 3 Brigade.

The Essex Chief Constable forwarded a copy of Holroyd's statement to the RUC, who began the first serious investigation into his allegations.

RUC inquiry:

Holroyd was interviewed by the RUC in September, 1982. On 18 September, he made a 58-page statement. An additional statement was made on 15 December 1982. In these statements he again expanded the number of allegations made, referring amongst other things to alleged contacts between British Army officers (including himself) and Garda officers, and to alleged British Army involvement in the murder of well-known IRA member John Francis Green near Castleblayney on 10 January 1975.

Media allegations:

Although Holroyd had made complaints to various army and police bodies since his departure from the British Army in 1976, 1984 was the year when his allegations began to receive significant public attention. Over a two-week period in May 1984, he was the subject of two television programmes⁹ and a three-part article in the *New Statesman* by investigative journalist Duncan Campbell.¹⁰ Once again, he included allegations which he had not previously mentioned. This created further media interest in Britain and Ireland, and questions were raised in the Dáil.

His appearances on television and radio led to Garda investigations into his allegations in 1984 and again in 1987. Following a review of these inquiries, the Minister for Justice requested that Holroyd himself be interviewed by Gardaí. This was done in May 1987, and became the basis for a third Garda report.

In the course of his interview with Gardaí, Holroyd claimed for the first time to have some knowledge concerning the perpetrators of the Dublin and Monaghan bombings.

Holroyd continued to press his claims through whatever forum he was granted. In 1989 he published a book, *War without honour*. From time to time over the next four years his allegations surfaced in newspaper articles both in Ireland and abroad.

As was mentioned in earlier chapters, in 1993 he was featured as part of the ‘Hidden Hand’ programme by Yorkshire Television. He was not interviewed in the initial Garda inquiry led by D/Supt O’Mahony, but following pressure from the Department of Justice, he was interviewed by D/Supt Murphy in 1994. He also took part in the RTE Prime Time programme broadcast on 18 May 1995 and entitled ‘Friendly Forces’.

More recently, he has been interviewed by Justice for the Forgotten and separately by the Commission of Inquiry – several times in each case. He continues to assert the truth of his allegations.

⁹‘Diverse Reports’ (Channel 4), 2 May 1984; and ‘Today Tonight’ (RTE), 16 May 1984.

¹⁰‘Victims of the dirty war (I & II)’, *New Statesman* 4 and 11 May 1984.

ALLEGATIONS OF FRED HOLROYD

1. **DUBLIN / MONAGHAN BOMBINGS**
2. **'HIDDEN HAND'**
3. **OTHER ALLEGATIONS**

The matters that former British Army captain Fred Holroyd has brought into the public domain are considerable. As we have seen, these claims were not all made together. His initial complaints related primarily to his own treatment at the hands of the British Army. Only gradually did this widen to include other matters such as the Dublin / Monaghan bombings. It should also be observed that the detail of some of his claims has changed over time. In order to assess his credibility properly, the Inquiry devoted some time to analysing a number of his most prominent allegations and the response thereto of the authorities in Ireland and the United Kingdom.

Following correspondence with An Garda Síochána and the Department of Justice, the Inquiry was able to access all official documentation relating to the various investigations into Holroyd's claims conducted in this State. Included in the Garda files was an extract from the RUC report arising from its 1982-84 investigations. The extract dealt with the murder of John Francis Green.

At the request of the Inquiry, An Garda Síochána approached the PSNI with a list of documents sought, including the full text of the 1984 report on Holroyd's allegations. Some of those documents were handed over to Gardaí at a meeting on 30 August 2001; other matters were dealt with in correspondence between the Inquiry, the PSNI and the Northern Ireland Office. In relation to others, including the 1984 Holroyd report, arrangements were made for the Inquiry to view the documents at PSNI Headquarters in Belfast.

DUBLIN / MONAGHAN BOMBINGS:

Holroyd did not claim to have any knowledge relating to the bombings until interviewed by Gardaí in May 1987. He said an RUC officer had named five loyalist paramilitaries from the Portadown area whom he said were known from intelligence information to have been involved, along with others from the same area. The officer told him that the same team had been responsible for both the Dublin and the Monaghan bombs.

One of the loyalists named had been mentioned by Holroyd in a statement to the RUC dated 19 September 1982. He had claimed to have been told by the same RUC officer that this man – a well-known loyalist extremist – was working for the RUC as an informant. However, the Inquiry has been told that this man was interned at the time of the Dublin / Monaghan bombings, and so could not have participated directly in them.

The 'Hidden Hand' programme, broadcast in July 1993, claimed that Holroyd had been surprised he was not asked to investigate the bombings, since he was the MIO for Portadown where the suspects were based. Holroyd himself was shown saying:

“I was never asked by anybody to question about this whatsoever. At the time and immediately afterwards there was no interest whatsoever.”

When questioned on this by Garda D/Supt Murphy in 1994, he said that in fact, it would not have been his role to question anybody about the bombings – that was a job for the RUC. He reiterated that his only knowledge came from the information supplied by an RUC officer, and said he had no idea what the basis for the RUC information was.

'HIDDEN HAND':

In addition to his above comments on the lack of Army interest in the bombings, Holroyd was quoted in the programme in relation to other matters. In relation to the quality of intelligence available on loyalist paramilitaries, he said:

“The security forces infiltrated Portadown loyalist terrorists to run them and their leaders as informers. We knew their men – no doubt about that and we knew what they were involved in.”

When asked, “How well infiltrated were they?”, he replied:

“Well I would say we ran them – if you really want the truth we were running the organisations hands off because the leaders belonged to us.”

When these statements were put to him by D/Supt Murphy, he replied:

“This was the general belief amongst Army personnel. I can't give you any facts or figures and I don't have any first-hand knowledge that this was the case. However, it was strongly believed to be the case by Army officers. I can't put it any further than that.”

In relation to his own position, he continued:

“I wasn't running any loyalist members or organisations. The RUC generally dealt with loyalists. I concentrated more on developing sources within the IRA. I have no evidence to produce to you suggesting that loyalist groups were controlled by the security forces. The reason I said this in my t.v. interview was that there was a suspicion that this was the case. Looking back on it now I was in a ball game I didn't understand.”

Holroyd's notebooks from his time in Northern Ireland, which were referred to in the programme and have been examined by the Inquiry, do suggest a certain level of knowledge concerning loyalist paramilitaries and their activities. A number of

prominent loyalist extremists feature regularly, with occasional items of intelligence regarding their whereabouts, activities, or descriptions of vehicles used by them. Some of those named, have been mentioned by others as possible suspects for the Dublin / Monaghan bombings. But there is nothing in the notebooks to suggest that these people or the groups to which they belonged were being run by the security forces.

When interviewed by the Inquiry, Holroyd again claimed that dealing with loyalists was seen as the job of RUC Special Branch. But while his own focus was primarily on the IRA, he naturally made note of any information concerning loyalist suspects that came his way. He said that the few loyalist sources he had were given to him by the RUC Special Branch, and shared with them.¹

In the programme, Holroyd was also quoted as saying:

“Atrocities were allowed to be carried out by the Protestants – we knew who they were – we had the information and no action was ever taken against them. This caused a lot of disgust as you can imagine.”

Again, when questioned by Gardaí he denied having any first-hand knowledge of such atrocities or of the identity of any of those alleged to have taken part in them.

Finally, Holroyd described a visit he’d made to Nairac’s unit – Four Field Survey Troop – at their base in Castledillon, Co. Armagh. He said:

“I was shown their lockers with all their spare barrels so they could use weapons and then change the barrels and claim that they had never shot people. I was shown their communications equipment which was quite separate and I suspect went straight through to Hereford to M.O.D. I was shown a number of things which mean that they were funded separately and supported separately from regular Army people. Now there is only one organisation that could sponsor something like that and that is the SAS.”

When interviewed by D/Supt Murphy, he confirmed that he had visited the barracks and seen their equipment, but said that he had no facts to prove they were being funded by the SAS.

A further claim was made in the ‘Hidden Hand’ programme - not by Holroyd but by an unnamed former member of Four Field Survey Troop - that Nairac was handling both loyalist and republican informants in 1974. D/Supt Murphy questioned Holroyd about this, under the mistaken impression that the allegation had originated with him. However, Holroyd claimed to have been told the same thing by RUC Special Branch and CID sources.

¹ Interview with the Inquiry, 28 January, 2003.

OTHER ALLEGATIONS:

Eamon McGurgan / Seamus Grew:

Holroyd first mentioned an alleged kidnap attempt on PIRA member Eamon McGurgan in his statement to North Yorkshire Police dated 23 November, 1977. He described it as follows:

“During 1975 two civilians were captured by the Garda Síochána near the border, on the Southern side, in a car equipped with ropes, coshes, gags and other items. They were charged with the attempted kidnapping of a well-known Republican, suspected PIRA terrorist Eamon McGurgan, who was on the 3 Infantry Brigade Wanted List. The two men were Protestants and criminal types from Lisburn. Both men received prison sentences. The night these two men were arrested was the same night that Senator Fox was murdered and had it not been for the acute police activity they would have probably gone about their business undetected.”

Holroyd claimed that the would-be kidnappers “were employed, paid, briefed and dispatched on their kidnap operation” by a number of named British Army officers. He said that £500 was provided for the operation from Army HQNI, “through the office of the Political Secretariat.” He claimed to have been present at a meeting when the plan was discussed by various other army officers. Finally he said:

“I was asked by one of the officers concerned, but I cannot remember his name, if I would use my contacts in the Garda Síochána to clear a way for the kidnappers to go into Eire to complete the operation. I told them that I did not want to get involved and refused to assist.”

He repeated the allegation to the Essex Police in July, 1982 - this time describing the two men as “boxers from Lisburn” - and again to the RUC in September of that year.

In 1984, the allegation was mentioned on the *Diverse Reports* programme for Channel 4. It is not clear whether Holroyd mentioned McGurgan by name, but the programme makers took him to be referring to the attempted kidnapping of Seamus Grew², for which three men were arrested on 29 March 1974 and subsequently convicted. Two of them were said to have been boxers. They claimed to have spoken with one of these men, saying that “he confirmed Holroyd’s account on all the important matters of detail.”

In an article for *New Statesman* published nine days after the *Diverse Reports* programme was broadcast, Duncan Campbell claimed that there were two failed kidnap attempts in March 1974 - one of Grew, and an earlier attempt to kidnap McGurgan which was said to have taken place on the night Senator Fox was murdered. The article named the person interviewed on the Channel 4 programme as Jimmy O’Hara, a Lisburn Protestant and former boxer. It continued:-

²The kidnappers themselves confessed that Grew was their target, though they were also found to possess two photographs of Patrick Loughlin, another suspected IRA activist living at the same house.

“Jimmy O’Hara still refuses to identify the Army officer who dealt with him, or the go-between who introduced them... O’Hara will not talk about other operations he may have carried out for the Army or the RUC. But he has confirmed that there was more than one kidnap plan, and that Eamon McGurgan, as well as Seamus Grew, may have been a target.”³

There is also some evidence from the Garda files to suggest a British Army involvement in the attempted kidnapping of Grew. The above-mentioned James O’Hara, admitted during questioning following his arrest that he had been approached by a man and asked if he would be interested in making money. He said he subsequently discovered that the man was a British Army officer. His two accomplices, William McCullough and John Flynn, mentioned in their statements that they were expecting to be paid for doing the job. In his statement, McCullough also alleged British Army involvement, saying:

“We were to lift him [Grew] as far as I know for the British Army”

In addition to his written statement, John Flynn also made two verbal admissions. The first was made immediately after signing his written statement. According to D/Insp John Courtney, he said:

“It was for the Police we did it but I didn’t want to put it in my statement because they would say I was a squealer. O’Hara contacted the Police on the phone sometime from the Hotel, we did not hear what was said and I don’t know the policeman’s name or I would tell you.”⁴

Thirty minutes later he asked to see D/Insp Courtney again, and named the RUC officer whom he said had got them to do the job. He said that plan had been to hand Grew over to the Army, who would bring him to Armagh barracks.

According to Garda Pat Lynagh, who was present at the interview of James O’Hara, the latter also made verbal comments following the signing of his written statement. O’Hara said that he was not sure of the (named) British Army man who first contacted him. He thought he was not genuine and asked an RUC officer friend about it. This officer (the same one that John Flynn had named) told him “that his contact was alright.”

In 1983, O’Hara and Flynn were interviewed by the RUC in connection with Holroyd’s allegations. This time, both men denied any British Army involvement. They also denied that payments had been made or offered to do the job. The third accomplice, William McCullough, had died in a traffic accident on 22 September 1982 and so was not interviewed.

Columba Mc Veigh and Christopher Mein:

³ ‘Victims of the dirty war, (part II)’, *New Statesman*, 11 May 1984.

⁴ Statement of D/Insp John Courtney dated 30 March 1974.

In his 1977 statement to the North Yorkshire Police, Holroyd claimed to have heard the following story from a British Army officer in Dungannon:

“[He] described to me how he had made a contact on the fringe of PIRA and induced him to accept being found in possession of ammunition... The plan was for this man to go on the run and escape to the South. For cash payment he would provide [the army officer] with the names of the persons (priests) who had helped him to escape and information on known terrorists working in the South...

Shortly afterwards the security forces in Dungannon raided this man’s house and found two 9 mm rounds in a cigarette packet in the top left hand drawer of the man’s dressing table. The man went on the run as planned but unfortunately was caught by the security services two days later.

The two 9 mm rounds were provided by... who at the time of this incident was a Staff Sergeant, and the man was carrying out [his] instructions... in hiding them in his room.

The man was charged and sentenced to a prison sentence in Crumlin Road Jail, I believe it was two years... This man was brutally interrogated by the PIRA in Crumlin Road Jail and a coded letter was intercepted by the security forces which I saw personally decoded at 3 Brigade HQ in which the inhabitants of Crumlin Road Jail stated that they were going to be mass murdered by means of cyanide in their tea planted by an SAS undercover prisoner and containing a list of so-called Protestant terrorists which had been forced out of the man convicted of the ammunition offence.

As a direct result of the list an innocent man was murdered in Dungannon while he was working on his milk round some weeks later. He had taken over the milk round that day from the man whose name appeared at the head of the list.”⁵

Although neither the wrongfully convicted man nor the murder victim were named by Holroyd, they were identified by the 1983 RUC investigation into Holroyd’s allegations as Columba McVeigh and Christopher Mein respectively.

Holroyd repeated the allegation in summary to the Essex Police and to the RUC in 1982. In 1984 the story was included in the *Diverse Reports* programme.⁶ The parents of McVeigh were shown confirming that the Army search of their son’s room had happened as Holroyd described it. Christopher Mein’s widow also appeared to confirm that her husband had no subversive connections.

The 1984 Garda investigation into Holroyd’s allegations reported:

⁵Holroyd noted this incident in his diary as follows: “The milkman in Pomeroy was head of ...’s man’s confession list (UFF) sent... from PIRA Kesh. The man who was killed had just taken over the job and this was his first solo run. Mistaken identity.”

⁶Broadcast on Channel 4, 2 May 1984.

“An investigation into this case was carried out by the RUC at the time with negative results, but due to the most recent allegations made by Holroyd on the *Today Tonight* programme, D/Insp R. Mack, RUC, Belfast, has been assigned to interview Holroyd again and submit a further report to his authorities.

It is the RUC’s intention to reveal the findings of this case, if and when they are available to us.”

Concerning the death of Christopher Mein, he again noted that this case was investigated by the RUC at the time but no one was charged. As with the other allegations, the RUC were to question Holroyd anew, and report any developments to the Gardaí.

The deaths of McVeigh and Mein were not raised again in subsequent media programmes or in the Garda investigations of 1987. No new developments have been reported by the RUC.

John Francis Green:

According to Garda files, John Francis Green was a staff captain and intelligence officer for the Provisional IRA. He and his family lived in Lurgan. In December 1971 he was arrested and detained in Long Kesh. He escaped in September 1973 and crossed the border, residing from then on in the Castleblayney area.

Some time between 7 and 8.20 p.m. on 10 January 1975, Green was shot by unknown gunmen at a farmhouse belonging to one Gerry Carvill. The murder was investigated by Gardaí, but no suspects were identified.

According to Holroyd, initial intelligence information speculated that Green might have been killed by fellow IRA members; later, it was thought that the UVF were responsible. However, some five weeks or so after the murder, Holroyd says that former British Army Captain Robert Nairac told him that he (Nairac) had participated in the killing of Green. As proof, Nairac gave Holroyd a detailed account of how the murder had been committed. He also gave him a colour photograph of the deceased, which he claimed to have taken with a Polaroid camera immediately after the murder.

This allegation of British Army involvement in a murder committed in this State is considered by the Inquiry to be very important in a number of respects. For that reason, a full account of the circumstances surrounding the murder, the Garda investigation, Holroyd’s allegations and the evidence to support or refute them is set out in an appendix to this report.

For the present, it is sufficient to note that the one piece of evidence which seemed irrefutable – the Polaroid photograph – has been found almost certainly to have been taken by a Garda officer on the morning following the shooting. An RUC officer gave evidence of having received such a photograph from Gardaí, and said that he could have given it either to Nairac or Holroyd in turn.

On the other hand, other details given by Nairac to Holroyd concerning the type of guns used, the departure of Carvill from the house some time before the killing took place, and the fact that the front door was forced open – all these matters were confirmed by the Garda investigation and were not details which Holroyd or Nairac would have been expected to know. A further allegation, that a white car was used by the killers, found some support in the sighting of an unidentified white car travelling towards the scene at around 7.20 p.m.

There was the further matter of an unmarked British Army car which had been seen several times in the area between the 1 and 14 January 1975. Though there was no evidence to connect it with the murder, it is possible that it was connected with surveillance on Green or on Carvill's farm.

Eugene McQuaid:

The allegation regarding the death of Eugene McQuaid was first raised in the *Diverse Reports* programme broadcast in 1984. Holroyd described the incident as follows:-

“On one occasion some bombards, which are anti-vehicle rockets, explosive charges on the end of tubes with propellant, were found and they were fixed. Its a rather complicated description, but basically the safety pins were cut through, and the pins adjusted so that if they were put on one end they would explode. In other words, the people who were going to find them would handle them and in the course of this would destroy themselves. There would be an ‘own goal’ claim by the army who would arrive on the scene. Unfortunately these things were moved on a motorcycle, strapped to the tank of the motorbike, underneath the tank. The young boy came to a road-block which had been erected in front of him by the security forces, put his foot on the brake; the detonating pin shot forward, there was no safety inside, it was removed, the things went off, and the boy was destroyed.”

The account of McQuaid's death in the second of Duncan Campbell's articles for the *New Statesman* contained details not mentioned in the programme. Holroyd told Campbell that he heard about the incident in October 1974 from a number of Army officers at 3 Brigade Headquarters. They were celebrating what they considered to be a successful sabotage mission. He said the bombards had been found in the Republic by the British Army:

“Rather than allowing the secret arms cache to be seized by the Gardaí, however, the Brigade staff had arranged for one of their team to cross the border to examine and sabotage the bombards.”

According to Campbell, an eyewitness at the spot where McQuaid died saw Army officers arrive at the scene “extremely quickly” - one of whom apparently picked up some of McQuaid's remains, saying “That's an end of another of you fucking bastards.”

In his 1984 Garda report into Holroyd's allegations, D/Insp Culhane quoted from the RUC investigation into this incident to the effect that no further intelligence had been gleaned concerning any links between McQuaid and paramilitary activity. The RUC report did however make clear that according to witnesses, McQuaid had been travelling from the North towards the South at the time of the explosion, not vice versa.

HOLROYD AND AN GARDA SIOCHANA

1. CONTACT WITH GARDA OFFICERS
2. 'FREEZING' OF BORDER AREAS
3. VISIT TO GARDA HQ

CONTACT WITH GARDA OFFICERS:

The following allegations concerning links between Holroyd and certain named Garda officers has been given a great deal of attention in the media over the years. Holroyd first gave details of his dealings with Garda officers to the RUC in September 1982. He claimed to have been introduced to a D/Garda John McCoy by Warrant Officer Bernard 'Bunny' Dearsley at a meeting in Monaghan Garda Station. Dearsley told Holroyd that McCoy was one of his sources of information concerning the IRA. Subsequently, Holroyd said he also met "Vince Heavin, a member of the Garda in Castleblaney" and "Colin [Colm] Browne, a member of the SB in Monaghan".

Holroyd claimed that McCoy, whom he also referred to as "the Badger", approached him and asked if he could provide a trained British Army EOD officer with Bomb Intelligence Team connections to meet with an Irish Army EOD officer with a view to exchanging bomb intelligence and assisting Irish Army investigations at bomb scenes in the South. Holroyd says he asked a named British Army Captain, who agreed and was taken to meet the Badger by W/O Dearsley.

As subsequent investigation has shown, a meeting did in fact take place between D/Gda McCoy, a British Army EOD officer and Irish EOD officer Commandant Patrick Trears at the latter's Dublin home in August 1974. This allegation is considered elsewhere

Holroyd's diaries contain a few notes of possible relevance. The first notebook opens with a list of names and contact numbers which includes "Colum Brown, John Badger - Mon 305, 792" and "Vincent Heavin - Castleblaney 149... Dundalk 2063". The phone numbers refer to the Garda stations concerned. The next notebook contained an English address for Bunny Dearsley and a note: "Meeting places badger with code names".

Elsewhere in the same book is an address and contact numbers for John McCoy, with the following note: "(all garage expressions - two plugs etc. Bunny - petrol man)". Holroyd has said that expressions of this sort were used as a code in their phone conversations. A contact number for Vincent Heavin is prefaced with the comment, "Bunny's mate".

These claims surfaced again in an article for the *Irish Independent* by Brendan O'Brien dated 20 January, 1987; on Radio Ulster programme, *Talkback*; and on another edition of the *Today Tonight* programme on RTE.

The Garda report of D/Supt Reynolds dated 4 April, 1987 purported to deal with these matters.

D/Supt Reynolds interviewed D/Garda John McCoy - the man accused by Holroyd of being the Badger. Garda Liam McQuaid, D/Garda Vincent Heavin and D/Inspr Colm Browne were also interviewed, along with journalists Frank Doherty and Brendan O'Brien.

D/Garda McCoy denied ever knowingly discussing intelligence matters with members of the British Army. He did however recall an incident at Lurgan RUC Station:

“One night in the early 1970s I visited Lurgan RUC Station where I met D/Sgt Harvey. There were a number of men present in the Office... and at least one who had an English accent was introduced to me as ‘Bunny’. I was introduced as John McCoy, a detective from Monaghan. We all talked for some time. None of the people I met in the Lurgan RUC station were introduced as being members of the British Army but there was talk of some of them having been seconded to the RUC.”

He left the station and returned to his car, which was parked in the grounds of Lurgan Hospital. A car pulled up, driven by Dearsley with two others in it. McCoy got in and a further conversation took place. McCoy stated:

“He gave me the impression that he (Bunny) did not know a lot about the border situation and although I had doubts about him I did not learn anything to indicate that he was anything other than a member of the RUC.”

He recalled one other occasion on which Dearsley visited him at his home in Monaghan. He also recalled meeting the British Army EOD officer named by Holroyd while on a visit to Portadown RUC station, and admitted bringing him to meet Irish Army Comdt. Patrick Trears at his home in Dublin. He had no memory of ever meeting Captain Holroyd.

D/Garda Heavin and D/Inspr Browne denied having any dealings with British Army officers. D/Inspr Browne did remember escorting an RUC officer and “some of his colleagues” from the Border to Garda Headquarters in Dublin. Fred Holroyd was among those on that visit.

Garda McQuaid denied ever having met Holroyd or Nairac. He said that every Garda officer was involved in the same level of intelligence gathering and anti-subversive activities. He went on to say that he was aware of meetings between British Army Intelligence and high-ranking Garda officers. He did not elaborate, but said that he would use that information if this matter was being pursued, blaming him for something in which he was not involved.

At Garda McQuaid’s suggestion, D/Sgt Thomas Dunne, D/Inspr Michael Canavan and D/Garda Chris Godkin - all members of the Technical Bureau Investigation Section during the relevant period - were also interviewed. They said they had no knowledge of Holroyd, or of any contact between Garda officers and British Army Intelligence.

D/Supt Reynolds concluded:

“I suggest that the Holroyd account is a hotch-potch of individual and unrelated contacts between the Gardaí named and the RUC which is presented as the co-ordinated control of the members by the British Army....

There were meetings with Dearsley and [a British Army EOD officer] by D/Garda McCoy, but there is not a shred of evidence of a meeting between him and Holroyd. It is very significant, I submit, that Mr Holroyd has not given even one checkable account of a meeting with D/Garda McCoy either in the notes or in any published material.”

When interviewed by Gardaí in May, 1987, Holroyd gave a lengthy account of his alleged dealings with Garda officers McCoy, Heavin and Browne. He named McCoy as ‘the Badger’ and gave details of various meetings which he had with him and the other two officers, and of the type of information which was exchanged at those meetings. He gave physical descriptions of the three Gardaí, but said he could not “put a face” on McCoy. He said he would know the men again, but could not remember anything distinctive about them.

In his report following this interview, C/Supt Kelly referred to the evidence of Garda officers Browne, Heavin and McCoy denying Holroyd’s allegations. He also noted Holroyd’s inability to remember what he termed D/Insp Browne’s “distinctive appearance” - notably, his height and the fact that he had a full beard and moustache. He added:

“His description of D/Garda Heavin is so general as not to require comment. He said he could not ‘put a face’ on D/Garda McCoy, which can only mean that he could not recall any facial image of the man with whom he boasted such a close acquaintanceship, yet he could provide considerable detail about the non-existent ‘Cecil’¹ in the Technical Bureau and others with whom he had only a chance encounter on the same day.

He was aware of the fact which would be known to anybody who knew D/Garda McCoy either socially or officially, that he was a non-drinker. He was unaware however, of the far more significant facts that D/Garda McCoy spoke in a Northern accent and was a native of Crossmaglen, Co. Armagh. It is rather surprising that a Military Intelligence officer working in a Border area would be unaware of these details in respect of one of his ‘Agents’ who was in the high grade category....

It is equally incredible that Holroyd can provide only general information - such as the exchanging of lists and photographs - as to the purpose of his meetings with D/Garda McCoy... This contrasts greatly with his flair for provision of detail in other matters.”

¹See below p.199.

'FREEZING' OF BORDER AREAS:

When describing the alleged attempted kidnap of Eamon McGurgan to North Yorkshire Police in 1977, Holroyd stated:

“I was asked by one of the officers concerned, but I cannot remember his name, if I would use my contacts in the Garda Síochána to clear a way for the kidnapers to go into Eire to complete the operation. I told them that I did not want to get involved and refused to assist.”

This is his first recorded reference to the possibility of Gardaí acting to ensure that an incursion into the Republic from the North would proceed unhindered by the Irish security forces.

In 1987, Brendan O'Brien reported Holroyd as having claimed that both the Gardaí and the Irish Army acquiesced in 'freezing' border areas to allow cross-border kidnaps to take place.² This claim was repeated on the *Today Tonight* programme.³

The 1987 Garda investigation into Holroyd's declared there was "no substance" in the allegations of freezing. It was felt in particular that the capture of those attempting to kidnap Grew was in itself proof that freezing did not take place.

When interviewed by C/Supt Kelly in May, 1987, Holroyd repeated the 'freezing' allegation in relation to McGurgan, this time adding that it was Warrant Officer 'Bunny' Dearsley who had arranged it. Later in his statement, he said that he worked on the principle that a strip 15 miles South of the Border from Monaghan to Newry was available for penetration by British Army forces provided 'the Badger' had enough notice to arrange for the area to be 'frozen'.

C/Supt Kelly commented on this allegation as follows:

“D/Garda John McCoy is a member of Garda rank. As a Detective, he has no administrative or executive control over his colleagues' activities. Yet Holroyd says and appears to believe that this lone member could bring Garda operations to a halt in the most actively policed area of this country and even in places outside the Division in which he serves.”

He concluded:

“If he believes all of the foregoing, one is forced to conclude either that Holroyd has an enormous capacity for self-deception, or else that he is deliberately propagating falsehood.”

²*Irish Independent*, 20 January 1987.

³18 March 1987.

VISIT TO GARDA HQ:

In his statement to the RUC dated 18 September, 1982, Holroyd claimed that D/Garda McCoy was instrumental in arranging a visit by Holroyd and an RUC officer to Garda Headquarters in 1975. He alleged that the meeting took place at the request of then Assistant Commissioner Garvey.

On *Today Tonight*, 16 May 1984, the claim was repeated. Holroyd stated that he was brought to Dublin by his Garda contacts with an Army escort from the Border, and that he was shown a find of IRA arms in Donabate. In the course of the interview, Holroyd was asked if Asst. Commr Garvey knew of the existence of the Badger. He replied:

“- Oh yes, I am distinctly under the impression that they were working together as a team, we considered them on the British side as co-operating officers working together within the Garda system obviously with somebody’s authority.

INTERVIEWER: What gave you the impression that Commissioner Garvey knew about the existence of the Badger and the team?

- Because we mentioned, we talked about the various people involved and in fact I stayed in Dublin in a hotel and had a meal and was looked after by one of the Policeman’s friends.”

Regarding the meeting with Asst Commr Garvey, Holroyd said that Garvey was accompanied by another person whom he described as “a grey-haired man and I believe he had spectacles on, I got the impression that he was an aide of some sort, a senior Policeman.”

Initially, Gardaí were sceptical of Holroyd’s claims that the meeting even took place, until the visit was confirmed by the CID officer with whom he had travelled. In his report, D/Insp Culhane referred to the RUC investigation into these allegations, and summarised their findings. He noted the CID officer’s recollection that he had arranged the visit at Holroyd’s request, so that Holroyd could examine items seized in the Donabate bomb factory. It was also pointed out that Assistant Commissioner Garvey could have met the RUC team purely as a courtesy: he may not have known that Holroyd was an Army officer.

D/Insp Culhane recommended that former Asst Commr Garvey be interviewed by a senior police officer in relation to the incident. This was done by C/Supt John Moore. Former Commissioner Garvey denied ever having met Holroyd, or knowing anything about ‘the Badger’.

The matter was considered again by C/Supt Kelly following his interview with Holroyd in May, 1987. Holroyd told him that the visit took place at the request of

D/Insp Murray, and that he had gone along reluctantly, on the understanding that his relationship with D/Garda McCoy would be jeopardised if he did not go. They were escorted from the Border by D/Insp Browne, D/Garda Heavin and by two Panhard armoured cars. He described his meeting with Asst Commr Garvey. Also present, he said, was the Asst Commr's aide, "a silver-haired man in his sixties", and a man who was introduced as an Irish Army officer.

Holroyd said Asst Commr Garvey arranged for them to visit the Donabate arms factory, and cautioned him in dealing with a man named 'Cecil' at the Technical Bureau who he said had republican tendencies. Holroyd said he was later given 30 photographs and details of IRSP activists in the South, along with documentation concerning the find at Donabate. He returned to Northern Ireland later that day.

In a further addition to his story, Holroyd alleged that during his visit to the Garda Technical Bureau, he was pulled aside by RUC D/Insp Murray who told him that he had just identified a Garda officer present as a member of the RUC Special Branch. Holroyd said:

"My impression was that this man was a long-term penetration agent (or sleeper) placed by Mr Davy Johnston in the Garda Forensic Laboratory."

He suggested that it was this accidental discovery which led to his removal from office:

"While I was in Netley Hospital, [two named RUC officers] phoned me to say that they had tried to visit me to get me out but were prevented by Davy Johnston, head of the RUC Special Branch. [One of the RUC officers] said that he believed Johnston was furious because he and I had compromised their operation in the Republic and that Johnston had stated that unless I was removed he would not work with the Army."

In the concluding section of his report, C/Supt Kelly stated that he gave more credence to the version of events given by RUC D/Insp Murray than that given by Holroyd. He added:

"There is no reason to doubt... that as Inspector Murray said they met Mr Garvey 'for a few minutes' and that they were given photographs of the recent Arms find at Donabate. The rest of Holroyd's story in relation to the visit including the presence of an Army officer which he is mentioning for the first time, must be regarded as highly improbable."

Concerning the alleged RUC undercover agent at the Garda Technical Bureau, C/Supt Kelly referred to a statement of D/Insp Murray to the effect that he saw two RUC Special Branch officers and an expert from the Northern Ireland Data Reference Centre at the Technical Bureau on that occasion. C/Supt Kelly concluded:

"The incident in the Technical Bureau affords a frightening insight into Holroyd's ability to invest a perfectly normal situation and the actions of innocent people with the most sinister meanings."

The Inquiry has been told by two RUC Special Branch officers that another named Special Branch officer had been sent to Dublin to collect photographs of the Donabate find from Gardaí. It was said that Holroyd and the CID officer who accompanied him should not have gone to Dublin, and that they were reported for having done so by the Special Branch officer on his return to Northern Ireland.

As far as the Inquiry is aware, this is the first time that this allegation has surfaced. A letter from the RUC to An Garda Síochána dated 7 June 1984 summarising their findings in relation to his Dublin visit made no mention of it. The Inquiry raised the matter with the PSNI, giving the officer's name and requesting further details, including any relevant documentation. The reply which was received made no reference at all to this issue, but merely repeated the substance of the 1984 letter.

OBSERVATIONS ON HOLROYD ALLEGATIONS

1. INTRODUCTION
2. DUBLIN / MONAGHAN BOMBINGS
3. OTHER ALLEGATIONS
4. CONTACT WITH AN GARDA SIOCHANA

INTRODUCTION:

It is clear that Holroyd's allegations have increased in scope and number over the years as the audience for his complaints has changed. At the time of his statements to the Yorkshire Police, Essex Police and the RUC, he was seeking an official investigation into the circumstances surrounding his removal from Northern Ireland. He believed that 3 Brigade HQ had orchestrated his dismissal because of his refusal to handle intelligence affairs according to their wishes. The allegations in these statements were made either to give evidence of the conflict between them, or to contrast his own 'by-the-book' approach with 3 Brigade's illegal activities.

In 1984 he began to attract the attention of journalists, who saw his story as part of the wider issue of 'dirty tricks' by the security forces in Northern Ireland. When questioned by the media in the Republic, the focus naturally shifted to matters of particular interest to that audience - illegal cross-border incursions by the British Army, collusion with Garda officers and with loyalist paramilitaries.

The fact that Holroyd's allegations have multiplied does not of itself necessarily affect their credibility. For instance, the reason that he did not mention his information concerning the culprits for the Dublin / Monaghan bombings until 1987 may have been that it was not relevant to the initial goal of establishing his own wrongful dismissal.

More damaging, however, is the number of factual errors, memory lapses and contradictions in his statements. These range from apparently trivial matters, such as whether he returned from his visit to Garda HQ that night or on the following day; to more serious ones, such as his apparent inability to remember what his Garda contacts from Monaghan looked like. For someone who was trained in intelligence work, such lapses are surprising, even after many years.

The RUC have discounted his allegations while the Gardaí regard him as a liar and not worth further investigation. The Inquiry considers this portrayal to be unfair. Given that Holroyd's evidence accuses both the Northern Ireland security forces and the Gardaí of improper behaviour, one must also consider the possibility that those who investigated his allegations would have had, even subconsciously, a desire to find them false. Some of the RUC officers interviewed by the Inquiry, in their apparent eagerness to deny Holroyd any credibility whatsoever, themselves made inaccurate and misleading statements which have unfortunately tarnished their own credibility.

A number of Holroyd's allegations are not completely true, but they relate to events which did happen. Insofar as they raise serious questions concerning the behaviour of the security forces, North and South during the 1970s, they are of relevance to the work of this Inquiry.

Holroyd's sense of grievance continues to the present day, in that he maintains that on a number of occasions efforts have been made by either MI5 or the Ministry of Defence to prevent him obtaining satisfactory employment. His suggestion is that this was done in order to denigrate him and so lessen his credibility. The Inquiry is not in a position to assess this claim.

If true, such harassment would imply that the authorities believe him to have information which is both true and potentially damaging to the security forces. It could also imply that he has more information that he has chosen to share to date. The fact that from time to time in interview situations he has expressed concern lest he violate the Official Secrets Act, might also be taken as evidence of a greater knowledge than he has made public.

As against this, it must be said that when interviewed by the Inquiry he made no effort to avoid any questions asked of him; nor did he appear to be withholding information. He gave his answers openly, fairly and with conviction. He is aware that he has been misquoted and misinterpreted on occasion and has sought to correct any misapprehensions where they have arisen. He has also shown a willingness to take on board evidence and information which seem to contradict his claims, though for the most part he has maintained the truth of his allegations and of their provenance.

The limited nature of the intelligence recorded in his contemporary notebooks and diaries also tends to contradict the notion that he has additional information which he has been unwilling to share. For instance, although prominent Loyalist paramilitaries such as the Youngs are mentioned regularly, the diaries reveal precious little knowledge of their activities. Nor do they contain any evidence to support the view expressed by Holroyd on the *Hidden Hand* programme, "We ran them, they were ours."

Throughout the long years of his campaign Holroyd has maintained a passionate belief in the correctness of his allegations. In his interview with the Inquiry an unwavering, perhaps obsessive commitment to his cause was apparent. He has a very large number of scrapbooks containing cuttings from newspapers and other periodicals referring either to himself or to Colin Wallace or to the subject matter of their allegations. He continues to press his claims through whatever means available to him.

The Inquiry wishes to make the following observations concerning some of the allegations made by Holroyd:

DUBLIN / MONAGHAN BOMBINGS:

As a Military Intelligence Officer acting as a liaison officer between the Army and the RUC Special Branch for the Mid-Ulster region, and also having links with MI6, Holroyd should have had access to a wide range of intelligence information relevant to his area.

That he has no information on the Dublin and Monaghan bombings other than that allegedly given to him by an RUC officer suggests either that there was no such knowledge within the intelligence community; or that it was known only to certain sectors, and passed along channels of command which did not involve Holroyd. Information available to the Inquiry suggests the latter alternative to be correct. This gives rise to two questions:

- (1) which members of the Intelligence community would have known, and
- (2) to whom should they have communicated this knowledge?

It seems reasonable to accept that Holroyd's primary source of intelligence on loyalist paramilitaries was the RUC Special Branch. If the RUC Special Branch did not pass on certain intelligence to Holroyd this would not be surprising given the conflicts which existed between them and Army Intelligence. The Inquiry has been told by Holroyd and others that the Army's focus on short-term successes clashed with the more long-term strategy of the RUC. Holroyd himself admits that his relationship with RUC Special Branch started on a frail note. Apparently relations between the RUC and his predecessor had not ended well. It was some time before Holroyd felt he had regained their confidence and it is likely that he remained excluded from certain channels of information.¹ When interviewed by Justice for the Forgotten on 18 September 2000, he admitted as much:-

“I mean we just assumed that, you know, the Police kept the real best stuff for themselves. We didn't think for one moment that they were fully co-operating with us. We played that sort of game with them. We would be told occasionally, ‘Don't give the Police this’ and so we presumed they were doing the same.... It was that very thing that I was trying to break down on a more general level so we could get more efficiency.”

All this raises the possibility that the security forces in Northern Ireland had more intelligence information concerning possible suspects than was forwarded to Gardaí. This is supported not only by Holroyd's account of his conversation with an RUC officer, but also from information supplied to the Inquiry by Colin Wallace.²

¹For instance, Holroyd himself has said that his primary function was gathering intelligence on republican rather than loyalist subversives. See notes of interview with D/Supt Murphy dated 24 May 1994.

²See chapter 19.

OTHER ALLEGATIONS:

Eamon McGurgan / Seamus Grew:

There was an attempt to kidnap a member of the IRA in Monaghan by three men, two of whom had boxing experience.³ Each of the three men claimed in statements to the Gardaí that they were to be paid. James O'Hara, the member of the trio who was originally approached, sought confirmation from a member of the RUC Special Branch that the approach was genuine. The latter told him that his contact was a British Army man and that he was "alright."

Holroyd's account is also supported by another strange feature of this event. According to Garda files, O'Hara's two companions were arrested whilst trying to make themselves inconspicuous in a car on the street where the proposed victim lived. While the arrest was taking place, one of the arresting officers noticed O'Hara walking along the street: it must have been perfectly obvious to the latter that his accomplices were being arrested. Yet ten minutes later, O'Hara went to Monaghan Garda Station looking for them and was promptly arrested himself. This action seems incredible unless he had a belief, whether correctly held or not, that the Gardaí had known in advance of their plans and would not charge them with any offence.

John Francis Green:

In his statement to the Essex police dated 21 July 1982, Holroyd set out the history of his attempts to have his removal from Northern Ireland reviewed. He then set out his allegations, and concluded by saying:

"There are also more sensitive allegations I would be prepared to make in the event of no action being taken in this case."

Speaking to the RUC in September 1982, he said that these allegations concerned an illegal SAS operation in the Republic, and finally admitted that they referred to the killing of Green.

The picture derived from this is of a man increasingly frustrated with the failure of the British Authorities to take his claims seriously; who saw the threat to reveal a cross-border SAS assassination as perhaps his only remaining weapon in the fight to secure a proper review of his own case. His allegations concerning Nairac must be read with that in mind.

The evidence before the Inquiry that the polaroid photograph allegedly taken by the killers after the murder was actually taken by a Garda officer on the following morning seriously undermines the evidence that Nairac himself had been involved in the shooting. However, it is still possible that, having obtained the photograph from the RUC, Nairac used it to persuade Holroyd that he had killed Green. This, if true,

³ *Irish Times*, 15 June 1974.

raises the question as to why a British Army officer would attempt to claim responsibility for an illegal, cross-border assassination. If one assumes he was not in fact involved, the only answer that presents itself is that he must have considered it desirable to have it thought by other members of the security forces that he was involved. This could only be the case if such illegal acts were already being tolerated or encouraged by an element within the security forces.

According to RUC officers with whom the Inquiry has spoken, the general view amongst the security forces in Northern Ireland within weeks of the shooting was that members of the UVF were responsible for it.

Former RUC Sergeant John Weir is also of the view that members of the UVF killed Green. However, he told journalist Liam Clarke of information received from a named UVF source which said that Nairac had been with the killers on the operation:

“The men who did that shooting were Robert McConnell, Robin Jackson and I would be almost certain, Harris Boyle who was killed in the Miami attack. What I am absolutely certain of is that Robert McConnell, Robert McConnell knew that area really, really well. Robin Jackson was with him. I was later told that Nairac was with them. I was told by... a UVF man, he was very close to Jackson and operated with him. Jackson told [him] that Nairac was with them.”

Even if this information was not true, there remains the possibility that Nairac's unit might have assisted Green's killers with surveillance, but there is no evidence for this other than Holroyd's assertion that Four Field Survey Troop had Green under surveillance from the time he first gave Nairac a photograph of him. The presence of a British Army vehicle in the area on a number of days before and after the shooting could be significant in this regard; but Garda inquiries have failed to link that vehicle directly with either the Green murder or with Nairac's unit, Four Field Survey Troop.

Columba McVeigh / Christopher Mein:

These allegations relate to actual events. They are supported by the evidence of a mother and widow respectively and were believed to be true by the investigative journalist to whom they were originally related. Investigations by the RUC have not uncovered any evidence relevant to Holroyd's version of events.

CONTACT WITH AN GARDA SIOCHANA:

Contact with Garda officers:

The reality on the ground according to then C/Supt J.P. McMahon was that all Garda officers serving on the Border were encouraged to cultivate intelligence contacts, and

to protect the anonymity of those contacts even from their superiors.⁴ Although Holroyd may have named the wrong man, it seems generally accepted that there was at least one Garda Officer supplying information to the security forces in Northern Ireland over and above what was officially expected from RUC/ Garda co-operation. If this is true, it is hardly surprising. The fact that Holroyd claims no money changed hands is further evidence that the relationship was one of mutual exchange of information, rather than one of Garda 'agent' and British Army 'handler'.

Holroyd was also proven correct in his allegation that a Garda officer arranged a meeting in Dublin between an Irish Army EOD officer and his British counterpart. The denial of the Garda officer concerned that he requested Holroyd organise the meeting should be read in the light of his attempts to deny knowing or meeting Holroyd at all, which are not convincing.

Visit to Garda HQ:

The visit by Holroyd to Garda Headquarters unquestionably did take place, notwithstanding former Commissioner Garvey's inability to recall it; however Holroyd's allegation concerning the presence of an RUC deep-cover agent must be totally discounted.⁵

On the Northern side, there is conflicting evidence as to how, why and by whom the visit was arranged. Regrettably, Garda investigations have failed to uncover any documentary evidence of the visit, or to identify any of the officers involved in arranging it from the Southern side.

'Freezing' of border areas:

The Garda view that 'freezing' of the kind outlined by Holroyd was not possible seems reasonable; but by its nature, this allegation can neither be proved nor disproved.

⁴Interview with Inquiry, 12 April 2000.

⁵Although without foundation, it may be understood in the light of his belief that something about his visit had angered his superiors and ultimately, caused his removal from Northern Ireland.

PART FIVE

THE PERPETRATORS AND POSSIBLE COLLUSION

WERE LOYALIST PARAMILITARIES INVOLVED? - INVESTIGATION EVIDENCE

1. FORENSIC
2. IDENTIFICATION
3. CLAIMS OF RESPONSIBILITY
4. INTELLIGENCE

In the twenty-nine years since the Dublin and Monaghan bombings, over 40 persons have been accused by various sources of being involved. The majority of those accused are believed to have had Loyalist paramilitary connections. However, not one single individual has ever publicly confessed a direct involvement in the bombings. As far as the Inquiry and the public are concerned, there are no primary sources for information concerning the perpetrators.

FORENSIC:

This evidence was fatally compromised by the manner in which samples were collected and the delay in getting them analysed. More care seems to have been taken with the fingerprint found at Monaghan, but no matches were found.

In Monaghan, the only findings of any significance were the aluminium beer barrel fragments taken from the bomb scene. According to R. A. Hall (the forensic scientist who examined them) the beer barrel implied the use of a home-made, 'low' explosive - that is, one which required confinement in order to detonate.¹

According to Hall and other forensic experts consulted by the Inquiry, a beer barrel bomb containing homemade, low explosive was more typical of loyalist car bombs than a high explosive bomb, whether home-made or otherwise. But that is as much as can be said from the forensic evidence available. There is no way of linking the Monaghan bomb with any specific loyalist group. Neither can forensic evidence eliminate the possibility that others carried out the bombing using low explosives so that loyalist paramilitaries would be blamed.

IDENTIFICATION:

The identification of a number of suspects who resembled known UVF and UDA members points towards loyalist paramilitary involvement in the bombings. However, these identifications are tainted by the frailties outlined earlier.

¹Report of R.A.Hall, Dept of Industrial and Forensic Science, Belfast, dated 5 June 1974.

The circumstances surrounding the taking of the bomb cars also supports loyalist involvement but is by no means conclusive.

CLAIMS OF RESPONSIBILITY:

Following the bombings, all the major republican and loyalist militant groups denied any involvement; but two claims of responsibility were made at the time - one from "the "Red Hand Brigade", the other from the "Young Militants of the UDA". It was suspected then (and now accepted) that both organisations existed only as pseudonyms for extreme elements of the UVF and / or UDA. Although these claims point towards loyalist paramilitary involvement in the attacks, what is not known is the extent to which the bombings might have been sanctioned by UVF and / or UDA leadership. Of course, the possibility that the claims were false cannot be ruled out either, although it does seem significant that former RUC Sergeant John Weir identified the Red Hand Brigade as one of the pseudonyms used by the group of paramilitaries, RUC and UDR officers operating from the farm at Glenanne.

Following the broadcast of the 'Hidden Hand' programme on 6 July 1993, a document purporting to come from the UVF claimed sole responsibility for the bombings - a reversal of its official position since May 1974. It was sent to the offices of Ulster Television on 15 July 1993. The full text of the statement read as follows:

"Following the sinister allegations of collusion mischevously constructed by presenters of the recent First Tuesday programme which supposedly investigated the 1974 Dublin and Monaghan bombings. The UVF avails itself of this opportunity to state clearly and without reservation that the entire operation was from its conception to its successful conclusion, planned and carried out by our volunteers aided by no outside bodies.

In contrast to the scenario painted by the programme, it would have been unnecessary and indeed undesirable to compromise our volunteers anonimity [sic] by using clandestine Security Force personnel, British or otherwise, to achieve [an] objective well within our capabilities.

The operation whilst requiring a fair degree of preparation and not a little courage did not as was suggested by the so called experts require a great deal of technical expertise.

The comments made by some of those interviewed were at best naive if not deliberately misleading.

Given the backdrop of what was taking place in Northern Ireland when the UVF [were] bombing republican targets at will, either the researchers decided to take poetic licence to the limit or the truth was being twisted by knaves to make [a] trap for the fools.

The minimum of scrutiny should have revealed that the structure of the bombs placed in Dublin and Monaghan were similar if not identical to those being placed in Northern Ireland on an almost daily basis.

The type of explosives, timing and detonating methods all bore the hallmark of the UVF.

It is incredulous that these points were lost on the Walter Mittys who conjured up this programme.

To suggest that the UVF were not, or are not, capable of operating in the manner outlined in the programme is tempting fate to a dangerous degree.”

Questions have been asked as to why the UVF would publicly claim responsibility for the bombings at this time, having denied any connection for some nineteen years. Those who believe elements of the security forces were involved in the bombings have suggested that those same elements must have pressurised the UVF into making the statement in order to deflect efforts to uncover collusion. A more tenable explanation is that the statement was prompted by the combination of a desire to lay sole claim to the biggest bombing operation in the history of the Troubles, coupled with a belief that the passage of time had made the prospect of any successful prosecutions extremely unlikely.

Further claims that the UVF were solely responsible have since come from the Progressive Unionist Party (PUP). The PUP has a symbiotic relationship with the UVF: it can advise it, and may also act as a conduit for its political ideas. But the two organisations wish to be seen as separate.

On 15 November 1998, David Ervine, the leader of the PUP, made a statement in which he said:

“The Dublin bombings were carried out by the UVF. Of that I am certain and aware. Beyond that I would not have any great details.”²

The Inquiry sought but did not obtain a meeting with Ervine to discuss his statement. In the circumstances, it would be fruitless for the Inquiry to comment on its accuracy or to speculate on his motives for making such a claim.

The Inquiry made contact with a source close to the UVF. He agreed to be interviewed by the Inquiry, though he maintained he had not been authorised to speak on behalf of the UVF. This man had been an active UVF member in the period leading up to the Dublin and Monaghan bombings. However, he was arrested early in 1974 and was in custody at the time the attacks took place. Because of this, he did not have knowledge as to the specifics of the bombing operations – persons involved, sources of explosives and such like. Despite this, he did in fact give some details of how and by whom the bombings were allegedly carried out.

²*Irish Independent*, 16 November 1998.

He claimed that the bombings had been planned some months before May 1974, and approved at the highest level of the UVF. The implementation of the plan was left to the commander of the Belfast unit. That unit in turn decided to use some UVF members from Mid-Ulster, as they had a better knowledge of the roads near the border. He said that no members of the UDA were involved in the operation.

The source alleged that the bombings had in fact been planned to take place towards the end of 1973, but the operation was aborted when one of the decoy vehicles was stopped and searched by members of the security forces. The source said the bombs for that operation had been assembled by Joe Bennett, and that they were still likely to have been available in May 1974 when the attack was carried out.

In order to explain why further attacks of that magnitude were not carried out, the source claimed that the Dublin bombings achieved their purpose – that is, to deliver a “shock” to the Irish Government, forcing them to take a tougher line with the IRA. There was no need for further actions on that scale.

In relation to allegations of involvement by members of the security forces, the source insisted that no assistance had been provided from that quarter. He admitted that there had been many examples of members of the security forces taking part in UVF operations, but said that this was not evidence of collusion: in each case, they were acting in their capacity as UVF members, and doing so without the knowledge of their superiors.

INTELLIGENCE:

An Garda Síochána:

Gardaí received intelligence from a number of sources implicating various members of the UVF and UDA in the bombings, all of which has been detailed in the account of the Garda investigation given earlier in this report.

Although none of this information resulted in anyone being charged with the bombings, it is clear that the Garda investigation team did not seriously consider anyone other than loyalist paramilitaries as prime suspects. Having said that, the Dublin and Monaghan reports refused to speculate on whether the UVF, the UDA or some other group were behind the atrocities, though privately, officers might well have expressed opinions on the subject.

The British Army and Intelligence Services:

At a meeting with the British Intelligence sources in London on 1 June 1974, Irish Army Intelligence officers received information to the effect that the Dublin and Monaghan bombings were “the co-ordinated efforts of two ‘Heavy Gangs’ within the UVF”, and that the attacks took place without the approval of UVF leadership. It was

also believed that the bombers had remained overnight in Dublin, returning to Belfast on the following day. This was the first time the existence of such gangs had been mentioned in these reports.

No further details concerning the geographical location, personnel or degree of activism of these gangs were forthcoming. It should be pointed out that the apparent purpose of these meetings was to provide an overview of the security situation in the North: the view of the British authorities was that the proper channel for passing specific items of intelligence information was between the RUC and the Gardaí. Nonetheless, no reference to this intelligence was made in the Garda investigation reports.

At the same meeting, reference was made to riots which took place in loyalist areas of Antrim and Ballymena on 24 May:

“This led to carefully planned raids by British troops on loyalist areas in Belfast on Sunday 26 May when 40 men were arrested 31 of whom are being held under Detention Orders. They will, of course, be put on trial on very good charges. This catch includes some of the group involved in the Dublin car bombings of 17 May - two of them at least. There was good intelligence on this and it is understood it has been passed to the RUC. It was stressed that this operation was only possible because of very good intelligence and was not due to police-work.”

Further on in the report it stated: “British troops rounded up the South East Antrim Brigade of the UDA...”

At an Inter-Governmental meeting on 11 September 1974, Irish Government representatives including the Taoiseach and the Minister for Foreign Affairs were told that during the UWC strike, 25 interim custody orders had been signed for persons believed to include the perpetrators of the Dublin bombings. At a further meeting between the Taoiseach and the Prime Minister on 21 November 1974, the latter was again reported as saying that those responsible for bombing Dublin were now interned, but could not be tried due to lack of evidence.

The Inquiry sought access to all official records relating to the internment orders, and received a reply from the Northern Ireland Secretary on 30 November 2002 as follows:

“I should explain that no single register of individuals arrested and interned exists. However, as a result of extensive research, we have been able to compile a list of individuals from our files... I should emphasise that this does not represent a list of those suspected of involvement in the Dublin bombings but rather those arrested on the day in question. This list is as exhaustive as we can make it, but it has been gleaned from a number of fragmentary, disparate and often disorganised sources. For the same reason, the list should not be regarded as definitive.”

Of the 22 names supplied, only two were previously known to the Inquiry: William Marchant and another named UVF member. In June 1974, Gardaí had asked the RUC

to make enquiries concerning Marchant. In a reply dated 23 July 1974, RUC Special Branch said that Marchant “was our guest for a number of hours (and CID) but with negative result.” It was added that the other named UVF member, also in custody, had been questioned about the bombings but had an alibi “which is borne out.”

The Inquiry notes that Marchant was the subject of ‘unattributed’ press briefings given by Colin Wallace in the days following the bombings suggesting that he had been responsible for obtaining the cars used in the Dublin operation. Wallace also claimed that British Army Intelligence had a list of suspects for the bombings within 24-36 hours of the attacks taking place.

In an earlier letter dated 26 February 2002 purporting to summarise the intelligence available to the British authorities, the then Northern Ireland Secretary Dr John Reid had written:

“The assessment now of reports from the period pointing to UDA involvement is that they are unlikely to be accurate. The weight of reporting suggests that the attacks were in all likelihood carried out by the UVF.”

In the same letter, Dr Reid indicated that three items of intelligence had been received in the early 1990s relating to the bombings. The first was a report dated 31 August 1992:

“It reported that Robin ‘The Jackal’ Jackson had received information that a television company were compiling a documentary on the bombing campaign which took place in Dublin in 1974. Jackson discovered that he played a prominent role in the documentary and that the programme accurately portrayed his role in the attacks.”

The second report predicted the UVF statement claiming sole responsibility for the bombings which was issued in the wake of the ‘Hidden Hand’ programme.

“The final report... was issued after such a statement had been made and reports the UVF leader’s intention to follow it up with an article in a UVF publication the aim of which was to repudiate accusations of security force involvement in the 1974 bombings. The report also provided further details of the construction of the bombs used in the attacks and that the then leader of the UVF had sanctioned the attacks. It indicated that Billy Hanna, mentioned in the documentary, had been involved in the preparation of the attacks.”

There is no evidence that any of this information was conveyed to An Garda Síochána or to Irish Army Intelligence.

The RUC:

It is generally accepted that the RUC - and in particular, the Special Branch - were the body most likely to have good intelligence concerning the perpetrators of

bombings. For their part, the RUC have always maintained that any useful information gathered by them would have been passed on automatically to their Garda counterparts. All the information from the RUC which was found in Garda files was referred to in the section of this report dealing with the Garda investigation into the bombings.

There was also the claim of former British Army Captain Fred Holroyd that he learned the names of some of the bombers from an RUC officer. That same officer was interviewed by the Inquiry and denied giving Captain Holroyd such a list. He said that the names mentioned by Holroyd were well-known to all intelligence groups in Armagh. However, the officer did say he had always believed the Dublin bombs were planned by loyalists in Belfast, with a Portadown connection. He could not recall where this information came from or grade its reliability, but said that Gardaí were informed of these suspicions.

WERE LOYALIST PARAMILITARIES INVOLVED? – OTHER SOURCES

1. INTRODUCTION
2. SOURCES

INTRODUCTION:

As has been said, there are no primary sources for information concerning the perpetrators of the Dublin / Monaghan bombings. It follows that an important (though not the sole) test of credibility for any given allegation is the proximity of its source to a primary source. On that basis, the sources of information given to the Inquiry could be graded as follows:

- (1) Those who claim to have met with, and heard admissions of guilt from, one or more persons involved in the bombings;
- (2) Those who claim to have heard from reliable intelligence sources closely linked with persons involved in the bombings;
- (3) Those who claim to have identified those responsible based on an accumulation of information regarding a number of other terrorist acts which they believe to be related; and
- (4) Those who support their allegations with analyses relying on their own expert knowledge and experience in related matters.

In reality, such distinctions are easily blurred: many of those making allegations about the bombings base them on a mixture of source types (2), (3) and (4). With others, the wish to preserve the anonymity of their sources makes it impossible to assess their credibility. Finally, publication of allegations in the media leads inevitably to a cross-pollination of evidence. Frequently, what claim to be new revelations concerning the bombings turn out to be founded on pre-existing claims. The process of disentangling these claims and identifying the evidence which supports them has been difficult and time-consuming.

Once done, however, what became strikingly apparent is how few sources fit into the first category - those who claim to have heard confessions from a primary source.

SOURCES:

Foremost in the category of persons who claim to have heard admissions of complicity in the bombings is former RUC Sgt John Weir. He says that James

Mitchell and Stewart Young freely confessed their own involvement in the Dublin / Monaghan bombings. These are the only direct admissions which Weir claims to have heard, though in his conversations with Mitchell, Young, Laurence McClure and Gary Armstrong, other persons were named as having been involved.

The only other person who claims to have heard an admission from someone involved in the bombings is journalist Joe Tiernan. In his recent book, *The Dublin and Monaghan bombings and the Murder Triangle*, he claims to have interviewed “dozens and dozens of loyalists (possibly as many as a hundred) about the subject, some of them directly involved.”¹ It would seem that none of those he spoke to admitted their own involvement. One of those whom he believes to have been involved was Billy Fulton. He gave the following account of meeting with him:

“In 1987, during research for a project on the murders of three members of the Miami Showband for the RTE current affairs programme Today Tonight, Fulton gave me my first break on the bombings. He was not prepared to reveal the full story nor was he prepared to admit his own involvement in the outrage but after much cajoling he revealed that the operation was led by Hanna, that a car park beside a church in Whitehall was used for parking cars and that a group of loyalists from north and west Belfast known as ‘Freddie and the Dreamers’ had played a key role in the operation.”²

It is clear that Tiernan bases his belief in Fulton’s guilt at least partially on Garda intelligence suggesting that the Fulton’s car was the getaway vehicle in Monaghan.³ As we have seen, the evidence to support this is not convincing. Elsewhere in his book, he refers to Fulton as having been appointed quartermaster for the bombings by Billy Hanna; but it is not clear from what source this information comes. It is equally difficult to identify which of the many allegations made by Tiernan in his writings stem from information given to him by Fulton.

The same problems exist in relation to his other allegations. At the end of his book on the bombings, there is a list of 25 “Northern loyalists” suspected by him of involvement in the bombings. Within the book itself there are references to others who are not named, such as “an Armagh businessman” who is alleged to have provided cars to assist the bomb teams in earlier planning trips to Dublin, and “scout cars” to transport the teams to and from Dublin on the day of the bombings.⁴ The sources for each allegation are not clear, though he claims to have interviewed and received information from many loyalist paramilitaries, as well as their friends and families. It is also known that he has interviewed John Weir, Colin Wallace, Fred Holroyd and several Garda officers of senior and junior rank.

Tiernan has declined to meet with the Inquiry to discuss his allegations. In the circumstances, no assessment can be made.

¹Tiernan, *The Dublin and Monaghan bombings and the Murder Triangle*, p.100.

²Ibid., p.95.

³Ibid., p.125.

⁴Tiernan, *The Dublin and Monaghan bombings*, p.97. This information is said to have come from Billy Fulton.

From the security forces, two persons whose claims have already been examined in some detail in this report are former Information Officer Colin Wallace and former Military Intelligence Officer Fred Holroyd. On the loyalist paramilitary side, there is the evidence of David Ervine and the source close to the UVF referred to in the previous chapter.

On 15 November 2001, retired Irish Army Intelligence officer, Lt. Col. John Morgan wrote to the Inquiry with a list of names which he claims to have received from two sources - one a former UDR officer, the other a former loyalist paramilitary with connections to British Intelligence. Listed under the heading “Loyalist bombers and back-up team (participants)” were nineteen names, most of whom were known to the Inquiry from Garda files or from allegations by Weir, Wallace and Holroyd.

The Inquiry has met with Morgan’s ex-UDR source, but it must be said that the latter’s credibility is adversely affected by the fact that he has made allegations elsewhere which materially contradict some of his evidence to the Inquiry. The identity of the second source is not known. Without further verification it cannot be known whether his information is based on original evidence or on allegations by Weir and others already in the public domain. Under those circumstances, it would be wrong of the Inquiry to attach any weight to Morgan’s list of suspects.

An article by journalist Robert Fisk in October 1974 suggested, “The UDA believes privately that the UVF was to blame.”⁵ In his book on the UWC strike, he referred to:

“A prominent and very senior UVF officer in the Shankill who was interned without trial in Long Kesh by Merlyn Rees, partly on suspicion of having planned the Irish car bombings. He was a well-known paramilitary leader and a colleague of Jim Hanna, at one time the overall commander of the UVF in Northern Ireland.”

In the light of the information received by Gardaí and Irish Army Intelligence, the UVF officer referred to is almost certainly William Marchant. Fisk went on to suggest that the bombings were carried out by militant UVF members opposed to meetings between UVF delegations and the Official and Provisional IRA which had taken place earlier in the year:

“The Dublin bombings were apparently carried out to show other members of the UVF that, left-wing though it might have become, this did not imply any deals with republicans.”

Robert Fisk was interviewed by the Inquiry but was not able to recall the source of this information.

⁵*Sunday Times*, 14 October 1974.

There are others who have supported the UVF's claim of sole responsibility; among them, journalists Jim Cusack and Henry McDonald. In their book, *UVF*, they claimed that the Dublin bombings were "largely the work of the Belfast UVF", with Monaghan being carried out by the Armagh and Mid-Ulster branches.⁶ This echoes the view of the source close to the UVF who was interviewed by the Inquiry, and that expressed by the RUC officer who was said to have given Holroyd the names of some of the perpetrators.

In the case of Cusack and McDonald, their reasoning appears to be based on the points of origin of the bomb cars. While it is perhaps natural to assume that the cars were stolen by local men in each case, no evidence is offered to support this, or the assumption that they were UVF members, or indeed that the group who stole the cars also made the bombs and drove them to Dublin. They mention the allegations of collusion in the 'Hidden Hand' programme, and even quote from a "leading UVF figure" who admitted to them that "there was British military infiltration of parts of the Mid-Ulster UVF". But they do not explain why they remained convinced that the UVF had carried out the bombings without assistance.

Journalist Don Mullan wrote in his book on the Dublin / Monaghan bombings of an anonymous loyalist source in Mid-Ulster who told him Dublin was carried out by the Mid-Ulster and Belfast UVF together, but that Monaghan was carried out by the Mid-Ulster unit alone. The informant continued:

"The commander of the Monaghan attack was one of two Portadown brothers heavily involved with the UVF at that time. He now lives in Scotland. Dublin was also commanded by a mid-Ulster UVF member. He is now dead."⁷

Mullan also mentioned another unnamed "leading loyalist, not associated with the UVF, but very active in 1974" with whom he had spoken on 28 June 2000:

"He said that it was his belief that the attack on Dublin and Monaghan had no connection with the UWC⁸ and that not a lot of thought had been put into the bombings. According to this one-time leading figure in Ulster loyalism, 'The stuff had been lying around prepared for some time on a farm belonging to an ex-B Special.' He said that the owner of the farm was worried lest the security forces would raid his farm, so the Belfast UVF agreed to remove it. In the end it was the mid-Ulster UVF who carried out the attack with no involvement from the UDA."⁹

The sources mentioned by Mullan have not been identified to the Inquiry.

⁶Cusack & McDonald, *UVF* (2nd ed.), pp.133-36.

⁷*The Dublin and Monaghan bombings.*, p.207.

⁸Ulster Worker's Council - the umbrella body responsible for co-ordinating protests against the Sunningdale Agreement.

⁹*The Dublin and Monaghan bombing.*, p.218.

ALLEGATIONS OF COLLUSION

1. **OVERVIEW**
2. **INTELLIGENCE STRUCTURES**
3. **COMMUNICATION AND CONTROL**
4. **AGENTS AND INFORMERS**
5. **'FRIENDLY FORCES'?**

OVERVIEW:

Unsurprisingly, there have been no admissions of personal complicity in the attacks by members of the British Army, the RUC or the Intelligence Services.

In attempting to investigate allegations of illegal activities by the security forces in the mid-1970s, the potential difficulties are not limited to those caused by the passage of time. For one thing, such evidence as might confirm or refute the allegations is most likely to be in the possession of the security forces themselves – that is to say, the very groups which are being accused of illegal behaviour.

In the overview to its most recent report, dated 17 April 2003, the Stevens Inquiry into allegations of collusion recognised that it had been obstructed throughout its three inquiries:

“The obstruction was cultural in nature and widespread within parts of the Army and the RUC.”

In investigating allegations of collusion in relation to the Dublin and Monaghan bombings, this Inquiry faces all the problems identified by the Stevens Inquiry, with the additional complication that it has no authority or powers within the jurisdiction of Northern Ireland. Issues of national security, secrecy and bureaucratic reticence are also amplified.

Though some sources claim to have specific evidence of the security forces protecting the perpetrators of the Dublin / Monaghan bombings, others have concentrated on accumulating evidence from other incidents which they believe establishes a pattern of such protection. One is then invited to assume that this pattern applied in the case of the Dublin and Monaghan bombings.

Those who seek to establish a pattern of ongoing, illegal collaboration between elements of the security forces and loyalist extremists have based their claims on the following points:

- (1) The adoption of a policy of counter-intelligence which advocated the use of “friendly guerillas” (in this case, loyalist paramilitaries) as allies in the war against the “real” enemy (in this case, the PIRA);

- (2) The cultivation of agents and informers within loyalist paramilitary groups, resulting in a refusal to act on information received for fear of compromising the information source;
- (3) A widespread sympathy amongst army and police officers towards loyalist aims and objectives, combined with a general anti-nationalist bias;
- (4) The existence of a group of loyalist “untouchables”, deduced from a pattern of failure to prosecute known paramilitaries; and finally
- (5) Evidence of the involvement of members of the security forces in specific paramilitary attacks.

A proper examination of all these allegations is dependent upon the following:

- an assessment of the structures and policies governing intelligence gathering in Northern Ireland at that time;
- a review of the available evidence as to what the security forces in Northern Ireland knew of loyalist personnel and activities; and
- an assessment of all the evidence which has been offered in support of the allegation that systemic collusion was taking place over a number of years between loyalist paramilitaries and elements of the security forces.

INTELLIGENCE STRUCTURES:

Agencies:

The structures for intelligence gathering in Northern Ireland grew in a rather haphazard manner in the early years of the Troubles. By 1974, the picture was of a number of organisations operating in parallel, with little overall co-ordination or control. The main groups were:

- (1) RUC Special Branch.

According to information supplied to the Commission by the Northern Ireland Office,¹ the RUC Special Branch had sole responsibility for gathering intelligence on subversives prior to the arrival of the Army in August 1969. It remained the most important source of local intelligence throughout the Troubles.

- (2) Army Intelligence.

¹Letter from Dr John Reid, Secretary of State for Northern Ireland, to Commission, dated 26 February 2002.

Members of the Intelligence Corps were engaged in various roles at Army Headquarters, Lisburn.

The Special Military Intelligence Unit (SMIU), responsible for the Military Intelligence Officers (MIO) and Military Intelligence Liaison Officers (MILO) appointed to liaise with the RUC Special Branch at various levels, had offices at RUC Headquarters.

MIOs were assisted in turn by Field Intelligence Officers (FINCO) and Liaison Intelligence Officers (LINCO).

In addition to this, each Army Brigade had its own intelligence unit (INTCEL), and its own Weapons Intelligence Section, whose job was to collect and collate information on paramilitary arms and explosives. Every unit of the UDR also had its own intelligence officer.

(3) 14th Intelligence (14 Int).

The SAS, though not officially deployed in Northern Ireland until January 1976, had a proxy intelligence role via 14th Intelligence - a company of special surveillance units created to replace the discredited Military Reconnaissance Force in 1972 / 73. Former SAS officer Ken Connor - one of the team which recommended the creation of 14 Int - explained:

“The SAS developed a selection procedure, ran the induction course and training and staffed the upper echelons of the company with SAS officers. That gave the Regiment a means of maintaining its influence over an area that technically should have been controlled by the Intelligence Corps...

Fourteen Int was organised into three detachments, each about the size of an SAS troop.²”

(4) Secret Intelligence Service / MI6

It is not known how many operatives of MI6 - also known as the SIS - were in Northern Ireland during the 1970s. It is known that between 1971 and 1975 there was a representative at Army HQ. Ministerial control of MI6 came under the Foreign Office, not the Secretary of State for Northern Ireland. It appears that MI6 presence in Northern Ireland diminished from 1973 onwards, finally coming to an end in 1984, when sole responsibility for operations was given to MI5.

(5) Security Service / MI5

²Connor, *Ghost force*, p.269.

The Commission was told by former Northern Ireland Secretary Merlyn Rees that political responsibility for MI5 (also known as the Security Service) in Northern Ireland rested with him. The Commission does not know how many MI5 operatives were based in Northern Ireland during the relevant time.

COMMUNICATION AND CONTROL:

In 1973, the post of Director and Co-ordinator of Intelligence (DCI) was created. The DCI was based at Stormont, and reported directly to the Secretary of State. He had a Liaison Officer (LO) at Army HQ and RUC Special Branch HQ. The LO to the RUC was a senior MI5 officer; the LO to the Army came initially from MI6, but was subsequently replaced by an MI5 officer.

The DCI had no operational responsibilities: the role was one of co-ordination and policy direction. Operational control over intelligence was not centralised. This was confirmed to the Commission at a meeting with the then Secretary of State for Northern Ireland, Dr Reid and members of his staff on 17 January 2002. Though there were channels of communication between the various groups, each intelligence agency retained ownership of its own information, sharing it at its own discretion.

All intelligence did not necessarily flow through the DCI. The Secretary of State, for instance, had weekly meetings with the Army GOC and the RUC Chief Constable, at which information could be shared. MI5 and MI6 had established an Irish Joint Section with the intent of co-ordinating their intelligence and operations - though both organisations presumably continued to report to their headquarters in London. It is likely too that the SAS officers in charge of 14 Int were reporting back to SAS HQ in Hereford, as well as passing information through the usual Army intelligence channels. In this context, the Inquiry notes the following passage from a directive governing MI5 activity issued in 1952 which stated:

“...it is essential that the Security Service should be kept absolutely free from any political bias and influence, and nothing should be done that might lend cover to the suggestion that it is concerned with any particular section of the community.”³

In such circumstances, inter-group rivalry and confusion were inevitable. Examples of this can be seen in the career of former Military Intelligence Officer Fred Holroyd. As an MIO, he was nominally under the authority of the Special Military Intelligence Unit (set up to co-ordinate liaisons with the RUC Special Branch). However, in order to restore trust following a breach of confidence by his predecessor, his job charter stated that his ultimate loyalty would in fact be to RUC Special Branch. Shortly after taking up office he became involved in sourcing and handling informants with Warrant Officer Bernard Dearsley, and was asked to report to Mr Craig Smellie (MI6) at Army HQNI. Copies of those reports were sent to his commanding officers at

³ Annex to letter from Secretary of State for Northern Ireland dated 26 February 2002.

SMIU, but not to the commander of 3 Brigade, Portadown, where Holroyd was based. When Smellie left Northern Ireland in 1975, Holroyd says he was introduced to Ian Cameron (MI5) as Smellie's replacement. On the same day however, he says he was told by the officer in charge of Special Duties units not to report to Cameron or anyone else from MI5. The officer assured Holroyd he would make sure the reports got "to the right people".

Holroyd recalls divisions, distrust and a general lack of openness between Special Branch and the Army; between 3 Brigade's own intelligence unit and himself, and between MI6 and MI5. Speaking to the RUC in 1982, he made the following remark:

"My experiences in Ulster and the years since have left me totally confused about who actually can and does make decisions to carry out certain operations which appear to be outside the law."⁴

Evidence of infighting between intelligence agencies also comes from former SAS officer Ken Connor, who wrote:

"There may have been a war raging between the IRA and the security forces, but at times it seemed to pale beside the turf wars between the various different military and police intelligence agencies competing for a slice of the Northern Ireland action....

Operations were often clouded by the use of touts - informers. Army Intelligence, MI5, MI6, the RUC Special Branch and even the intelligence sections of infantry battalions were all running their own touts, usually unknown to each other....

When good intelligence was obtained it was often poorly collated and evaluated, and inadequately distributed. MI5 and MI6 had only one thing in common: a shared contempt for the RUC Special Branch, which they regarded as staffed by bungling incompetents. They hoarded the intelligence they gained and the Special Branch in turn kept to itself much information from its touts in the North and its contacts in the Garda Special Branch in the Republic."⁵

The Commission attempted to contact Connor to discuss these views further, but without success.

The apparent contempt of MI5 and MI6 for the Special Branch was reciprocated according to a former RUC officer who told the Inquiry that the Intelligence Services were considered to be joke by his colleagues. The same officer told the Inquiry that he had never received any useful information from Army Intelligence or the Intelligence Services.

Seamus Mallon MP, who was resident in Markethill, Co. Armagh during the 1970s, told the Commission that his prevailing impression of the security forces was one of

⁴ Statement to RUC, 15 December 1982.

⁵ Connor, *Ghost Force*, pp.274, 278.

confusion. In his view, there was no clear primacy of the RUC over the UDR. He believed that uncontrolled interchanges were taking place between sections of the UDR and paramilitary groups. He believed that some senior police officers saw no harm in what was happening, and others were firmly opposed to it but felt too vulnerable in their own positions to do anything about it. He remembered one occasion following an attack on his house, when an Army Colonel and a Chief Superintendent came to see him:

“...I was amazed at how vulnerable they felt. They did not have the type of people in the service at that time that they could rely on.”

He concluded:

“The overall situation at that time was that law ceased to exist. There was no viable authority. Good senior police officers were vulnerable. The Government approach was to close your eyes and get on with worrying about winning the war.”⁶

AGENTS AND INFORMERS:

Some contact between the intelligence wing of the security forces and loyalist extremists was inevitable. The success of any intelligence agency lies in its ability to cultivate reliable sources of information, particularly from within the ranks of the enemy. One can assume that infiltration of loyalist paramilitary organisations was a security goal - though perhaps not as high a priority as infiltrating the IRA. But the successful use of agents and informers leads to a dilemma: whether to act on information received in order to prevent imminent atrocities - thereby perhaps exposing the source and losing the chance to prevent future acts of violence - or to allow some atrocities to take place unhindered, in the hope of preserving a source which may one day allow you to prevent atrocities of even greater magnitude.

For obvious reasons, decisions of this nature are shrouded in secrecy. Even those at the highest ranks within the intelligence sector may only be told what their subordinates deem they ‘need to know’.

As a matter of official policy for both the army and police in Northern Ireland, intelligence was given primacy over operations. At a meeting with MI5 representatives on 19 February 1974, this was explained to Irish Army Intelligence as follows:

“Internal Security Operations are always controlled by Intelligence and not by Operations: the opposite is the case in External military operations or in Defence operations. The GSO (2) Intelligence in the North is a full Colonel whereas the GSO (2) Operations is a Lieut-Colonel. In normal times they would both be of equal rank. At Brigade and lower levels Operations work

⁶Interview with Seamus Mallon MP, 10 December 2002.

through Intelligence. No operation of any kind is undertaken without reporting it at once on the Intelligence net or otherwise getting Intelligence assessment and approval.”

A similar policy existed in the RUC, with Special Branch having the power to veto or alter CID operations on intelligence grounds.

Combined with the “need-to-know” principle, this resulted in a *de facto* decentralisation of power and authority. Intelligence operatives - from whatever branch of the security forces - could effectively veto the decisions of much higher-ranking officers without having to disclose the intelligence on which their actions were based.

‘FRIENDLY FORCES’?:

The moral ambivalence inherent in covert intelligence work was compounded in Northern Ireland by the ambivalent attitude of many in the security forces towards loyalist paramilitary groups and their activities. To many soldiers and police officers, the real enemy - the one who was targeting them because of their uniform - was the PIRA. Any group which sought to fight the PIRA, no matter how illegal their methods, could not be looked upon with the same degree of antipathy. The expression, “My enemy's enemy is my friend” had already been developed into a philosophy of counter-terrorism by British Army strategists combating guerilla warfare in other parts of the globe. One of the main advocates of this approach, Brigadier Frank Kitson, was a Brigade commander in Belfast from February 1970 until April 1972.

Confirmation that the UVF and UDA were viewed differently to the PIRA comes from an Irish Army Intelligence report of a meeting with MI5 officers in London, dated 27 October 1973. It stated:

“Considerable progress has been made in the arrest of Protestant militants despite the risks of retaliation and the fact that up to now they have not taken serious action against the Security Forces.”

Although the report is clear that arrest operations against loyalist militants were proceeding, the underlying fear was that this could turn a friendly (or at least neutral) force into an enemy.

At ground level, the attitudes of soldiers and policemen to loyalist paramilitary groups varied considerably. There was a section who were deeply opposed to them, there were others who were indifferent, some who had sympathy with their aims but not their methods, and others who actively supported, encouraged and in some cases joined them. The percentage of members of the security forces who were also members of loyalist militant organisations is impossible to gauge: for the most part, suspicions centred on the UDR and the RUC. As the former Northern Ireland

Secretary Dr John Reid pointed out to the Commission by letter dated 26 February 2002:

“It is a matter of record that some RUC and UDR officers were convicted of collusion with Loyalist paramilitaries in the 1970s.”

On 26 October 1972, Brigadier Denis Ormerod, Commanding Officer of the UDR in Belfast, said in an interview on Ulster Television that if a member of the regiment belonged to the UDA, he would probably take no action. He clarified his position in a speech on 6 November, saying that the UDR did not welcome joint membership with the UDA, but a soldier was not barred from being a member of both organizations. By January 1973, however, the position had been altered to bar such joint membership.

Discussing the RUC Special Branch in late 1972, former Army Chief of General Staff (CGS) Michael Carver referred to “the suspicion, more than once proved, that some of its members had close links with Protestant extremists”.⁷ At a meeting with British Intelligence sources on 26 March 1974, Irish Army intelligence officers were told:

“The British Military have always to be very careful of the RUC because they (the RUC) have been penetrated by the UDA. The extent of the known penetration is not significant but knowledge of this fact makes them over-cautious of the unknown.”

The existence within a section of the RUC of a broad sympathy for loyalist militants was confirmed by former Sgt John Weir, from his experience as a Special Patrol Group member in Armagh and elsewhere. Referring to an arms amnesty in 1970 / 71, in which guns and ammunition were collected from members of the public, he said it was “common knowledge” among his colleagues that RUC officers gave the collected weapons to UDA members. In 1972 Weir was transferred to the Armagh Special Patrol Group, an RUC unit created specifically to combat terrorism. He wrote:

“I quickly discovered that many members of my SPG unit had loyalist connections and supported the activities of loyalist paramilitaries. I recall that, during the Ulster Workers' strike in 1974, all members of my SPG unit fully supported the loyalist efforts to bring down the power-sharing executive and we toured the barricades and encouraged the strikers to persevere. When my colleagues and I learned that we were going to be sent to Portadown to contain loyalist protests, we sabotaged our own police vehicles by putting sugar in petrol tanks and disabling our vehicles.”⁸

For their part, loyalist militants may have attacked individual members of the security forces for sectarian reasons, but in general they saw themselves as being on the same side, fighting a common republican enemy.

⁷Carver, *Out of step*, p.429.

⁸Statement of John Weir, 3 January, 1999.

INTELLIGENCE INFORMATION CONCERNING LOYALIST PARAMILITARIES

1. **OVERVIEW**
2. **IRISH ARMY INTELLIGENCE**
3. **AN GARDA SIOCHANA**
4. **OTHER SOURCES**

OVERVIEW:

Though the Inquiry has received some material from the Northern Ireland Office and from the PSNI, it has not had access to the documents necessary to form a complete picture of the intelligence accumulated by the security forces in Northern Ireland. In conveying the results of a survey of Whitehall files carried out for the Northern Ireland Office, Dr Reid wrote:

“The intelligence picture is fragmentary and, perhaps inevitably at this distance, hard to assess.”¹

Dr Reid’s letter of 26 February 2002 contained a number of items of information extracted from intelligence reports, but not enough on which to make a proper assessment of the state of knowledge concerning Loyalist extremist groups. As the Inquiry pointed out by way of reply:

“The main difficulty in assessing the usefulness to the Commission of the information supplied by your letter lies in the fact that you have not furnished the intelligence reports themselves. This obviously affects the value of the information supplied. Firstly, the Commission cannot rely on its own evaluation of information received by it. Secondly, taking extracts from reports limits their value, since there is no way in which such extracts can be assessed having regard to the report as a whole or other reports which together with the first report complete a fuller picture.

Further difficulties in assessing the information contained in your letter arise from the virtual absence of names of suspects as well as the fact that it is not possible to tell the agency or agencies which provided the report and the agency or agencies to which it was sent and whether it was further circulated. There is equally no way of knowing whether the substance of the reports to which you refer was contained in other contemporaneous reports from other agencies.”²

¹Letter from Dr Reid, Secretary of State for Northern Ireland to the Inquiry, 26 February 2002.

²Letter from the Inquiry to Dr Reid, 15 April 2002.

As a result, the Inquiry has been forced to rely on information which was made available to the Gardaí or to Irish Army Intelligence (also known as G2), as well as on the evidence of persons working in intelligence at that time.

British-Irish communications on intelligence were conducted through two channels. The main link was between the RUC Special Branch and An Garda Síochána C3 branch. The other was between Irish Army Intelligence (G2) and British Intelligence sources.

In considering the information made available through these channels, it should be remembered that intelligence received by one agency in Northern Ireland may not have reached the other agencies. It cannot be assumed that something known to Special Branch, for instance, was also known to Army Intelligence or MI5.

IRISH ARMY INTELLIGENCE:

The Inquiry was given full access to G2 reports of their meetings with British Intelligence sources and to files of telegrams sent and received during the 1970s. Together they provide an illuminating picture of how loyalist paramilitaries were perceived by British Intelligence during that period. It must be emphasised, however, that the quotes which follow are taken from Irish Army Intelligence reports of the what was said at the meetings. They are not direct quotes from transcripts or from British Intelligence documents.

In a report from July 1971, there is no mention of loyalist militants at all. Attention was focused exclusively on the IRA. The February 1972 report is the first one to have a section devoted to 'Protestant Extremists' but no mention is made of the UVF until May 1972, when it was remarked that newspaper reports of a Vanguard / UVF force of 10,000 armed men appeared to have no substance.

In July 1973 the relationship between the UVF, UDA and the newly emergent Ulster Freedom Fighters (UFF) was commented on as follows:

“From available intelligence it would seem that the new title does not show that a new force has emerged as the UFF is composed of elements of the UDA, UVF and other smaller Protestant extremist groups.... Protestant dissidents are dissatisfied with their leaders who appear to be interested only in personal power and acquiring money from shopkeepers through intimidation rather than combating the IRA. These dissidents appear to have acted without approval but have not left their parent movements in order to make identification of suspects more difficult.”

In September 1973, Irish Intelligence officers were assured that Vanguard Service Corps (VSC), UDA and UVF were “to all intents and purposes... organisations in name only just now.... There are no fears of organised attacks from VSC, UDA or UVF being carried out on Catholics at present while British troops are deployed.” They were also told that the British security forces had a lot of clandestine photographs of wanted men, which would be made available to the Gardaí if needed.

This confidence evaporated in the next three months as loyalist opposition to political peace initiatives grew. On 9 October 1973 it was reported:

“Unrest among Protestant militants, which seems to arise from their uncertainty of the future, is on the increase. They are divided among themselves almost in the same way as the IRA was divided in 1969. This splintering poses additional strains on the Security Forces in ensuring that all the militant groups get sufficient attention and that the various faction leaders are identified and their activities observed....

Militants in Protestant areas of Belfast are threatening to come to the assistance of their rural friends with local attacks in Republican / Catholic areas. These Protestant militants believe that all IRA operations in Border areas are being conducted from the safety of the Republic and that in order to stop this it is necessary to hit back across the Border. Further reports of threats to targets (unspecified) in the Republic have come to hand.”

Two months later it was reported:

“Protestant Militant Organisations have now become a serious threat to peace in Northern Ireland and it is believed that there is a serious risk that they could spark off a Civil War....

The Protestant militant campaign, should the signal be given to start it, would include widespread industrial unrest, withdrawal of services, refusal to man even essential services, blocking of roads, erecting of barricades, attacks on Catholic ghettos particularly in Belfast, assassination of Protestant and Catholic leaders... and bombings and shootings both in Northern Ireland and in the Republic....

Statements made in unguarded terms could aggravate the situation and trigger Protestant militant reaction... Protestant militant leaders will not accept that enough is being done to prevent PIRA operations in Border areas and they have made many threats to retaliate with cross-border operations which may eventually happen.”

The UVF, previously derided as an organisation “in name only” were singled out for attention:

“The UVF has proved that it is a well-organised and disciplined force and is believed to be well provided with weapons, ammunition and explosives.”

By February 1974, fears of loyalist uprising had eased. It was stated that the UVF, still the most disciplined Protestant militant group, had “gone political” and “have not been involved in any of the recent bombings or assassinations.” Active strength was estimated at 2,000.

A notable intelligence success was recorded in two telegrams dated 15 and 20 March 1974 respectively. The first conveyed information received from “an occasional source with good access to Protestant paramilitary activities in the Fermanagh / Tyrone area” to the effect that plans for car bomb attacks on 16 March in four villages over the border in Co. Cavan were “well advanced.” G2 were asked to pass the information on to the Gardaí. Five days later, the second telegram reported:

“As a result of Security Forces activity against Protestant paramilitary groups on 16 March in the Fermanagh / Tyrone area, two teams were deterred from making their attacks on villages over the border and three men have been arrested and charged with possession of fire arms and arson.”

As an indication of the level of intelligence available on loyalist groups, this seems particularly important. In the light of this intelligence coup, it is harder to accept the proposition that the bombings of 17 May came as a total surprise to the security forces in Northern Ireland.

As it was, the only significant piece of information supplied by British Intelligence to G2 in the last meeting before the bombings was a statement that the UVF ‘cease-fire’ was still officially in place.³

On 1 June 1974, the detention of 31 men following an arrest sweep by the British Army in loyalist areas of Belfast was mentioned. The report continued:

“This catch includes some of the group involved in the Dublin car bombings of 17 May - two of them at least. There was good intelligence on this and it is understood it has been passed to the RUC. It was stressed that this operation was only possible because of very good intelligence and was not due to police-work.”

Further information was offered in relation to the Dublin / Monaghan bombings:

“The Dublin and Monaghan bombings were the co-ordinated efforts of two ‘Heavy Gangs’ within the UVF. The bombings did not have the approval of the leadership of the UVF. Some of those believed to have been involved were among the group arrested by British troops in Belfast on Sunday 26 May and handed over to the RUC. There can be little doubt that the bombers intended to kill as many people as possible. Both the UDA and UVF contain men who are utterly ruthless, animalistic and uncontrollable. It is believed the bombers remained overnight in Dublin and returned to Belfast next day.”

This was followed five days later by a telegram from G2 to MI5 in London as follows:

“Can u give us names or other information on the car -???? bombs. From delicate inquiries it appears to us that Gardaí have got no information yet.”

³ G2 report of meeting with British Intelligence sources, 20 April 1974.

There does not seem to have been a written reply to this request.

A report of 15 June 1974 gave the following overview of loyalist paramilitary capability:

“Overall the military potential of the Protestants is far greater than that of the IRA in men and materials. There is no information that Protestant militants are an immediate threat to the Republic but it would be wrong to take this at its face value as maverick elements may organise impromptu raids or bombing missions at any time...”

One month later, however, things seemed to have quietened down. It was reported that the UDA and UVF “are not active at the present time.” UVF activities were reported as being on the increase in December 1974. Reports in subsequent months noted ongoing disagreements with the UVF and UDA between those in favour of political and military action respectively. A feud between the UVF and UDA was also reported. On 19 April 1975 it was said that rank and file members of both groups were

“carrying out unauthorised operations independently of the leadership.... The leaders of both organisations are doing their best to exercise control over their members but they are patently unable to do so, although the UDA is the less indisciplined of the two groups.”

On 9 June 1975 it was reported:

“Element of the UVF operating under the nom-de-guerre of Protestant Action Committee is responsible for most of the sectarian violence on the Protestant side. Loyalist paramilitary movements are re-organising their structures, recruiting and training in a great number of areas. New units are being formed in areas where they have not existed for a long time. There is probably some re-supply continuing, but no actual evidence of this has been obtained.”

On 15 November 1975 it was said of the UVF:

“They are not well armed and their military capability is small. They still have a capability for intermittent bombing in the Republic.”

A report dated 10 January 1976 said regarding the Dundalk bombing of 19 December 1975:

“...it is thought that it was done on the initiative of a small group within the UVF.”

The first mention of the Mid-Ulster branch of the UVF came in a report dated 24 April 1976, which said:

“The capacity of the Loyalist paramilitaries for violence is not very high - much less than the PIRA - because supplies are their real problem. Mid-Ulster UVF is the most active of the paramilitary groups and has links with the Shankill UVF. The Mid-Ulster gang is using chemicals and fertilisers with commercial explosives to stretch their supplies.”

It continued:

“There are some mavericks within the organisation who insist on using violence and these cannot be controlled. These elements got ideas, support and assistance from other smaller groups like the Red Hand etc.”

The Mid-Ulster UVF were again singled out in a report of 17 June 1976. Having said that the UVF in general was less active than the UDA at that time, it continued:

“The exception is that UVF elements in Dungannon - Portadown area tend to take independent action and would respond to PIRA attacks if at all possible... [the] leader of the UVF, does not have effective control of some elements in Shankill and Mid-Ulster. The Mid-Ulster element seems to have little difficulty in getting supplies of explosives.”

In a report dated 4 September 1976, the UVF were described as being composed of “a number of independent gangs.” It continued:

“Some of the leaders have left the North and gone to Scotland. The UVF still manages to get explosives and their policy continues to be oriented towards retaliatory attacks in the Republic. The bombing of the Catholic public house in Keady on 16 August 1976 (2 killed, 17 injured) was not authorised by the UVF: it was intended for the Republic instead.”

In addition to the information received by G2 on loyalist militants, there were statements made in relation to PIRA activities from which inferences might be drawn concerning the state of knowledge regarding loyalist paramilitary activities. The most striking was reported on 26 March 1974:

“PIRA: It was stated that there was sufficient proof to show that most cross-border activities were planned in the Republic. Intelligence of all other operations becomes available (most times too late to take counter-measures) but practically none whatever of cross-border ones.”

An earlier report dated 27 October 1973, contained the following statement:

“The traffic disruption caused in Border areas of the North following the blocking of roads with hijacked vehicles on the night of 24/25 October by elements of the PIRA was not planned in Northern Ireland. When such operations are being planned it is usual to get some intimation that a project is arranged from one source or another. On this occasion no information came.”

Both pieces of information suggest that there was a very high level of intelligence available to the security forces in Northern Ireland regarding any PIRA operation planned within their jurisdiction. But these statements should be treated with caution. The conclusion that a lack of British intelligence on IRA actions implied that those actions were planned in the State is obviously more attractive from a British perspective than to admit an intelligence failure within their own jurisdiction. Nonetheless, if British knowledge of IRA activities within Northern Ireland was as good as suggested, it would have been surprising if a similar level of knowledge did not exist in relation to loyalist paramilitaries.

AN GARDA SIOCHANA:

It appears that members of the RUC Special Branch were the primary source of Garda intelligence regarding loyalist paramilitaries. Some information was acquired through written correspondence between their respective headquarters; some through phone calls or face-to-face meetings. Other intelligence came through informal contact between officers working in Border areas. In many cases the source of Garda intelligence was not specified, so one cannot be certain that it came from RUC Special Branch. Nonetheless, it is reasonable to assume that RUC knowledge of loyalist militant personnel and activity in Northern Ireland at least equalled that of An Garda Síochána.

Details of the information shared between the RUC and the Garda investigation team are contained in the account of the Garda investigation earlier in this report. There is no doubt that the RUC responded promptly in helping Gardaí to identify the stolen vehicles. Beyond that, they claimed to have had little or no information concerning who might have been responsible for the bombings either before or following the attacks.

It is clear, however, that they had a quite considerable knowledge of who the active loyalist paramilitaries were. As early as February 1970, Garda C3 branch was circulating lists of UVF members containing names, addresses, descriptions and in some instances, make and registration of cars. This information almost certainly came from RUC Special Branch.

On 10 January 1974, Gda McQuaid sent a memo to the Superintendent in Monaghan in which he claimed to have received information on the existence of an extreme Loyalist group within the Portadown UVF, known as the “Young Group”. Among those named as part of this group are Stewart Young, Nelson Young and Samuel McCoo - all names who have been linked by some to the Dublin and Monaghan bombings. McCoo was described as “extremely militant and has boasted to others of being able to get guns and explosives.” Gda McQuaid also mentioned that he had photographs of those mentioned.

Some time between July 1974 and July 1975,⁴ the Superintendent at Monaghan received a memo from D/Gda McCoy which gave a detailed account of the structure and personnel of extreme loyalist groups, naming many prominent figures. Of particular interest is a section on the Mid-Ulster UVF - the group strongly suspected by many of having carried out the Dublin and Monaghan bombings:

“This is divided into companies as follows:

1. Portadown - 60 strong, O.C. Stewart Young
2. Lurgan - 10 strong, O.C. William Hanna
3. Tandragee - 15 strong...
4. Dungannon - 5 strong...

This battalion is well armed with rifle and hand guns and have explosives. They are regarded as crafty and vicious... I regard this battalion as the greatest threat to the Co. Monaghan area.”

The Lurgan commander Billy Hanna was known to the RUC at least as early as November 1973, when he had been arrested and charged in relation to items found in a search of his home.

After the bombings, RUC Special Branch supplied Gardaí with more photographs of Loyalist militants. Some of the intelligence information indicating possible suspects also came from the RUC - though this was not specified in the Dublin and Monaghan investigation reports.

OTHER SOURCES:

The Inquiry has spoken to a number of people who worked with one or more of the intelligence-gathering agencies in Northern Ireland during the relevant period. These include a former RUC officer who was an important source of information for the Garda investigation team; former Military Intelligence Officer Fred Holroyd and former Senior Information Officer and Psy. Ops. operative Colin Wallace. These three men provide a view of the intelligence network from three different but important perspectives.

The views of Wallace and Holroyd concerning the relationship between the security forces and loyalist extremists have been set out in detail in earlier sections of this report.

The RUC officer referred to was stationed in Portadown from 1964 to 1976. He seems to have been one of three key officers who liaised with An Garda Síochána - both informally and through more formal structures. Fred Holroyd considered him to be at

⁴The date on the only available copy of the document is obscured; but events referred to in the body of the document place it within that time frame.

the epicentre of police intelligence operations in the Portadown area. Members of the Gardaí who dealt with him spoke of him as an excellent and honest policeman. One Garda officer believed that he would have had good intelligence as to who was responsible for various loyalist bombings, but would be reluctant to share that information with Gardaí in the absence of other evidence.

Given the central position he occupied in the intelligence-gathering network for the Mid-Ulster region, this RUC officer's interview with the Inquiry was disappointing. He said that the intelligence received by him was generally of a low grade. The Inquiry does not find this credible. This man lived and worked in Portadown, where loyalist paramilitaries lived open lives, largely untouched by the security forces. He himself told the Inquiry that the RUC were free to operate in loyalist areas, and that they knew the names of all the active people.

In his meetings with the Inquiry, he made several statements which were shown to be inaccurate or based on assumptions rather than fact. This has regrettably cast doubt on other aspects of his evidence.

DID MEMBERS OF THE SECURITY FORCES ASSIST IN THE BOMBINGS?

1. OVERVIEW
2. INSPIRATION
3. PARTICIPATION
4. ASSISTANCE

OVERVIEW:

There have been repeated allegations that elements of the security forces in Northern Ireland participated or assisted in some way in the Dublin and Monaghan attacks. We turn now to examine material which is said to directly connect the security forces to the bombings. In this regard, it is to be noted that the term “collusion” covers a wide spectrum of possibilities. In relation to the Dublin / Monaghan bombings, these are:

(1) Inspiration

There are some who claim that the very notion of attacking Dublin on such a scale would not have occurred to loyalist paramilitaries (whom they believe to have been essentially parochial and defensive in outlook) unless it was suggested to them from outside.

Others have claimed that inspiration for the bombings may have arisen unintentionally from the British Army approach that placed loyalists alongside the security forces in a war against “the common enemy” - the IRA.

(2) Participation

That is, direct involvement by members of the security forces in carrying out the bombings.

(3) Assistance

This could range from provision of explosives to help with planning and preparation - including bomb assembly.

INSPIRATION:

At the outermost limits of possible military involvement in the bombings, it has been suggested that loyalist paramilitary groups would not have considered attacking Dublin with three simultaneous car bombs unless encouraged to do so by members of the security forces.

The argument rests principally on the assertion that the loyalist mindset at that time was parochial, defensive and reactive in nature. Most loyalist atrocities were committed in response to specific acts of IRA violence. The press statements and writings of the UVF, UDA and other splinter groups invariably stressed this defensive note.

It has also been asserted that hardline loyalists rarely if ever entered the State for any reason - business, pleasure or otherwise. As a result, the idea of undertaking such a major operation in the heart of what they saw as an unknown, deeply hostile territory would not have occurred to them. Even those who mounted cross-border attacks were careful not to stray too far from the border and safety.

While there is undoubtedly an element of truth to this depiction of the loyalist mindset, it ignores the fact that Dublin had already been bombed with impunity on several occasions in previous years. Whether or not these crimes were committed by loyalist groups, they could certainly have served as inspiration and encouragement for those who carried out the May 1974 bombings.

Of particular importance are the attacks at Liberty Hall and Sackville Place on 1 December 1972, which had the immediate effect of removing political opposition to proposed legislation offering the Gardaí greater powers in their efforts to combat the IRA. If the attacks on 17 May 1974 were aimed at changing political attitudes in the State, there was an apparently successful precedent, which may have served to inspire them.

In any event, insofar as the Dublin bombings may have been aimed at destroying Sunningdale and forcing the Irish government to take a stronger stance against the IRA, they were not incompatible with a defensive loyalist mindset. At that time, the perception of many loyalists was that the Sunningdale process constituted the most serious attack on their culture, values and traditions for centuries. The possibility of full-scale civil war in Northern Ireland was being taken very seriously by the authorities on both sides of the border, as well as by republican and loyalist paramilitary groups.

PARTICIPATION:

Direct evidence:

The only purported identification of a British Army officer was by the anonymous informant who claimed that the description of the Parnell St bomber given by a witness matched that of a named British Army Corporal. As we have seen, the man in question has not been traced, and the description has also been said to match that of UVF member David Alexander Mulholland, although the eyewitness who gave the description also said he spoke with an English accent.

There were a few witnesses who claimed to have overheard suspicious remarks from men speaking with English accents. One example was at the Gate Cafe in Cavendish Row, where three staff and one customer recalled a man with an English accent who appeared to have knowledge of the bombs beyond that which he could have obtained as a mere eyewitness.¹

Whether these leads should have been pursued with greater vigour by the Garda investigation team has been discussed already. But as it stands, none of this information gives significant support to the proposition that members of the British Army or Intelligence Services took part in the bombings.

Other evidence:

Former RUC Sergeant John Weir claimed that a named UDR officer and an RUC officer (Laurence McClure) were responsible for assembling the Dublin bombs, using explosives acquired by the former. He did not claim that they were acting on orders from their respective units, but said they were part of a renegade militant group based around James Mitchell's farm at Glenanne. Mitchell himself was a constable in the RUC Reserve.

In truth, allegations that members of the security forces participated directly in the bombing attacks are few. In 1983, journalist Roger Faligot claimed that an SAS group had carried out the Dublin bombings with a dual aim of discrediting the UDA leadership, who at that time were "posing as politicians rather than paramilitary personnel", and encouraging the Irish Government to take further action against republican paramilitaries. He named an SAS Brigadier and a Captain as being primarily responsible.² The book did not indicate the source for this information, and the Inquiry has found no evidence whatsoever to justify it. The Inquiry has tried unsuccessfully to meet with Mr Faligot to discuss the matter further.

The Inquiry has also received anonymous phone calls and letters purporting to identify members of the British Intelligence services who were involved in the bombings, but has been unable to trace those mentioned.

ASSISTANCE:

Planning:

The information said to support allegations that British Army or RUC officers planned the bombings focuses on two areas:

- (1) Alleged links between loyalist suspects for the bombings and British Army, Intelligence or RUC officers; and

¹See chapter 7.

²*Britain's military strategy in Ireland: the Kitson experiment* (London, 1983), p.41.

- (2) Allegations that the bombing attacks exhibited planning characteristics of a conventional military tactician, rather than an unconventional paramilitary group.

Links between loyalist suspects and the security forces:

One of those accused by former RUC Sgt John Weir of taking part in the preparations for bombing Dublin and Monaghan was a serving member of the UDR. In addition to claiming the involvement of that UDR officer and of RUC officer Laurence McClure, Weir credited Billy Hanna and Robin Jackson with the pre-eminent roles in organising the attacks, and said that they were working for British Intelligence. In a letter to a friend, written while in prison, he claimed that Jackson had contact with British Army Captain Robert Nairac. Despite this, Weir has not claimed that these Army or Intelligence contacts assisted Hanna and Jackson in planning the Dublin / Monaghan bombings.

Weir has maintained to the Inquiry that his own involvement with Mitchell's farm at Glenanne did not commence until 1976. On that basis, he could not have known Hanna in person, as he was killed on 27 July 1975. He claims to have received his information about Hanna from Mitchell and McClure.³

Allegations that British Army officers assisted in organising the attacks are mostly linked with Billy Hanna. Although not mentioned as a suspect in the Garda investigation files, Hanna's name has cropped up in allegations by Weir, Wallace, Holroyd and others.

There seems little doubt that Hanna was frequently visited at his house by a number of British Army soldiers, and that they took him fishing on occasion. Joe Tiernan quoted evidence to that effect from Hanna's widow, his brother and other family members.⁴

Joe Tiernan claims to have learned from "former associates" of Hanna the names of four Army officers and one RUC Special Branch officer who helped him plan the 1974 bombings and who were also involved in the 1972 and 1973 Dublin bombings.⁵ In his book on the 1974 bombings, he wrote:

"One former UVF man, now in his seventies, who was a member of Billy's squad and whom Gardaí named as having been involved in the Dublin bombings, told me during research for this book that Billy worked as a UVF agent for army intelligence officers in Lisburn. He said two middle-ranking officers in plain clothes travelled down from Lisburn once a fortnight in a van to meet Billy and give him instructions on what they wanted done.

³ As mentioned in chapter 16, there is some doubt as to whether Weir is telling the truth concerning when he joined the Glenanne group. In addition, the Inquiry notes that Joe Tiernan claims to have been told by Weir of a conversation between Weir and James Mitchell about Hanna, following his murder on 27 July 1975. See Tiernan, *The Dublin and Monaghan bombings*, p.98.

⁴ Tiernan, *The Dublin and Monaghan bombings*, pp.89-90.

⁵ *Sunday Independent*, 16 May 1999.

‘They would visit his house from time to time and they took him fishing to Banbridge. I saw them in his house a couple of times through the window as I approached but as no member of the unit was allowed to meet them I turned and went home and saw Billy later. But mostly they met him away from his house; in carparks or the like. They would meet him in Portadown, Lurgan, Banbridge or out the country somewhere. Occasionally when our unit met to plan operations someone might ask Billy a question about some aspect of the operation. If Billy did not know the answer his reply would be: ‘I’ll have to take advice on that.’ No one pushed the matter further but everyone knew Billy was talking about the army.’”⁶

As mentioned already, Joe Tiernan has declined to discuss this or any other allegation with the Inquiry.

Former Military Intelligence Officer Fred Holroyd has claimed that Hanna had contact with a Field Intelligence Non-Commissioned Officer (FINCO) who reported to Holroyd. He was not sure whether his FINCO was ‘running’ Hanna as an agent, or merely attempting to befriend him in the hope of gaining information.⁷

On the ‘Hidden Hand’ programme, it was claimed that Hanna, Robin Jackson and Harris Boyle were run as agents by Captain Robert Nairac both before and after the bombings. Nairac was accused of supplying them with arms and helping them plan targets. The sources for this allegation were said to come from the RUC, the Garda Special Branch and senior loyalists from Armagh; but in the absence of further details, the Inquiry cannot make a proper assessment of it. It is noted that both John Weir and Colin Wallace have made allegations that Nairac was on friendly terms with Robin Jackson and other prominent loyalist paramilitaries.

Finally, journalist Frank Doherty claimed that a British Army officer was named in Irish Army Intelligence documents as having planned the bombings. In July 1993 he wrote:

“A senior Irish military intelligence officer, now retired, and a serving detective superintendent in the Garda Síochána have told *the Sunday Business Post* that the forensic evidence gathered in the wake of the bombings was sent north on the instructions of former Garda Commissioner Edmund Garvey.

Both men declined to be named but said that documentary proof of their claims was on file in Garda headquarters.

Informed sources say that the Garda information on the bombings was given in good faith to a British intelligence officer who helped mastermind the bomb

⁶Tiernan, *The Dublin and Monaghan bombings*, pp.90-91.

⁷Interview with Inquiry, 28 January 2003.

plot. The officer, who is still serving in the British army at a very high rank, is known to the Gardaí and to Irish army intelligence.”⁸

In April 1999, Doherty repeated the allegation in an article entitled “Dublin bombings: new revelations.” On this occasion he wrote:

“New information obtained by *the Sunday Business Post* from reliable sources in Britain and Ireland indicated that crucial scene-of-crime forensic material was given to RUC Special Branch officers by Garda detectives acting on orders from a high level in Dublin.

The RUC Special Branch gave the material to a British military intelligence man later identified by G2 (Irish military intelligence) officers as the man thought to have planned the attacks. He had control of the evidence for a number of days.”⁹

He continued:

“*The Sunday Business Post* has learned that at least one part of the vital [forensic] material was given to a captain who had close links with loyalists in what the British army called ‘counter gangs’. He was a member of a secretive military intelligence unit whose command structure was located at RUC Special Branch headquarters in Belfast.

His name, rank and appointment as detailed in the Irish Army intelligence file is known to the *Sunday Business Post*...

The forensic material from Dublin was sent initially to a secret intelligence facility at Sprucefield near Lisburn. It was there that the man believed to be the mastermind behind the bombing had control of it.”

Doherty has been interviewed on two occasions by the Inquiry but was unable to produce any evidence to support these allegations. Nor has the Inquiry seen any army intelligence documents resembling those described by him.

Doherty’s only source for the allegation that a particular British Army officer planned the bombings seems to have been a former Irish Army intelligence officer, Lt Col John Morgan. The Inquiry has interviewed Morgan on a number of occasions. It seems that he first assumed an army explosives expert must have been involved because of the apparent sophistication of the bombing operation. He later claimed that a journalist had received an admission from a UDR officer that he and this British Army officer assembled the bombs together. The Inquiry has spoken to the journalist, Paul Larkin. He confirmed that he had spoken to the UDR officer concerned, but said that no such admission had been made.

⁸ ‘Bombing evidence was given to British’, *Sunday Business Post*, 11 July 1993.

⁹ ‘Dublin bombings: new revelations’, *Sunday Business Post*, 4 April 1999.

The ‘military style’ of the bomb attacks:

On 11 July 1993, the *Sunday Business Post* published an article by the same former Lt Col John Morgan in which he set out his views on the bombings. He wrote:

“From a military standpoint, the anatomy of the Dublin and Monaghan bombings is clear. The Dublin attack has a shape and symmetry denoting the military mind. O’Connell Street and its extension, Westmoreland Street, were used as a *cordon sanitaire*. To the west of this line was clean. To the east were deployed the three bombs - in Parnell Street, Talbot Street and South Leinster Street. All three were almost on the same meridian or vertical grid line. The bombs were proportionate in size to the traffic densities of their respective street - the biggest bomb to the biggest street, etc.

The streets are sufficiently far apart as to ensure that if one car bomb was discovered prior to detonation, the others would not easily be found.

Also, should one bomb be found, the subsequent street clearing would most likely not encompass the other targeted streets - or at least not in sufficient time. The chosen streets were parallel - all running east-west and leading from busy thoroughfares to railway and bus stations....

The deployment of the bombs was well thought out. Their position made allowances for the bombers’ escape. They would walk from the sites to a rendezvous somewhere west of O’Connell Street in the clean area. Thus, should a premature explosion occur, the rendezvous would be immune.’

He also stated that a military planner would have arranged a rendezvous point at a car park just outside Dublin, where the bombs would be primed before the final journey into the city itself. The allegation that the bombers met in such a car park has been made by a number of journalists, though as we have seen, Gardaí had no evidence that such a meeting took place.

Thirdly, Morgan subscribed to the view that the Monaghan attack was conceived as supplementary to the Dublin attacks - a diversion to allow the Dublin bombers to return across the border undetected. He believed this to be characteristic of military rather than paramilitary planning.

In a submission received by the Inquiry in July 2000, he commented on the fact that the number plates on the bomb cars had not been changed, saying:

“The original plates were retained to draw the eye to Belfast, their place of derivation, and away from Portadown where the plot was concocted. But the Monaghan bomb-car, taken from Portadown, drew the eye to Portadown. This served to suggest the two attacks, Dublin and Monaghan, were separate, coincidental, unconnected attacks, emanating from different places and not the main and supporting attacks of one operation...”

To the lay observer, Lt Col Morgan’s opinion is given particular weight by his background in military intelligence. But that same training may have caused him to assume too easily that a military mind was responsible for planning the bombings.

The guiding principles he identified as governing the placement of the bombs - facilitating an easy getaway, reducing the chances of the other bombs being found in the event of one of the bombs being discovered - would seem to be principles which might as easily occur to someone not trained in military planning techniques, but with years of paramilitary experience (and possessed of reasonable intelligence) who was prepared to give the matter sufficient thought.

Similarly, arranging a meeting point immediately outside the city centre at which to load, prime and synchronise the bombs might be standard military procedure, but it also follows the dictates of logic and common sense. There is nothing to suggest that loyalist paramilitaries would not have thought of it - even if a long-distance operation on this scale had not been previously attempted by them. In fact, the extraordinary nature of the Dublin attacks would have demanded a corresponding level of care.

The use of the Monaghan bomb as a diversionary tactic to weaken border security is perhaps the sort of elaborate detail which might be expected of military planners. The fact that there is no evidence of it having any effect on security at border crossing points is neither here nor there. But it is equally possible that the Monaghan bombing had no tactical purpose. It may have been a last-minute operation by loyalist militants who were aware of the impending Dublin attacks and simply wished to 'get in on the act.' The fact that the Monaghan car was only stolen late in the afternoon, and that the Monaghan bomb more closely resembled the 'normal' loyalist bomb in its construction,¹⁰ adds weight to this theory.

Morgan cited the failure to disguise the fact that the Monaghan bomb car was obtained in Portadown rather than Belfast as evidence of a deliberate attempt to hide the link between the two operations. But others might see it as evidence that the attacks were not in fact linked. That the bombers saw no need to change the number plates of the bomb cars may imply a belief that the security forces would not attempt to stop them, but it is not convincing evidence of a military involvement in planning the attacks.

¹⁰See chapter 12.

NATURE AND SOURCE OF EXPLOSIVES USED

1. **OVERVIEW**
2. **MILITARY / COMMERCIAL EXPLOSIVES**
3. **HOME-MADE EXPLOSIVES**
4. **OTHER QUESTIONS**

OVERVIEW:

A number of Irish and British soldiers with experience of defusing paramilitary bombs in Northern Ireland during the 1970s have said that the Dublin bombs were of a quality not associated with loyalist paramilitary groups at that time. The same claim is not made for the Monaghan bomb, which appeared to resemble the 'normal' loyalist bomb - a low-grade explosive packed into a metal container.

Explosives can be divided into 'high' and 'low' categories. This is not a measure of their explosive power: low explosives are simply those which require confinement in order to produce an explosion. Examples of these were given by R.A. Hall in his forensic report on the Dublin / Monaghan bombings.

Notwithstanding the lack of reliable forensic findings, it is generally accepted that a high explosive was used in the Dublin bombs. The main reason for this is the lack of any evidence that the bombs were in metal containers - a prerequisite for low explosives. There were three possible sources of high explosives:

- (1) Military supplies;
- (2) Authorised commercial supplies;
- (3) Home-made combinations of ammonium nitrate and fuel oil (ANFO), or sodium chlorate and nitro-benzene, with a booster charge of commercial explosive to ensure detonation.

Taking this into account, the following arguments have been made in favour of the proposition that the Dublin bombs were made with military help:

- (1) If the bombs were made from military explosive, loyalist paramilitaries could only have acquired it through members of the security forces.
- (2) If the bombs were made entirely from commercial explosive, they could not have acquired such a large amount without the knowledge and acquiescence of the security forces.
- (3) If the bombs were home-made, restrictions on the availability of sodium chlorate, nitrobenzene and pure ammonium nitrate meant that they must have been made from re-crystallised ammonium nitrate. This would not have been

available to loyalist groups in 1974 unless they were surreptitiously given access to confiscated PIRA stocks held by the British Army.

- (4) If the bombs were home-made, to achieve total detonation of all three bombs without leaving any unexploded fragments or residue would have required a level of technical skill which was beyond all loyalist groups at that time.
- (5) The successful use of timers to synchronise detonation of the three bombs was not characteristic of loyalist bombers.
- (6) If it was within the capability of loyalist groups to carry out synchronised car bomb attacks with large amounts of explosives without help, why were there no attacks of similar magnitude either before or after the Dublin bombings of May 1974?

MILITARY / COMMERCIAL EXPLOSIVES:

Were military explosives used in the bombings?

The possibility of loyalist paramilitaries acquiring a large quantity of military explosives has been generally discounted. Apart from being guarded with exceptionally high security, any large disbursement of Army ordnance would be easily traced, given the strict rules and accounting procedures which governed its distribution. For these reasons, no soldier who wished to provide explosives to a paramilitary group (with or without official sanction) would use military stocks: if the bomb was captured prior to detonation or did not fully explode, its contents could be traced right back to the officer concerned.

Were commercial explosives used in the bombings?

The commercial explosive most widely available in Northern Ireland at that time was FRANGEX, used in quarrying, demolition work and road construction on both sides of the border. Most commercial explosives contained gelignite, but were not as powerful as the explosives used by the military. According to the calculations of the Irish Army EOD officers who examined the bomb scenes, approximately 300 lbs of commercial explosive would have been needed, were that the sole ingredient of the Dublin bombs.

In this regard, it is worth noting that information received from a confidential source and recorded in the Monaghan investigation report alleged that 350 lbs of gelignite was used for the Dublin bombs, with the Monaghan bomb consisting of a further 150lbs of gelignite, mixed with scrap iron. Another source also gave information regarding the storage of 500lbs of gelignite at a farm in the Middletown area.

If the bombs were made entirely from commercial explosive, that would explain the lack of explosive residue or unexploded ordnance, without implying a high degree of technical skill on the part of the bomb makers.

Irish Army EOD officer Comdt Boyle, in conveying the results of the EOD bomb scene analysis in Dubin and Monaghan to the Garda investigation team, proclaimed himself satisfied that the explosive used in each case was commercial rather than home-made. In his first forensic report analysing samples received on 20 May 1974, Dr Donovan concluded:

“The results suggest the use of gelignite / dynamite as the explosive substance.”¹

According to former Lt. Col. Nigel Wylde (commander of the British Army bomb disposal unit in Belfast, June-October 1974) there are residues from commercial explosives that are detectable for longer than the 6-8 hours specified for ammonium nitrate. But even these findings of Dr Donovan are made questionable by the manner in which the samples were collected and stored by Garda ballistics officers. In any event, his findings of 23 May could at best identify commercial explosive as an element of the bombs: the use of ANFO in conjunction with a small amount of commercial explosive cannot be ruled out.

Paramilitary access to commercial explosives:

There is a lack of detailed statistical information concerning the explosives used by paramilitaries in Northern Ireland during the 1970s. The annual reports of the RUC Chief Constable give the total amount of explosives seized by the security forces in a year, but there is no breakdown of the type of explosives found, or of the percentages attributable to loyalist and republican groups.

In the early 1970s, the PIRA were reputed to have access to large quantities of commercial explosive stolen from quarries and other sites in the State. Legislative measures aimed at combating this were passed in 1971 and 1972,² but according to former Lt. Col. Wylde, large seizures of commercial explosives by the British Army indicated that little had changed by 1974.³

It seems however that the preferred PIRA method was to use commercial explosive in smaller amounts as a booster charge for bombs containing home-made explosives. Former head of the Northern Ireland forensic department R.A. Hall believed this to be true of loyalist paramilitaries also. In his report on the forensic analysis of debris from the Dublin / Monaghan bombings, he wrote:

¹Report of Dr James Donovan dated 23 May 1974.

²Amongst them the Quarries (Explosives) Regulations, 1971; the Dangerous Substances Act, 1972; the Mines (Explosives) Regulations, 1972; and the Offences Against the State (Scheduled Offences) Order, 1972, which brought offences under the Explosive Substances Act, 1883 within the ambit of the Offences Against the State Act, 1939.

³Report of former Lt Col Nigel Wylde to the Inquiry, dated 5 February 2001.

“The restrictions on the use of commercial explosives and the amount required to produce a significant explosion has resulted in comparatively few bombs using commercial explosive as their main charge. It is widely used however in relatively small amounts to prime, or booster much larger charges of improvised explosives.”

Assessments of how much commercial explosive was available to loyalist paramilitary groups were usually based on the amounts seized by the security forces together with estimates of what was used in successful bombing attacks. According to Wylde:

“Loyalist groups had virtually no commercial explosive at their disposal in 1974. They did have safety fuse and a little cordtex. This was generally old and either from commercial stocks or possibly old military items dating back as far as World War 2.”

There is some intelligence information which seems to contradict this view, though its reliability cannot be properly assessed. On 7 December 1973, an Irish Army report of a meeting with MI5 representatives stated:

“The UVF has proved that it is a well-organised and disciplined force and is believed to be well provided with weapons, ammunition and explosives.”

The type or provenance of UVF explosives were not specified.

According to a source close to the UVF and interviewed by the Inquiry, the UVF at that time were obtaining small amounts of commercial explosive from mining areas in Great Britain. These were used as booster charges for improvised explosives. The arrest of William Fulton in Scotland on charges related to explosives within a month of the Dublin / Monaghan bombings seems to support this.

There is also the evidence of former RUC Sgt John Weir concerning a named UDR officer whom he accused of providing explosives – fertiliser based, with small quantities of commercial explosive - for all the bombing operations which were planned at Glenanne, including the Dublin bombings.

Weir claimed to have met him for the first time in the spring of 1976. Interestingly, it was in April 1976 that the Joint Intelligence section told Irish Army Intelligence that the Mid-Ulster UVF were husbanding their supplies of commercial explosives by combining them with improvised explosives. Two months later, Irish Army Intelligence reported being told that the Mid-Ulster UVF had “little difficulty” in getting supplies of explosives.

HOME-MADE EXPLOSIVES:

Were the Dublin bombs made with ANFO?

ANFO is a high explosive made by mixing ammonium nitrate with fuel oil. In his reports to the Inquiry, former Lt. Col. Wylde has estimated that between 600-900 lbs would have been needed to cause the explosions in Dublin. In the early 1970s, the primary source of ammonium nitrate for militant groups was from fertilisers. In 1972, the Irish Government introduced secondary legislation designating ammonium nitrate, sodium chlorate and nitro-benzene as controlled substances under the Explosives Act, 1875. Similar regulations were introduced in Northern Ireland. Amongst other measures, the ammonium nitrate content of fertilisers was restricted to 79% maximum.

Ammonium nitrate of sufficient purity to create an explosion could still be extracted from such fertilisers by a process of “re-crystallisation”. According to Wylde:

“This was a time consuming process that required the fertiliser to be boiled in a very large container. The ammonium nitrate dissolved and the other substances could be removed from the surface of the water. The dissolved ammonium nitrate was then allowed to re-crystallise and the process repeated... The resulting fumes were detectable.”⁴

It is known that the PIRA had the means to do this, and were using large amounts of recrystallised ammonium nitrate in 1974. An Irish Army report following a meeting with MI5 on 26 January 1974 stated:

“There is believed to be some kind of a plant in existence in the Republic where Ammonium Nitrate fertiliser is de-neutralised by a re-crystallisation process. The use of this material increased markedly towards the end of 1973. Since 5 May 1973 some 17,590 lbs of nitrate were recovered while and estimated 15,000 lbs were used in explosions making a total of 32,590 lbs for this period.”

Though the recrystallisation process is not a technically difficult one, there is no evidence that loyalist groups were using recrystallised ammonium nitrate prior to the Dublin bombings.

As mentioned earlier, former RUC Sgt John Weir has alleged that the bombs constructed by a named UDR officer and others in the Glenanne group usually consisted of ANFO with a booster charge of commercial explosive. He did not know where the UDR officer concerned got these materials from.

In his reports prepared for the Inquiry, Nigel Wylde purports to have identified traces of ANFO at all three Dublin bomb scenes from examining press photographs and newsreel footage of the Dublin bomb sites. The Inquiry believes the quality of the available images does not allow a definitive conclusion to be drawn. EOD and Ballistics officers who had encountered ANFO residues on other occasions conducted a rigorous search of each site. To suggest that they failed to find clumps of ANFO deposits which were large enough to be visible on television camera footage seems

⁴Report of former Lt Col. Nigel Wyle dated 5 February, 2001.

unlikely. If ANFO was used, there are other reasons why no residues might have been found, such as use of water hoses by firemen.

In his report to the Inquiry dated 15 November, 2001 former Lt. Col. Wylde went on to consider five possible sources for the ANFO used in the Dublin bombs:

- (1) High content ammonium nitrate fertiliser prills mixed with fuel oil;
- (2) Pure ammonium nitrate prills mixed with fuel oil;
- (3) Re-crystallised ANFO manufactured by loyalist groups;
- (4) Re-crystallised ANFO stolen from the IRA;
- (5) Re-crystallised ANFO obtained from confiscated stocks.

From the information available to Wylde and from his own experience of bomb disposal in Belfast during a four-month tour of duty in 1974, he considered it very unlikely that loyalist organisations had access to high content or pure ammonium nitrate prills in the quantities required to create explosions on the scale of the Dublin bombs. Nor did he believe that they had the capacity to manufacture re-crystallised ANFO at that time. The PIRA did have that capacity, but according to Wylde their ANFO was made and stored predominantly in the Republic, thus making the prospect of a successful loyalist raid on IRA stocks a remote one.

Concerning the possibility of loyalists gaining access to confiscated stocks of ANFO, he wrote:

“In 1974 the Army were consistently recovering large quantities of re-crystallised ANFO each week. This came from finds, interceptions and from defused bombs. In the Belfast area I would estimate that throughout the summer of 1974 we recovered at least 1000lbs of ANFO every week. The other Sections of 321 EOD Unit also recovered similar quantities... The material recovered in this way that was not sent for scientific analysis (very small quantities only) was destroyed on a regular basis. The most common method was to flush ANFO into the drains where it would dissolve. If a large quantity of ANFO together with commercial explosive had been discovered in the Belfast area it would all be taken to a quarry outside the city and blown up. This task was undertaken at least once a week. In Belfast we frequently received consignments from other parts of the Province because the other Sections did experience difficulties in disposing of their stocks due to lack of resources and time. The key issue was that quantity and type of explosive involved was not recorded. No account ledgers were maintained and no stock takes were ever undertaken. For anybody who had access to the stocks, it would have been relatively easy to accumulate a large quantity of explosives in a very short time. It is impossible for me to say that the entire quantity of explosive collected in Belfast was properly destroyed. I believe it was, but I had no way of confirming this at the time.”

In a further report dated 22 June 2002, he gave further details as to the security arrangements then in place:

“On return to his location the ATO would weigh the quantity of explosive recovered and place it in the explosive store. The keys to the store would be held in a safe in the ATO's office. Access was restricted to just the ATOs in the team. No formal record of the seized items in the store was maintained, but a report was written recording the approximate weight of the explosive recovered. It was also common practice to take photographs at this stage.”

In the report of November 2001, Nigel Wylde made it clear that British Army interceptions of explosives in transit - either through intelligence tip-offs or by chance - were few and far between. This means that the large quantities of ANFO recovered during the summer of 1974 must have come either from unexploded bombs or from finds of stored explosives. According to Wylde, the vast majority of seized explosives came from defused bombs. This is in keeping with his statement that the IRA did not store substantial amounts of explosives in Northern Ireland.

In the period 1972-74, most of the explosives found in urban areas were in car bombs. On average, each car bomb would contain 300 / 400 lbs of ANFO plus 20-25 lbs of commercial explosive. In rural areas, bombs were usually discovered hidden in culverts, wired for remote detonation when an Army or Police vehicle passed by. Culvert bombs were usually larger, averaging around 800lbs of ANFO. They were frequently discovered as a result of aerial observation. According to Nigel Wylde, in the early stages of the IRA's bombing campaign the ANFO used in culvert bombs would be in plastic sacks, but as ANFO is soluble they soon changed to using milk churns to prevent it being washed away as the culverts filled with water. The churns also made the job of defusing the bombs more difficult: an ATO⁵ would usually remove the lid using remote technology.⁶

The issue of how seized explosives were stored and disposed of was raised with Northern Ireland Office by the Inquiry in a letter dated 12 July, 2002. On 30 November, 2002, the Secretary of State for Northern Ireland wrote in reply:

“I understand from the Ministry of Defence (MoD) that very little documentation about seized explosive material remains from the 1972-77 period. For example, all copies of the contemporary Standard Operating Procedures covering storage and handling of seized material were destroyed when they were updated, in accordance with standard administrative practice. The MoD are confident, however, that security at the locations where explosive material was held would have been strict, as this is invariably the case. Their understanding from the remaining records is that the following procedures were in use at the time:

⁵ Ammunition Technical Officer – equivalent of Irish Army EOD officer.

⁶ Letter from Nigel Wylde to the Inquiry, 15 July 2002.

- A: The Explosive Ordnance Disposal (EOD) operator at the scene would make an assessment of the safety of the seized explosive. If assessed as unsafe, it would either be destroyed in situ or transported to a safe area and destroyed.
- B: If safe to move and handle, a small quantity would be handed to the Scenes of Crime Officer for transmission into the evidential chain. All remaining explosives would be recovered to the detachment explosive store for onward disposal action... As at January 1972, the EOD detachments were based in Belfast (Girdwood - No 1 section), Londonderry (No 2 section), Lurgan (No 3 section), and Omagh (No 4 section). From July 1972, the Omagh detachment was stood down and a second detachment (No 4 section) based at Belfast (at Castlereagh). From September 1972, No 4 section was stood down. The MoD have no other records covering either the specific locations of the detachment explosive stores, security and access arrangements or the quantities of explosives held.
- C: Personnel from HQ 321 EOD Coy would then transport the seized explosive from the detachment explosive store to the Army Storage Depot at Ballykinler where it would either be destroyed straight away or held pending destruction. No records remain to indicate which Explosive Store Houses (ESHs) were used for seized explosive at Ballykinler. All account records covering seized explosives received at Ballykinler for the period 1972-77 have been destroyed in accordance with standard administrative practice.

In summary, I am advised that the operational tempo was such that much of the seized explosives would have been destroyed in situ. When recovered, it would have been retained locally for a short period (less than 24 hrs) prior to final disposal action at Ballykinler.”

The Inquiry does not share the view of former Lt Col Wylde that confiscated PIRA stocks were the most likely source of ANFO for loyalist paramilitaries. There is evidence to suggest that the UVF and UDA were procuring fertilizer and other explosive substances from sources outside of Northern Ireland, in Scotland and elsewhere.

In addition to the question of whether loyalist paramilitaries had access to sufficient quantities of ammonium nitrate to cause the Dublin explosions, it has been said that the absence of any residue or unexploded portions of the bombs implies a level of skill in mixing ANFO bombs that could only have come from within the ranks of the British military. There are several problems with this proposition:

- (1) There is no concrete proof that the bombs were made from ANFO;

- (2) If they were, there may have been residues which were dissolved when the fire brigade hosed down the bomb scenes; and
- (3) There is no reason to suppose that members of the British Army - even bomb disposal experts - would have any greater expertise in the making of ANFO bombs than loyalist bombmakers - particularly those with a military background, such as Billy Hanna, or experience in working with homemade explosives. Indeed, in the opinion of Nigel Wylde, a quarry worker who was used to handling explosives could have made ANFO bombs sufficient to cause the Dublin explosions.

OTHER QUESTIONS:

Synchronised detonation and the use of timers:

In addition to the explosives, the Dublin and Monaghan bombs must have had detonators. These could be electric or igniferous (that is, set off by safety fuse). Detonators based on safety fuse were used in most loyalist bombs at that time. They required no timing and power units (TPUs) or safety and arming units (S&A). Most of the detonators used in quarrying or road construction were of this type. Military detonators, on the other hand, tended to be electric.

Although no traces of any detonator, TPU or S&A unit were found at the Dublin bombings, the fact that the bomb cars were in place ten to fifteen minutes before the explosions suggest that electric detonators with TPUs were used. The discovery of a clock cog wheel at the Monaghan site also implies the use of a timing device.

The use of electric detonators and TPUs was not characteristic of loyalist bombs prior to May 1974. But the British Army was not the only possible source for electric detonators. On 9 April, 1974, police and customs officials found a container loaded with pistols, rifles, detonators and explosives at Southampton dock. The shipment was traced to Toronto, Canada, where more weapons were found, along with pro-UDA literature and documents from the Canadian Loyalist Association.⁷ This shipment was stopped, but it is evidence that loyalist militants were actively seeking (and may already have obtained) detonators and explosives from abroad.

As for timing devices, former Lt. Col. Nigel Wylde told the Inquiry that improvised TPUs based on alarm clocks could be constructed and tested without any great degree of skill being needed. Details of how to do this were available to both republican and loyalist militants. Synchronisation of three TPUs each using the hour hand of an alarm clock would not be a difficult enterprise.

Safety and Arming units (S&A) were not necessary, but may have been used. They could be as simple as a clothes peg held apart by soldering wire. Their purpose would

⁷*Irish Times*, 9 April 1974. For a report on the Toronto seizure and its loyalist connection, see *Irish Times*, 17 April 1974.

be to allow the bomber time to exit the vehicle before the bomb was armed. Nigel Wylde referred to the evidence of an eyewitness who told journalist Don Mullan he saw the South Leinster Street bomber apparently “working at something” inside the car before he got out.⁸ Wylde said the likely explanation of such behaviour would be the setting of an S&A unit, as he assumes the timers would have been set an hour before detonation.

To sum up: although the use of electric detonators and timing devices was not usual for loyalist bombs at the time, there is evidence to suggest the UVF could have acquired the necessary materials and assembled the bombs without expert assistance.

Why were there no further attacks of this magnitude after May 1974?

Although there were other cross-border attacks by loyalist militants after the Dublin / Monaghan bombings - notably in Dundalk, Dublin Airport and Castleblayney - it is true that nothing on the scale of the Dublin atrocities has been committed by loyalist paramilitaries since.

The deduction that the Dublin / Monaghan bombings were a once-off, sanctioned by elements of the security forces, is only one of a number of possible explanations for this fact. Others are:

- 1) The death or arrest of key loyalist personnel. For example, Billy Hanna, suspected by many of organising the Dublin bombings, was murdered in July 1975.
- 2) The achievement of loyalist militant goals. With the destruction of the Sunningdale Agreement, and the success of the Ulster Workers' Council strike, it may be that further large-scale attacks were deemed unnecessary by the loyalists themselves. This was the case advanced by the source close to the UVF whom the Inquiry interviewed.
- 3) Lack of access to explosives. Increased security controls seem to have resulted in fewer car bombings across the board from 1975 onwards. One might also note the Irish Army report (based on MI5 intelligence) dated 24 April 1976, where it was said that supplies of weapons and explosives were the real problem for loyalist paramilitaries.

Clearly to draw any conclusions from this without other evidence would involve unacceptable levels of speculation.

⁸In his statement to Gardai at the time, he said merely that the bomber stayed in the car for a minute before getting out. In a draft statement given to the Inquiry on 1 February 2001, he said: “He remained in the car for a minute or two with his back towards the driver's door as if he was working at something.”

ALLEGED PATTERNS OF COLLUSION IN NORTHERN IRELAND

- 1. EVIDENCE IMPLICATING MEMBERS OF SECURITY FORCES**
- 2. ALLEGED POLICY OF NOT PROSECUTING LOYALIST PARAMILITARIES**

It has been alleged by some that the Dublin and Monaghan bombings were part of a pattern of ‘dirty tricks’ and collusion with loyalist extremists by elements of the security forces. The Commission has heard submissions from John Weir, the Pat Finucane Centre, Monsignors Denis Faul and Raymond Murray amongst others, asserting the existence of one or more loyalist groups who were allowed to carry out a number of atrocities on both sides of the border with the knowledge, acquiescence (and in some cases, assistance) of the security forces in Northern Ireland.

The evidence advanced to prove the existence of such a pattern of collusion falls into two categories:

- (1) Information implicating the involvement of members of the security forces in paramilitary attacks;
- (2) Information said to point to a policy of protecting certain loyalist extremists from prosecution

EVIDENCE IMPLICATING MEMBERS OF THE SECURITY FORCES IN PARAMILITARY ATTACKS:

RUC investigation, 1978:

The allegations of former RUC Sergeant and convicted murderer John Weir in this regard have already been referred to.¹ He claims that a number of RUC and UDR officers, mainly from the Portadown area, were participating in attacks on civilian targets between 1974 and 1978. He says that some of these attacks were planned and carried out in conjunction with loyalist paramilitaries.

The strongest evidence to support his claims comes from the 1978 RUC investigation which resulted in members of the security forces being convicted in relation to four separate incidents.

- (1) Weir and fellow RUC officer William McCaughey were convicted for the murder of William Strathearn on 18 April 1977.
- (2) McCaughey was also convicted of taking part in the attack on the Rock Bar, Keady on 5 June 1976. Two other RUC officers – Lawrence McClure and Ian Mitchell, were found guilty of playing lesser roles in the attack. A fourth

¹ See chapters 17, 18.

officer, David Wilson, did not participate in the attack, but was found guilty of concealing knowledge that the attack was to take place.

- (3) McCaughey and another RUC officer, Gary Armstrong, were convicted of being involved in the kidnap of Fr. Murphy near Ahoghill on 18 June 1978.
- (4) Finally, RUC Reserve member James Mitchell was convicted on charges arising from the discovery of weapons on his land following a search in December 1978.

During the investigation, other information was acquired from a number of sources. Although insufficient to support further prosecutions, its provenance (and similarity to information provided by John Weir) suggests that it should be given serious consideration.

In addition to the incidents mentioned above – the Rock Bar, the murder of Strathearn and the kidnapping of Fr. Murphy – it was intimated that one or more named RUC and UDR officers had taken part in the following attacks:

- the murder of John Farmer and Colm McCartney, at Tulleyvallen, August 1975.
- the attack on Donnelly's Bar, Silverbridge on 19 December 1975
- the murder of three members of the Reavey family at Whitecross, January 1976.

Concerning collaboration with loyalist paramilitaries, the information received by the RUC alleged that UVF members Robin Jackson and R.J. Kerr had participated in the murder of Strathearn. It was also alleged that two other named UVF members had taken part in the murder of Farmer and McCartney and the attack on Donnelly's Bar.

As has already been mentioned in the chapter on Weir's allegations, the RUC received information from a reliable source naming ten people who brought weapons and ordnance to or from James Mitchell's farm at Glenanne. Eight of those named were UVF members; another was a serving member of the UDR, and the last was an RUC officer already named in relation to some of the offences above. One of the UVF members accused of taking part in the Donnelly's Bar attack and the murder of Farmer and McCartney was among the eight named here.

Finally, information emerged from a source which supported Weir's allegation that a named RUC officer was making home-made weapons for use by loyalist extremists.

Ballistics evidence concerning the multiple use of certain weapons:

It has often been claimed that members of the UDR and RUC have provided loyalist paramilitaries with access to weapons. John Weir, for instance, said it was “common knowledge” that guns handed in during an ‘amnesty’ in Belfast around 1970 / 71 were handed out to UDA members by RUC officers; but could offer no proof of this.

However, there is evidence from the ballistic examination of weapons found or seized by the security forces in Northern Ireland which draws connections between loyalist paramilitaries and members of the security forces. The PSNI has provided considerable information in this regard to the Inquiry.

A full account of this information is contained in appendix to this report. What is important for the purposes of this Inquiry is that a number of specific guns were used in more than one sectarian attack between 1973 and 1976. This knowledge, combined with the fact that some of the guns were discovered on the same premises, creates a link between:

- (1) an attack for which RUC officers were convicted (the Rock Bar, Keady);
- (2) other attacks in which RUC officers were suspected of taking part (Donnelly’s Bar, Silverbridge; Farmer and McCartney; the Reavey family); and
- (3) attacks attributed to loyalist paramilitaries by the security forces (John Francis Green, Dorothy Trainor,² the Miami Showband,³ Peter and Jenny McKearney⁴).

Allegations of involvement by the security forces in the murder of John Francis Green:

Considerable attention has been given in the chapter on former British Army Captain Holroyd to his allegation that former Captain Robert Nairac was involved in the death of John Francis Green.

Even if one accepts that Captain Nairac told Holroyd that he had killed Green, the evidence is not there to support that claim. Nonetheless, the Holroyd / Nairac account of Green’s death was correct on a number of details that were not widely known: this, together with the sightings of a British Army vehicle in the area in the days before and after the murder, might suggest that Nairac or other members of the security forces

² Shot dead on 1 April 1975. Her husband was wounded in the same attack.

³ Some time after 1 a.m. on 31 July 1975, a van containing members of the Miami Showband was stopped at a roadblock on the main north-south road between Banbridge and Newry. Members of the UVF, dressed in army uniforms, attempted surreptitiously to load a bomb into the back of the van - apparently with a view to it exploding as the band travelled south. The bomb detonated prematurely, killing the bomb handlers - UVF members Harris Boyle and Wesley Somerville. Other members of the gang then opened fire on the band, killing three of them, and seriously injuring a fourth. The fifth member of the band managed to evade the attention of the attackers. Three UVF members, Thomas Crozier, James McDowell and James Somerville (brother of Wesley), were subsequently convicted of having taken part in the attack. Crozier and McDowell were also members of the UDR (lance-corporal and sergeant respectively).

⁴ Shot dead on 24 October 1975.

had advance knowledge of the plan to kill Green. It is also conceivable, given what Holroyd said about giving Nairac a photo of Green some weeks previously, that Nairac's unit had Green under surveillance. But in the absence of hard evidence, this remains mere speculation.

It is also worth noting that John Weir claims to have been told that Robin Jackson and Robert McConnell killed Green. Though Weir does not accuse Nairac of being involved, he has alleged that Nairac had links with both Jackson and McConnell.

Attempted kidnap of Seamus Grew:

This has been dealt with in some detail in relation to allegations made by former Captain Holroyd. In this instance, there is significant evidence which suggests an attempt by members of the British Army to use loyalists to carry out an illegal cross-border attack on a known IRA member. Whether this was an isolated incident or part of a pattern is open to question.

Incidents involving fake military checkpoints:

In both the Miami Showband attack and the shooting of John Farmer and Colm McCartney the vehicle in which the victims were traveling was stopped by men dressed in military uniform.

Following a police investigation, three UVF members were convicted of having taken part in the Miami attack. Two of those were also members of the UDR.

Regarding the Farmer and McCartney killings, information from John Weir and from other sources received during the RUC investigation in 1978 suggested that members of the UDR were involved. Seamus Mallon MP has told the Inquiry that he heard from a senior RUC source that a UDR patrol had been there and that it was his belief they were involved in the killings.

ALLEGED POLICY OF NOT PROSECUTING LOYALIST PARAMILITARIES

The information and views of former Senior Information Officer Colin Wallace in this regard has been discussed at length earlier in this report.⁵

Murder of William Strathearn:

It has been suggested that the failure of the RUC to prosecute UVF members Robin Jackson and R.J. Kerr in connection with this crime is evidence of such a policy.

⁵ See chapter 19.

Particular attention has been given to the fact that an RUC detective was said to have told the court that this was for “reasons of operational strategy.”

In the absence of further explanation, it is hardly surprising that this oblique phrase has been taken by some to indicate that Jackson and Kerr were working for or with the RUC Special Branch. But it may have meant no more than that the RUC had no evidence on which to prosecute them, but did not wish to admit this in public.

An RUC officer who had been involved in the 1978 investigation as a junior officer elaborated on this possible reason for not questioning Jackson and Kerr. He recalled a policy in CID of not bringing in hardened criminals unless there was good evidence on which to charge them. In any other circumstances, questioning would not only be fruitless, but could actually be counterproductive in the sense that it revealed to the suspect what information the RUC had on him.

While it was true that Jackson and Kerr had been implicated in statements made by Weir and McCaughey, it was and remains the legal position that such statements could not be used as evidence against Jackson or Kerr unless the person who made them was willing to testify in court. Weir did make an offer to testify, but only on the basis that the murder charge against him would be withdrawn. This offer was refused by the Assistant Director of Public Prosecutions, who stated:

“Kerr and Jackson have not been interviewed by police because the police state they are ‘virtually immune to interrogation’ and the common police consensus is that to arrest and interview either man is a waste of time. Both men are known to police to be very active and notorious UVF murderers. Nevertheless the police do not recommend consideration of withdrawal of charges against Weir. I agree with this view. Weir and McCaughey must be proceeded against. When proceedings against them are terminated the position may be reviewed in respect of Jackson and Kerr.”

A former senior RUC officer told the Inquiry that Weir and McCaughey were approached again after their convictions and asked to turn Queen’s evidence, but both refused. There is no indication in any of the documents supplied to the Inquiry that this was done; and neither Weir nor McCaughey appear to have made mention of it in subsequent interviews.

The Inquiry is of the view that the decision not to prosecute Jackson or Kerr is indicative of the attitude adopted by the RUC in the 1978 investigation as a whole. The initial phase was marked by efficiency and enthusiasm: as names of potential suspects came up during interviews, those persons were in turn arrested and questioned. Once this was done, however, the enthusiasm seemed to wane. In the end, the only persons prosecuted were those who had made admissions, and they were only prosecuted in relation to those crimes for which they had made admissions. Little or no effort was made to obtain further evidence which might support charges against those who had not confessed; as evidenced by the fact that Jackson or Kerr were not even questioned in relation to the Strathearn murder.

There are some discrepancies concerning those who were charged and convicted of offences arising from their admissions. In relation to the Rock Bar attack, the evidence clearly showed that those who arrived in the car from which the attack was launched were of a common enterprise. This is presumably why McCaughey was charged with causing an explosion although he was not the person who placed the bomb. However, by the same logic, Laurence McClure should have been charged with wounding with intent, but he was not. It is also to be noted that amongst the sentences given to William McCaughey was a sentence of four years for possession of explosives, whereas Mitchell and McClure for the same offence received a two-year sentence suspended for three years.

All of these facts would indicate that McCaughey - who was already serving a life sentence for the Strathearn murder - was scapegoated. Because any sentence imposed in this hearing would be concurrent to his life sentence, it would not involve serving any extra time in jail. This may well explain why lesser sentences were given to other RUC officers.

Other incidents allegedly involving Robin Jackson:

There are other incidents involving Robin Jackson, some of which have been used to support the theory that he in particular was being protected from prosecution by elements of the security forces. One was the murder of Patrick Campbell at his home in Banbridge on 28 October 1973. According to the victim's wife, she answered the door to two men, who asked to see her husband. Her husband came to the door, and she went inside to make tea. Something attracted her attention, and she returned to the door. She saw her husband on the outside step between the two men. He said to her twice, forcefully, "Get you in." According to Mrs. Campbell, it was then she saw the smaller of the two men take out a handgun and shoot her husband. The taller man then took out an automatic self-loading gun and fired indiscriminately.

Mrs Campbell made a statement to the RUC officer investigating the case. Sometime later, another local RUC officer brought her to Belfast to attend an identity parade. At that parade, at Castlereagh, she was asked to identify either of the men she had seen at the door from a line-up; there was no partition between her and the men. The PSNI have recently confirmed that an identification was made. Mrs Campbell maintains it was Jackson she identified.

From newspapers it appears that Robin Jackson was arrested on the 8th of November 1973, when he made a verbal statement. This was related to a special court in Banbridge held on 9 November 1973, where Jackson was remanded in custody. It was said that when charged he said "Nothing, I just can't believe it". The verbal statement has not been disclosed at any stage.

It appears that a police investigation file was submitted to the Director of Public Prosecutions on 7 November 1973. Jackson was again remanded in custody on 16 November. Ultimately the charge was dropped on 4 January 1974 in the Belfast Magistrates court.

It appears that the reason the prosecution may have been dropped was that some time after the identity parade had taken place, a neighbour of Mrs Campbell told the RUC about having seen Robin Jackson coming out of another neighbour's house. This appears to have made the RUC think that Mrs. Campbell knew Jackson before she made the identification. Jackson also maintained that Mrs. Campbell knew him as he worked in the same shoe factory as her husband. Mrs. Campbell denies this; she may have been at social events at the factory but that was all. She makes the telling point that she never told her husband who was at the door, merely that someone wanted to see him.

Another incident which has been put forward as evidence of a failure to pursue Jackson was the murder of the O'Dowd brothers on 4 January 1976. According to witnesses who survived the attack, the gun which was used appeared to have a silencer attached.

The RUC officer in charge of the O'Dowd investigation was George Christie. He took a statement from Barney O'Dowd about a week later. Barney O'Dowd told him that the profile of the man with the gun resembled someone whom he knew. When he named the man, Christie told him that was not the right name, adding that the real suspect came from Lurgan. According to O'Dowd, Christie subsequently claimed to have spoken to the man named by O'Dowd, confirming that he was not involved.

It is assumed that the man from Lurgan referred to was Robin Jackson. This is supported by another statement of O'Dowd, saying that a month or so after the attack, they were visited by two other RUC officers. They mentioned the name of Robin Jackson. When asked if they were going to arrest him they said that there were complications.

About six months later, Barney O'Dowd says he was shown a photograph of a gun which was said to have been used in the murders of members of the Miami Showband and also of Mr and Mrs Devlin. Barney O'Dowd said that it looked similar to the gun that had been used to shoot the members of the O'Dowd family.

An incident in 1976 suggests that contrary to the views of some, the security forces were indeed seeking to have Jackson put in prison for his activities. This involved the discovery of Jackson's fingerprint on insulating tape wrapped around a home-made silencer for a Luger pistol. The silencer had been found with the pistol on the premises of one Edward Sinclair on 19 May.

On this occasion, Jackson was charged, but not convicted. The judge was reported to have said:

“At the end of the day I find that the accused somehow touched the silencer but the Crown evidence has left me completely in the dark as to whether he did that wittingly or unwittingly, willingly or unwillingly.”

The Luger pistol to which the silencer was attached was found to have been used in other offences including the Miami Showband attack and the murder of John Francis

Green. Jackson was questioned at length in relation to the former but no admissions were obtained. He subsequently brought a successful action for compensation for alleged physical maltreatment during the course of the interrogation – which would seem inconsistent with allegations of his being a police informer.

Jackson's sole conviction for a subversive offence came from an arrest on 16 October 1979. Guns and hoods were found hidden beside where Jackson and two others were arrested. On 20 January 1981, he pleaded guilty to possessing firearms and ammunition in suspicious circumstances, and was sentenced to 7 years imprisonment. He was released on 12 May 1983.

The Inquiry has been told by former senior RUC officers that there were sections of the police force who worked tirelessly to obtain evidence to sustain charges against Jackson and others like him. They ridiculed the notion that he might have been working for them. Notwithstanding this, the possibility that Jackson had an individual relationship with a 'handler' in the security forces cannot be ruled out.

Hijack of oil tanker near Moira:

As recorded elsewhere, Stewart Young and another Portadown man were arrested with two Belfast men and charged in connection with an attempt to hijack an oil tanker at gunpoint.

All four men were known by the RUC to be members of the UVF; but the *Portadown Times* reported the prosecuting counsel as telling the judge at the bail hearing that Young and the other Portadown man were not known to be connected with any organisation.

No further information is available to verify this. The Inquiry has been told by RUC Special Branch members from Portadown that Stewart Young would have been known to the local population as a loyalist paramilitary. It is likely that any member of the nationalist community who read the newspaper account would have taken it as evidence that the authorities were deliberately protecting the two Portadown men.

Complaints by families of persons killed in loyalist attacks:

A substantial section of the nationalist community in Northern Ireland have long believed that there was a significant bias in the approach of the security forces to republican and loyalist violence. This bias was alleged to show itself in a number of ways, including harassment of the nationalist community by the security forces and a pattern of failing to thoroughly investigate and mount prosecutions for crimes committed by loyalist subversives.

On 20 November 1972, a statement signed by sixty-five priests working in Belfast protested against the alleged use of violence, harassment and intimidation by the British Army in republican areas of Belfast. This was followed up with a

memorandum sent to the Attorney General, which purported to set out details of “selectivity in prosecutions and preferring of charges in Northern Ireland.”

Similar complaints were made by a parish priest from Portadown in 1976 – this time in relation to a number of unsolved murders of Catholics in the Portadown area between July 1972 and January 1976.

Again in 2000, complaints were made to the British Government by relatives of persons killed and injured in the attack on Donnelly’s Bar, Silverbridge on 19 December 1975. They alleged that the crime had not been investigated properly and also raised allegations of police harassment subsequent to the attacks.

A more detailed account of the complaints made and the response by the authorities will be set out at a later stage. For the present, it is sufficient to note that the official response to these complaints was at best cursory, and in some cases contained gaps, factual errors and statements which merely served to reinforce the complainants’ suspicions of an institutional bias.

While the information amassed by the complainants does not of itself prove a pattern of deliberate leniency towards loyalist subversives, the failure of the authorities to give satisfactory answers to their questions or to treat the claims with the seriousness which they undoubtedly deserved is regrettable.

COLLUSION AND AN GARDA SÍOCHANA

1. OVERVIEW
2. ALLEGATIONS

OVERVIEW:

There have been no allegations that the Irish Government, An Garda Síochána or the Irish Army played any deliberate part in the Dublin / Monaghan bombings. Nor are there any allegations of links between members of the security forces in this State and loyalist paramilitary organisations.

The allegations that have been made are all linked to one central allegation - that members of An Garda Síochána were actively co-operating with the security forces in Northern Ireland in ways that were not officially sanctioned. Even if true, this would not be relevant to the work of the Commission of Inquiry were it not for the following allegations having been made:

- (1) that by 'freezing' border areas and allowing members of the Northern Ireland security forces to carry out operations in the State, Garda officers wittingly or unwittingly facilitated those who carried out acts of violence in this State including the Dublin and Monaghan bombings;
- (2) that the strict rules regarding the chain of possession for forensic samples were broken by Gardaí, and that they allowed forensic debris from the bombings to be given to a British Army bomb expert who has been accused of assisting the planning of the bombings;
- (3) that senior Garda officers caused or allowed the investigation into the Dublin and Monaghan bombings to end prematurely for fear of exposing unlawful or improper activity on the part of the Gardaí and / or security forces in Northern Ireland.

ALLEGATIONS:

Contact between Gardaí and the security forces in Northern Ireland:

It is clear from inter-governmental communications seen by the Inquiry for the period 1972-1976 that the British authorities were very keen to open direct lines of communication between An Garda Síochána and the British Army. This was prompted

partly by the fact that the RUC found it impossible to operate in some areas of Northern Ireland at that time. In those places, the Army acted as a quasi-police force. It was also the case that the Army simply did not trust the RUC, and was trying to reduce its dependence on it by setting up its own intelligence networks. In 1972, these efforts were given official approval by the Chief of General Staff, Field Marshal Carver. In his memoirs, he wrote:

Although there had been some improvements both in the organization of intelligence and in the law and its administration, in neither of those fields could the situation be regarded as satisfactory. Intelligence was still poor.... The army's frustration... led to gradual and increasing pressure that it should rely less on Special Branch and do more to obtain its own intelligence, a tendency I was initially reluctant to accept, all experience in colonial fields having been against this and in favour of total integration of police and military intelligence. However the inefficiency of the RUC Special Branch, its reluctance to burn its fingers once again, and the suspicion, more than once proved, that some of its members had close links with Protestant extremists, led me finally to the conclusion that there was no alternative."

For their part, the Irish authorities were equally clear in their opposition to any direct communication between An Garda Síochána and the British Army, stating repeatedly that the proper route of communication with Gardaí was via the RUC. Co-operation between the Irish Army and the British Army and Intelligence Services was limited to exchanges of intelligence and of technical information in the area of explosives. .

The reasons for this are easily discernible. It was believed that any visible links between Gardaí and the British Army could provoke the IRA into targeting Garda officers. Such links were likely to alienate the republican community in Northern Ireland, and to incur the suspicion and disapproval of the general public in this State.

In the circumstances, if contacts between Gardaí and the British Army / Intelligence Services were pursued informally, it could not be condoned, but it would be understandable.

The main evidence that such contacts did take place comes from former Military Intelligence Officer, Captain Fred Holroyd.

Holroyd's evidence concerning his Garda contacts is flawed - not least by his apparent inability to give detailed physical descriptions of the three officers whom he said were his most frequent contacts. Even if his account is accepted, his links with Gardaí only assume real significance when coupled with his allegation that Gardaí collaborated in "freezing" areas along the border to allow the British Army to conduct cross-border operations. There is little evidence to support this proposition, and it is difficult to believe that a local

Garda officer could control Garda and Army movements within a large area for hours at a time without higher authorisation.

Visit of a British Army EOD officer to an Irish Army EOD officer:

The first public allegation that this meeting had taken place came from Fred Holroyd, who claimed that the meeting had been set up at the request of his principal Garda contact ('the Badger') on behalf of an Irish Army EOD officer who wished to make contact with an equivalent officer from Northern Ireland.¹

In July 1986, the then head of Irish Army Intelligence Colonel D.A. Swan received a report from one of his staff officers concerning a visit by a British Army EOD officer to the home of Patrick Trears, an Irish EOD officer. Colonel Swan conveyed the substance of the matter to An Garda Síochána, who took statements from Trears and from D/Gda John McCoy, who admitted bringing the British officer to Trears' house.²

Trears claimed to have met McCoy (whom he knew from before) some time around June or July 1974:

“He said that he would like it if I would meet ‘one of my own from across’. I said ‘all right’ and gave it no further thought. On the Saturday of the August bank holiday weekend, 1974, I received a phone call at my home and the caller identified himself as John McCoy. He said he had a friend with him and that they would like to see me. I invited them to come to my house which they did. They arrived a short time later. When they arrived John McCoy introduced the other man as ... of the British Army who was then operating in Northern Ireland. We had a general discussion covering such things as the border, the Troubles, the North and so on.”

According to Trears, the British officer went on to describe his own role:

“He said he was an Ordnance (EOD) officer and that his duties were divided into two sections – six months operational in EOD work, and six months intelligence on EOD duties. He said he was concerned about the flow of explosives and explosive devices from the South to the North. He asked me if I would be of assistance by passing on information that might come to hand about the sources of supply of bomb-making materials such as weed killer, fertilizer and other improvised explosive materials. He was also anxious to learn of any new types of explosive devices of which I might become aware. He hinted that any out-of-pocket expenses which I might incur would be taken care of.”

Trears said he then asked D/Gda McCoy and the British officer if their respective superiors were aware of their visit to him:

¹ Statement of Fred Holroyd to the RUC dated 19 September 1982.

² Statements were taken on 29 and 30 March 1987 respectively.

They both assured me that that was the case. I then pointed out that I would have to get the sanction of my own Commanding Officer before co-operating. They accepted that and I then tried to contact my Commanding Officer, Commandant E. Walsh. Mr Walsh was not then at home. Shortly afterwards they left the house. On the following Sunday I reported the visit to my Commanding Officer and to the Intelligence Section.”

According to Trears, neither McCoy nor the British officer contacted him about the matter again.

D/Gda McCoy’s statement confirmed that the impetus for the meeting came from the British officer, whom he met while on a visit to the RUC in Portadown:

“He was a bomb disposal man. He asked me if I knew any Irish bomb disposal men. I replied that I did and he replied that he would like to meet that man. I met Comdt Paddy Trears some time after that and I mentioned it to him. I was going to Dublin some time later and I sent a message to [the British officer] that he could come if he wished. [He] accompanied me to Dublin and we met Comdt Trears at his home. We were not long in Mr Trears’ house and the conversation... centred around the disposal of bombs. I did not take part in the discussion as I was mostly talking to Mrs Trears.”

In a later statement he said concerning his role in setting up the meeting:

“I did not believe that it was improper to do so as I had frequently been told by my authorities to do everything I could to develop a flow of information from RUC sources. I felt that by facilitating [the British officer] it would help me to obtain further information from [a named RUC officer] about the activities of Northern subversives likely to be involved in activities in this State.”

There are aspects of this meeting which give cause for concern. In the first place, a Garda officer should not have been dealing directly with a British Army officer. Secondly, the offer to pay ‘expenses’, if true, implies an aim of recruiting Trears as an intelligence source, rather than simply setting up a mutual exchange of technical information. The fact that he asked only for technical information does not dispel the possibility that his ultimate intention was to acquire more intelligence-related information.

However, leaving aside the apparent offer of money, the idea of an exchange of information between British and Irish EOD officers was entirely in accord with the official policy of both sides at that time. Irish Army intelligence reports of meetings with British Intelligence sources in London note that the first of a series of such meetings took place in February 1974 and was deemed “very worthwhile”. Another such meeting took place in August 1974 – the same month in which the meeting at Trears’ house took place.

The British officer concerned was approached by the Northern Ireland Office to see if he would agree to be interviewed the Inquiry, but he declined to do so.³

In truth, the attention devoted to this meeting by journalists derives not so much from what happened at the meeting itself, but more from the allegations made by Frank Doherty that this same officer planned the Dublin / Monaghan bombings and that he had control of the forensic samples taken by Gardaí for several days before they reached the Department of Forensic Science in Belfast. As we have seen, the Inquiry has found no evidence to suggest that either of these allegations is true.⁴

³ Letter from Secretary of State for Northern Ireland to the Inquiry dated 30 November 2002.

⁴ See chapter 28.

PART SIX

CONCLUSIONS

THE GARDA INVESTIGATION

1. AN GARDA SIOCHANA
2. IRISH GOVERNMENT
3. SECURITY FORCES IN NORTHERN IRELAND
4. CONCLUSIONS

AN GARDA SIOCHANA

When the investigations began the Gardaí faced a number of difficulties. Firstly, from the nature of the crimes, there were no leads from the victims themselves. Secondly, those responsible almost certainly came from a different jurisdiction. Thirdly, the Garda Technical Bureau did not have its own facilities for assessing the forensic importance of the remains of the explosives used. The Garda Forensic Laboratory was not established until late in 1975. Until then, reliance was placed on the Army EOD Corps or the State Laboratory within the jurisdiction. In other cases samples for analysis were sent out of the jurisdiction.

Once it was apparent to them that the perpetrators came from Northern Ireland, Gardaí visited their opposite numbers, in Belfast and Portadown. Unfortunately, it is not known what was discussed at these meetings, save the fact that as a result of whatever was discussed, photographs were obtained. It is clear that Garda suspicions as to who may have been responsible were confirmed by their counterparts in the RUC.

As has been seen, the investigations then continued as was normal for the solving of all serious crime within the State. The services of the Garda Investigation Bureau were sought.

The investigation teams obtained evidence from several sources:

- (1) Examination of the bombsites;
- (2) Information supplied by members of the public;
- (3) Use of photographs to obtain identification of possible suspects;
- (4) Confidential information.

From these sources, the investigation teams became aware of:

- (1) The size and probable composition of the bombs;
- (2) The names of several persons whose photographs had been chosen with greater or lesser degrees of certainty by witnesses who either connected them

with the bomb cars, or whom they believed to have been acting suspiciously, so that it was reasonable to believe that they were in some way involved;

- (3) The names of several persons whom Garda sources - in one case the RUC - believed to have been involved.

Information obtained:

Further information concerning the bombs was sought by seeking analyses of fragments, both from laboratories within the State, and also in Northern Ireland. This resulted in further information concerning the chemical composition of the bombs.

In respect of one name obtained by the use of photographs, information which might lead to evidence against that person was sought from the RUC Special Branch. No information was sought in relation to any of the other names obtained from photographs, whether in relation to persons seen in Dublin or in Monaghan.

Names obtained from sources were treated in a number of different ways.

- (1) Five names, three obtained by the Special Detective Unit, and two obtained from the RUC, were treated in the same way as the one name from several, identified from the use of photographs.
- (2) Other information received by the Dublin team, more anonymous than confidential, was passed to the RUC CID for possible confirmation.
- (3) Confidential information concerning several names referred to in the Monaghan report was not followed up by enquiry of the RUC.
- (4) One such person was subsequently arrested by An Garda Síochána, who formed the opinion that he was not involved.
- (5) Information concerning a name obtained, but not included in the Monaghan report, was subsequently sought from the RUC, who reported that such person was not likely to be involved.

The use made by the investigation teams of the information available to them did not advance the Garda state of knowledge. The investigations carried out by the RUC CID on their behalf were entirely negative. The response from the RUC Special Branch when it did arrive over months after it had been sought, did suggest that two of the names supplied were loyalist paramilitaries. However, an offer to pursue the enquiry with one of these was not accepted.

In the result, the only information which the investigation teams considered significant was:

- (1) The name of the driver of the Parnell Street car;
- (2) The involvement of the UVF in the Monaghan bombing.

As the teams had no evidence upon which anyone could have been brought before the courts, the teams were wound down and the investigations were virtually closed by early 1975, when the response from the RUC Special Branch, received in December 1974 was rejected.

An opportunity did occur in November 1976 to discover the identity of the South Leinster Street bomber. When this slim chance was lost, the investigations were for all practical purposes at an end.

Criticisms of the investigation.

The main failure of the Garda investigation team was not to act promptly. Whatever evidence there might have been as to the movements of suspects if this information had been sought within a week or two of the bombings, it is quite clear that months later any such information was unlikely to be of value.

Once it was clear that the offenders were almost certainly members of loyalist paramilitary organisations, the next step would have been to obtain full information concerning the recent activities of these organisations, as well as the movements of the individuals whose names had been obtained as suspects.

There were serious failures in the use of the information which began to emerge. The forensics officers were slow to assemble their samples; they were not packed in an appropriate fashion, and they were brought both to the State Laboratory and sent out of the jurisdiction. This use of samples made no attempt to obtain an agreed opinion. The evidence obtained by the use of photographs received only nominal attention. Information was sought from the RUC about one named individual in this way. By the time a very limited reply was received, the officer in charge had clearly changed his mind as to how the identification had been used, preferring a waiting approach, based on a report that the individual was known to travel South of the border, rather than adopting an immediate approach, by ensuring his immediate arrest and questioning, something which would not have prejudiced a waiting approach. However, any delay in arranging an identification parade has the potential to prejudice the quality of any evidence emerging from it.

The photofit representations also received little attention. The reason given - lack of corroboration- does not appear appropriate in the circumstances. What dangers there might be in respect of a subsequent prosecution, in getting an identification based upon an incorrect photofit, its advantages would have seemed more attractive, particularly as there was evidence that at least one photofit was a reasonable likeness. In any event the priority was to get a name or names, what evidence might then emerge would be totally lost by the decision not to circulate the photofits.

There were also other failures which have been highlighted in Chapter 5. These may be divided into three categories:

- (1) A failure to appreciate the extent of the information obtained.

- (2) A too ready acceptance of information supplied.
- (3) When information was sought from the RUC, there was insufficient detail and insufficient explanation of what was required.

Most of what An Garda Síochána sought from the RUC Special Branch was background information on potential suspects. It was information that might enable members of An Garda Síochána to apprehend loyalist subversives travelling into the State, but was not evidence that might lead to a conviction.

It was not until 1975 that the Crime and Security files were placed upon a comprehensive footing. Before that time information concerning loyalist paramilitaries at Garda Headquarters related mainly to subversive organisations rather than to individuals. Information concerning individuals was more likely to be found on security files at the several Garda Divisional Headquarters.

This is exemplified by the fact that many security files relating to loyalist paramilitaries opened in 1975 and later, did not contain information about the same persons to be found on Divisional files and obtained up to two or three years previously.

There is no express reference to security files being referred to by the investigation teams. Information concerning suspects referred to in the Monaghan report may have been obtained in this way or in the course of verbal communications with the RUC.

Such details as the files would have contained would have related to active loyalist paramilitaries as well as photographs of some of them. There is however nothing to suggest that such information was used in any way. The photographs which were used were obtained after the bombings. As has been seen, no application was made to the RUC to question anyone on the basis that his or her name was to be found in security files.

At all times it must have been apparent to the investigation teams that if they did not accept the operation facilities of the RUC, there would be no real meaning to the very comprehensive investigation carried out in both Dublin and Monaghan.

There is no obvious reason why the RUC was not asked to conduct enquiries on behalf of the Gardaí, of the same nature as those carried out by the investigation teams within their own jurisdiction, or indeed as carried out by the RUC relating to both the Hertz and transport firm's vans.

The reason given by the Monaghan report that “there was no access to potential witnesses in Northern Ireland”, as well as “the disadvantage of not having been able to interrogate likely suspects, or put them on identification parade”, if accepted, was an acknowledgement that a real investigation of crime committed by persons coming from out of and returning to another police jurisdiction was impossible.

Further, the suggestion that the RUC would have been too stretched to give much assistance is not borne out by the prompt manner in which matters referred to in the Dublin Report, were completed by the RUC.

It is clear that close co-operation about cross-border crime committed by loyalist subversives did occur in several instances in 1972 and 1973. There had clearly been a change. This change may have been brought about by the RUC authorities, as suggested by the warning given to Garda officers involved in the investigation into the death of Lyndsay John Mooney, on the 17th March 1973. Gardaí may have felt inhibited as a result against being involved in making enquiries in Northern Ireland, whether accompanied by members of the RUC or not, but this was not a reason for refusing to seek the assistance of the RUC to make such enquiries on their behalf.

The reason is more complex. The Gardaí on the one hand believed that since they could not offer the RUC reciprocal facilities, they themselves were inhibited from seeking operational assistance from the RUC. The Department of Justice on the other hand regarded operational matters as being solely for the Gardaí and may not have appreciated that the latter felt themselves so inhibited. The result was that the investigations were doomed from the start.

Later investigations:

The several Garda investigations into the allegations made by Fred Holroyd may be ignored. Once it was clear that he had no personal knowledge of the bombings they were essentially concerned with his credibility. It is nonetheless surprising that no effort was made to check Holroyd's claim to have received information on suspects for the bombings from an RUC officer with the officer concerned.

The investigations following the 'Hidden Hand' programme did purport to consider the adequacy of the original Garda reports. In practice, they sought evidence capable of being the basis of a successful prosecution, and when this foundered, the matter was not taken further. The RUC was unable to provide any fresh information, even though they co-operated fully.

Save insofar as it may have been hoped to obtain admissions, there was the same failure to seek the operational assistance of the RUC. The Garda officers concerned may have done more, but ultimately, their failures spring from the manner in which their superiors allowed such investigations to be carried out, as well as the lack of proper direction.

IRISH GOVERNMENT:

It is clear that An Garda Síochána did not apply to the Government for assistance. This is borne out by the reaction of the senior officials of both the Department of An Taoiseach and the Department of Foreign Affairs, as well as their Ministers, to the information received at the high level meetings on the 11th September 1974 and the 21st November 1974.

If An Garda Síochána had gone a political route for assistance, all those present on the Irish side at those meetings would have known. It is inconceivable that in such circumstances, the information provided by statements made either by the Secretary of State for Northern Ireland, or by the Prime Minister, would not have been questioned.

It must be accepted that the information supplied by An Garda Síochána to the Department of Justice, whether or not also passed to An Taoiseach, dealt solely with the progress of the investigation. This however did not absolve those present at the meetings from passing on the information obtained to An Garda Síochána to enable them to make use of it. Nor would those present at the meetings have been absolved from seeking further information at the time.

Control of the Gardaí lay with the Department of Justice. The two Commissioners before the current Commissioner had been officials of the Department before their appointment. This had led to a close relationship between An Garda Síochána and the Department, which had existed for some years, ending in 1965. Although some vestige of this relationship still existed in 1974, the evidence given to the Commission has been to the effect that the Gardaí were independent of the Department in relation to operational matters.

All intelligence information received by An Garda Síochána was as a matter of routine copied to the Secretary of the Department. As there is now no record of this in the Department nor in the Security files of An Garda Síochána, it can no longer be ascertained exactly what information passed between them.

What is clear however is that all communications relevant to the bombings between Gardaí and RUC would have been copied to the Department. Also included would have been the several intermediate and later Garda investigation reports into the bombings of both Dublin and Monaghan, including the Dublin report dated 9 August 1974, and the Monaghan report dated 7 July 1974.

It cannot be discovered whether An Garda Síochána sought assistance from the Department in respect of the dilemma which it perceived existed, that is to say, its belief that it could not accept operational assistance from the RUC, without at the same time providing reciprocal assistance to the RUC. Equally, it remains unknown whether the Department sought to give any directions to An Garda Síochána in the matter.

In the result, there is no documentary evidence to suggest that An Garda Síochána sought or was given any political assistance or direction. The evidence received by the Inquiry on this issue has stressed that assistance was neither sought nor given.

SECURITY FORCES IN NORTHERN IRELAND:

The main Irish source of intelligence information relating to events in Northern Ireland came from meetings with British Intelligence sources. The Inquiry has been

told that the minutes of these meetings were shown privately to the Minister for Defence. There is also internal evidence that some of the reports were seen by An Taoiseach and other members of the cabinet. The subject matter insofar as it was material for An Garda Síochána to know would have been passed to that body.

The only information obtained in this way relating to the Dublin and Monaghan bombings was received on the 31st May 1974 when military intelligence was told:

- (1) The bombings were carried out by the UVF
- (2) At least two persons involved in the bombings had been arrested and interned.
- (3) Such arrests were the result of intelligence obtained by the British Army and later passed to the RUC. Unfortunately, the nature of the information which was the basis for the arrests was not supplied.

The RUC in turn, passed the essential part of this information to An Garda Síochána when Detective Inspector Kelly was informed by RUC officers at Portadown that William Marchant and another named UVF member (suspect D) had been responsible for planning the bombings.

As has been seen, little was made of this information by the Dublin investigation team. Although they did seek further information concerning the two men from RUC Special Branch, they failed to indicate both how they had received this information, nor the extent of it.

Whatever other information may have been available to any of the security forces in Northern Ireland, none was received by An Garda Síochána. However, it must be pointed out that there is no evidence of a general request for relevant information, and that in addition, neither police force would have passed on information concerning crime in the jurisdiction of the other.

However, the RUC as appears from the letter on the 23rd July 1974 did make certain further enquiries, but without any success, since no results of such action was passed to An Garda Síochána.

The information received by An Garda Síochána from the RUC was largely dependent on personal relationships between individual officers in both forces. The quality of the information supplied was uneven. Some members of An Garda Síochána have praised the professionalism of the RUC, whilst others have doubted the quality of the information supplied. The Inquiry has seen reports which suggested that the RUC should not be informed of certain matters, yet another report from a border Superintendent was clearly anxious to maintain close co-operation.

It would seem that there were two strands operating. Where ordinary police work was involved, there was genuine co-operation. Where subversive elements were involved, they were more circumspect. It is noticeable that where information has been supplied through normal police channels to the Crime and Security section of An Garda Síochána, that nothing has been furnished capable of giving rise to evidence to found a prosecution.

CONCLUSIONS:

In the light of the foregoing, the following conclusions may be drawn.

1. The Garda investigation failed to make full use of the information it obtained. Certain lines of inquiry that could have been made pursued further in this jurisdiction were not pursued. There were other matters, including the questioning of suspects, in which the assistance of the RUC should have been requested, but was not.
2. The State was not equipped to conduct an adequate forensic analysis of the explosions. This was because the importance of preservation, prompt collection and analysis was not appreciated. The effect of this was that potentially vital clues were lost. For instance, if it could have been definitively established that the Dublin bombs were made purely from commercial explosives, that would have not have been typical of a loyalist paramilitary bomb.
3. Even if further evidence had become available, the ability to mount a successful prosecution would have been hampered. No proper chain of evidence exists either in respect of the forensic samples or in respect of the photographs. This is because records have been lost. It cannot be known at what point the chain was broken, but that in itself is indicative of a carelessness which reflected a belief that no one was ever likely to be brought to account for the bombings. This loss is all the more disappointing when one considers some of the other, much less important material which still exists.
4. There is evidence which shows that the informal exchange of information between Gardaí on the border and their RUC counterparts was extensive. There is some evidence to suggest that some Garda officers, unwittingly or otherwise, may have been giving information to members of the British Army or Intelligence Services. The Inquiry has found no evidence to support the proposition that such exchanges in some way facilitated the passage of the Dublin and Monaghan bombers across the border. Similarly, no basis has been found for concluding that the Garda investigation was in any way inhibited because of a fear of exposing such links.
5. Although the investigation teams had in their opinion no evidence upon which to found a prosecution, there is no evidence that they sought the advice of the Attorney General, in whose name criminal prosecutions were at that time still being brought. Had the Attorney General reviewed the file, it is likely that advices would have been given as to what further direction the investigation might take.
6. The Inquiry has examined allegations that the Garda investigation was wound down as a result of political interference. No evidence was found to support that proposition.

7. However, the Government of the day failed to show the concern expected of it. The fact that this report is looking at the issue with the knowledge of 2003, rather than that of 1974, affords some explanation for this failure.

The Government of the day showed little interest in the bombings. When information was given to them suggesting that the British authorities had intelligence naming the bombers, this was not followed up. Any follow-up was limited to complaints by the Minister for Foreign Affairs that those involved had been released from internment.

THE PERPETRATORS

1. OVERVIEW
2. THE PERPETRATORS
3. ASSISTANCE
4. CONCLUSIONS

OVERVIEW:

Under its terms of reference, the Inquiry agreed:

“To undertake a thorough examination, involving fact finding and assessment, of all aspects of the Dublin / Monaghan bombings and their sequel.”

The magnitude of this task should not be underestimated. In the first place, it required the acquisition of as much documentary and oral evidence as possible. The passage of nearly thirty years made this task time-consuming and difficult. Filing records were incomplete or in some cases non-existent; documents had been lost, destroyed or misplaced; witnesses had to be identified, traced and interviewed.

The second difficulty was that information, once acquired, often raised questions that had not previously been asked by the Inquiry. As a result, some witnesses had to be approached several times, and documents had to be re-examined in the light of subsequently acquired facts or allegations. This is particularly so in relation to the second half of the report, which deals with the many allegations that have been made over the years concerning who might have been responsible for the bombings.

The nature of the allegations made – particularly those concerning the possible complicity of members of the security forces – has meant that the Dublin / Monaghan bombings could not be considered as an event in isolation. A proper assessment of those claims required a thorough examination of many other incidents which were alleged to be connected in some way with the bombings or the alleged perpetrators. Some of these incidents, when followed up by the Inquiry, proved either entirely irrelevant or completely without foundation and have been omitted from the report on the basis that to include them would only foster confusion and detract from more important material.

The Inquiry is fully aware of the distress that has been caused to the injured and bereaved victims of the bombings, not only by virtue of the events themselves, but also by reason of the years which passed during which the authorities in the State appeared to them to have done nothing to alleviate that distress. The time taken to produce this report has no doubt added to the frustration and pain which many understandably feel. This report cannot remove the scars of nearly thirty years; but it is hoped that the information contained in it will help to ease the feelings of isolation and abandonment felt by many survivors and by friends and relatives of those murdered on 17 May 1974.

From the outset, the Inquiry was aware of a widely held belief that the bombings were carried out by loyalist paramilitaries, assisted by members of the security forces in

Northern Ireland. The Inquiry did not start with that assumption, and it has not sought to fit the information received into any preconceived notion of who may have carried out the bombings. The Inquiry has concerned itself solely with the accumulation of credible evidence, and where appropriate has pointed to inferences which it feels might reasonably be drawn from that evidence.

The Inquiry has considered all the material presented to it for the purposes of reaching conclusions. The body of the report has set out allegations made against people and reported fully any individual's denials of wrongdoing. Both the allegations and denials have been considered in the context of all of the information at the disposal of the Inquiry.

The Inquiry is not a Court. Nobody has been on trial. It cannot compel the attendance of witnesses and documents. It does not make any findings which have legal consequences, in the sense that it makes any findings that any party has broken the law – that could only be done by a court of competent jurisdiction.

It does not make findings of fact in the way a court would do so.

As Costello J. (as he then was) said in the case of *Goodman International v. Hamilton*, 1992 I.R. p542, commenting on the role of tribunals said:

“The terms of reference in this case require the tribunal to inquire into the truth or falsity of a number of allegations of wrongdoing including assertions that the criminal law has been breached. But in inquiring into these allegations and in reporting its opinion on them the Tribunal is not imposing any liabilities or affecting rights. It is not deciding any controversy as to the existence of any legal right. It is not making any determination of any rights or liabilities. It is not imposing any penalties, It may come to the conclusion that some or all of the allegations are true, but this opinion is devoid of legal effect. Its functions of inquiring, reporting, and recommending cannot therefore be regarded as the “administration of justice”.

The Inquiry believes that those dicta apply with equal force here. The Inquiry has formed views that information provided by certain individuals was credible, and has reached conclusions on that basis.

Where information which is accepted as credible and which at the time appears to affect adversely the right of any person to his or her good name, the Inquiry is carrying out its function in accordance with its Terms of Reference.

It is therefore inevitable that the Inquiry in order to carry out its Terms of Reference has been obliged to make references adverse to the good name of those to whom it refers.

The conclusions represent the opinions of the Inquiry on the basis of the information placed before it.

The circumstances that gave rise to the bombings lay in the almost daily shootings and bombings which were occurring in Northern Ireland at the time. Of primary importance to the security forces was their ongoing conflict with the PIRA, which the former were unable to win by the means available to them. The situation further deteriorated as militant loyalists took up a stance primarily against the PIRA, but also carried out sectarian attacks against the Catholic population, to which the PIRA often responded in kind.

The rise of the loyalist paramilitary groups led to collaboration between them and elements of the security forces on the basis that both had a common goal – the defeat of the PIRA. Such collusion was greatest between locally enlisted members of the RUC and UDR; so much so that no firm line of definition between some members of those forces and the loyalist paramilitaries could be discerned. Allegations abounded that information available to the former was passing directly to the latter. Senior officers appeared to lack sufficient purpose to ensure that such links were terminated, although efforts were made to keep some intelligence information out of the hands of local officers who might have passed it on.

In addition, there were sections of the security forces engaged in obtaining intelligence on loyalist and republican subversives. To that end, they actively sought and cultivated associations with members of loyalist extremist groups. There was no overall body or person who controlled the dissemination of this intelligence, though there were arrangements in place for the exchange of information between the various intelligence groups. Information obtained by the RUC passed along lines of communication until it reached the Chief Constable. Similarly, military intelligence passed ultimately to the Army GOC. Both strands ultimately passed through the Secretary of State for Northern Ireland. These divisions, together with the operation of a ‘need to know’ principle, created a climate in which intelligence relating to the bombings could have been withheld from those in authority.

This was the overall picture against which an assessment must be made as to those who were responsible for, or associated with the Dublin and Monaghan attacks.

In relation to the ‘Hidden Hand’ programme, the Inquiry is satisfied that its claims regarding the perpetrators and possible collusion by elements of the security forces are in large measure based on information supplied by John Weir, Colin Wallace and Fred Holroyd. The Inquiry’s views on those aspects of the programme are therefore contained in its conclusions on those issues. Similarly, as far as an assessment of those individuals is concerned, that is to be found within the pages of the report itself.

As to the aspect of the programme concerned with the Garda investigation into the bombings, the Inquiry accepts the view of the programme-makers that the investigation team stopped their work before they ought to have done.

THE PERPETRATORS:

The Inquiry is satisfied that the persons principally responsible for carrying out the bombing attacks on Dublin and Monaghan were loyalist paramilitaries. This was the view of the security forces on both sides of the border at the time, and most of the information available to the Inquiry points in that direction.

Since 1993, the official UVF position is that the bombings were authorised by the leadership at the time. This view has been reiterated to the Inquiry by a source close to that organisation. There is information from other sources which suggests that there were divisions in the leadership of the UVF at that time, and that the action might not have had universal support. The intelligence received from British Intelligence sources supports this, as does Colin Wallace.

A number of factors point towards the involvement of two groups – one from Belfast, the other from Portadown / Lurgan. Firstly, there is the fact that the bomb cars were taken from both locations. More importantly, the intelligence information gathered by the security forces and the information supplied by John Weir and Colin Wallace all point to that conclusion.

According to Irish Army reports, British intelligence information was that the bombings were “the co-ordinated efforts of two ‘heavy gangs’ within the UVF.” More recently, a source close to the UVF told the Inquiry that the bombings were planned in Belfast and carried out with the assistance of UVF members from mid-Ulster.

The Belfast connection is supported by the fact that the men arrested on the 26th May and said to have been responsible for the bombing of Dublin were from Belfast. A number of names about whom further information was sought by Gardaí also came from Belfast.

The mid-Ulster connection is supported by John Weir and by the source close to the UVF.

The picture that emerges is of a militant section of the Belfast UVF combining with other loyalist paramilitaries from Belfast and mid-Ulster to strike a blow at “the Free State” and the Sunningdale process, while also undermining the political ambitions of their own leadership. This theory also fits the information supplied by John Weir, though he himself believed that it was the mid-Ulster, not the Belfast group who had the primary role in planning and carrying out the attacks.

The information acquired by the RUC concerning Ronald ‘Nikko’ Jackson and Stewart Young supports the view that a group from Belfast was primarily responsible for the attacks. Jackson apparently said that he only received instructions to steal a car for the Monaghan bombers on the day of the attack. According to the source, he did this with Stewart Young, then gave directions to “the city men” as to what roads to take.

In considering what group or groups were responsible, it should be remembered that the clear distinctions between the UVF and the UDA which existed in Belfast were blurred in more rural areas such as Portadown. Individuals moved between one group and another at different times. Others joined neither group, but were used by both for specific purposes – stealing cars, getting explosives and the like.

One example is Ronald ‘Nikko’ Jackson, who in July 1974 was described by Gardaí as a UDA Major and military commander of a UDA splinter group in the Portadown area. In December 1975, he was said to be a member of the UVF. According to RUC and UVF sources with whom the Inquiry has spoken, Nikko Jackson was not a member of either group, but was employed by both for his skills in car-stealing and bomb-making.

Another example of the closeness between extreme loyalist organisations in mid-Ulster was the Young family: at a time when Nelson and Stewart Young were said to be in the UVF, their older brother Ivor was said to be in the UDA.

The Inquiry also notes that in supplying photographs of likely suspects to Gardaí, the RUC did not limit themselves to one group, but included “UVF, UDA and extreme loyalists”.

It should also be remembered that 1974 was a time of unprecedented co-operation between loyalist extremist groups. The perceived threat of the Sunningdale Agreement had brought together the UVF, the UDA and other related paramilitary groups under the umbrella of the Ulster Army Council. The UWC strike saw them collaborating with workers’ groups and politicians to effectively take over the running of Northern Ireland for a two-week period.

The view that the bombings were planned in Belfast is not shared by former RUC officer John Weir, who says he was told that two UVF members from Lurgan – Billy Hanna and Robin Jackson – planned the bombings.

As against this, it must be said that Weir says that only two persons admitted their own involvement in the bombings to him – Stewart Young told him he was involved in the Monaghan attack, and James Mitchell said that the explosives for the Dublin bombs were stored on his farm. Even if true, these admissions do not preclude the possibility that the attacks were planned in Belfast.

By his own account, Weir could not have known Hanna, who was killed before Weir joined the Glenanne group. He received his information concerning Hanna’s central role from James Mitchell. The Inquiry also notes that David Payne, a key figure in the Belfast UDA, was said by Weir to have been involved in the Dublin operation.

Finally, there is some evidence to suggest that the Monaghan bomb may have been planned entirely separately from the Dublin bombs. The forensic evidence – in particular the finding of beer-barrel fragments from the Monaghan bomb - implies

that the latter was made from a low explosive more typical of loyalist bombs, as opposed to the high explosive (commercial or ANFO) used in Dublin.

Given the other information available to the Inquiry, however, it seems more likely that the Monaghan bomb was ordered by the team responsible for Dublin, but that the mid-Ulster group tasked with carrying it out were left to procure their own explosives.

ASSISTANCE:

Before considering whether any element of the security services in Northern Ireland - authorised or not - might have assisted in any way in bombings of Dublin and Monaghan, the first question that comes to mind is “Why?” Under what circumstances might such a question even arise?

In an ordered society, any suggestion that someone whose duty it was to maintain law and order would co-operate in serious criminal activity with members of the public, whether criminals or not, would be dismissed out of hand. Regrettably, in May 1974 Northern Ireland was not an ordered society.

The following reasons have been offered as possible motives for involvement by members of the security forces in the bombings:

(1) *A suspected failure of the Irish authorities to clamp down on the IRA:*

There was a firm perception in Northern Ireland, held in security and political circles as well as by sections of the public, that the security forces of the State deliberately allowed republican paramilitaries a safe haven from which to plan and carry out attacks in Northern Ireland. This perception was wholly unjustified, but pervasive. Even amongst those who accepted the *bona fides* of Irish efforts to thwart the IRA, there was a feeling that the bombings gave a taste of the havoc wrought in Northern Ireland on a daily basis.

(2) *A preference for a military rather than a political solution to the Troubles:*

It is known that a section of the British Army and Intelligence services in Northern Ireland believed that the only route to peace lay in a complete military defeat of the IRA. Many who favoured this path believed that any efforts towards political compromise would merely strengthen the IRA’s hand and prolong the necessary war. To persons of this persuasion, the Sunningdale Agreement – and in particular, the proposed Council of Ireland – was an unmitigated disaster.

Colin Wallace says his experiences with the Information Policy Unit convinced him that there was a section of the intelligence community in Northern Ireland who were manipulating and leaking information with a view to undermining the conciliatory approach of the Labour government, forcing them to take a tougher line against republican paramilitaries.

The strongest evidence in support of this is the sequence of events which resulted in the Myrtlefield IRA ‘doomsday’ plans being trumpeted by the Prime Minister and the Secretary of State for Northern Ireland as plans for a devastating PIRA attack aimed at sparking civil war. The Inquiry believes that the plans were recognised by military intelligence as being defensive rather than aggressive in nature. It seems clear that the British Government were allowed or encouraged to paint a picture of an imminent IRA threat which was known to be greatly exaggerated. It seems the intention was to force the British Government into taking a tougher stance against the IRA, following its decisions to phase out internment and remove Sinn Féin from the list of proscribed organisations.

However, it is an enormous leap to go from propaganda action of this nature to assisting loyalist killers in a cross-border bombing campaign. Colin Wallace himself does not consider it likely that any section of the security forces sanctioned the bombings, though he questions whether there was a deliberate failure to bring those responsible to justice.

(3) *A need to protect intelligence sources*

There are two assumptions at work here. The first is that the security forces had managed to forge working relationships with a number of loyalist paramilitaries who were probably involved in the bombings. The second is that a decision was made either to assist in the bombings, or to protect the bombers from investigation, in order to ensure the continuance of those relationships.

There is a great deal of confusion concerning the cultivation of loyalist informers by the military. Fred Holroyd told the Inquiry that the cultivation of loyalist sources was principally a matter for the RUC Special Branch, with the Army concentrating on republican sources. A Special Branch officer from Portadown on the other hand, said the Army spent considerable sums of money attempting to enlist prominent loyalist extremists as informers. He said that the latter were usually quite happy to take the Army’s money, but played games with them – feeding them useless information in return.

The Special Branch officer concerned claimed he never once received what he considered to be useful information from a British Army source. However, it is possible that the Army were in fact getting useful information, but were not sharing it with the RUC. The intelligence which led to the foiling of a multiple cross-border bombing attack in March 1974 seems to be evidence of this.

There are two points which could be made from this incident: the first is that the intelligence community in Northern Ireland were capable of getting information concerning a major bombing attack before it occurred. The second is that they acted to prevent the attack, notwithstanding the possibility that their informant might possibly be identified as a result. In the circumstances, it does not seem believable that an attack on the scale of the Dublin bombings would be allowed to go ahead simply in order to protect an informant.

Having accepted that there were some possible motives – however farfetched and unlikely – for elements of the security forces to assist loyalist paramilitaries in planning and / or carrying out the bombings, the Inquiry must now consider the specific propositions that have been advanced to prove that they did give such assistance:

- (1) *That the bombings were planned and executed with a military precision and attention to detail of which loyalist paramilitaries were not capable:*

The Inquiry has heard evidence that loyalist groups in Belfast and mid-Ulster contained a number of ex-British Army soldiers who were capable of planning and executing the Dublin and Monaghan bombings. While this does not disprove allegations of collusion, it means that proof must come from other sources.

It has also been argued that the Dublin bombings were completely unlike anything attempted by the UVF or UDA before. But this is to ignore the successful attacks on Dublin on 1 December 1972, when two bombs exploded within eighteen minutes of each other. Although the toll of death and injury on that occasion was very much less than on the 17th May 1974, the main reason for this was that the number of persons in the area on that occasion was far less.

Moreover, there was a similar motive for the placing of the bombs on both occasions – a determination to force the Irish Government to take further steps against the IRA while also discouraging them from getting involved in the administration of Northern Ireland.

Even if the 1972 bombs were not the work of loyalists, they could have served as a template for the more devastating attacks of 1974. One should also remember that the UVF had engaged in a series of attacks in 1969 aimed at destabilizing the government of Terence O'Neill at a time when it was showing a willingness to engage in dialogue with the Irish government.

The fact that no further attacks of comparable size by loyalists occurred in the State is not evidence that they had assistance with the Dublin bombings. It may equally have been because of a lack of motive, once the perceived threat of the Council of Ireland had been removed. Other possible reasons could include the death of key personnel, or the increasing successes of the security forces in denying access to explosives.

- (2) *That loyalist paramilitaries lacked the knowledge and materials to construct, synchronise and successfully detonate the three Dublin bombs.*

Though the forensic evidence is inconclusive, the consensus is that there are just two possibilities for the make-up of the Dublin bombs:

- (1) That they consisted entirely of commercial explosive; or
- (2) That they were made from improvised ANFO explosive, with an unknown amount of commercial explosive added to ensure detonation.

In relation to the first possibility, the question arises as to whether loyalist groups could have acquired that much commercial explosive. Expert opinion agrees that the UVF and UDA almost never used bombs made entirely from commercial explosive, and certainly not bombs of that size. However, it does not seem beyond the bounds of possibility that a large quantity of explosive could have been acquired through sources in Scotland, England or Canada – where seizures of loyalist arms and explosives were made in the months surrounding the bombings.

As to the second possibility, the UVF and UDA were known to have used ANFO, though not to the same extent as the PIRA. The fact that William Fulton was arrested in Scotland in June 1974 with explosives hidden in his car again suggests that sources of supply were available to loyalist extremists without the need for assistance from elements of the security forces.

Experts agree that it was usual for homemade ANFO bombs to leave some residue or unexploded elements. That no such residues were discovered at the Dublin scenes might indicate a particular skill in mixing the explosive, but could also have resulted from the fire services' hosing down the bomb sites before a proper search could be made. The failure to find residues could also be blamed on the delay in sending samples for forensic analysis.

The use of timing devices was clearly not the practice of loyalist bombers prior to May 1974. This was not because they did not have the know-how, but because they were not needed. The PIRA required precision in their explosions which were aimed at catching army or police patrols. Loyalist bombers were not usually aiming at specific targets, but were content with causing random civilian casualties. To say that the UVF or UDA did not use timers does not mean that the knowledge or ability to do so was beyond them.

(3) *other instances of collusion*

Past experience shows that members of the security forces have been involved in paramilitary activities. Indeed, a mere two months before the Dublin and Monaghan bombings, an RUC and a UDR officer were arrested in the act of engaging in cross-border attacks.

Of particular significance to the Inquiry are those members of the UDR and RUC said by John Weir to have been part of the Glenanne group. Much of this

information relates to matters which occurred after the bombings on the 17th May 1974. It is included because in the view of the Inquiry it forms part of a continuous course of conduct existing since at least 1973.

This joining of RUC and UDR members with members of loyalist paramilitary organisations is emphasised by the use of the same or connected guns by intermingled groups from these organisations. It is also known that the UDR was distrusted by both the Army and the RUC because of connections with extreme loyalist groups. The number of dismissals from the UDR between 1970 and 1974 (2,542 out of a membership of 14,613) reinforces this.

Nor is it reasonable to believe that other members of the security organisations were totally unaware of what certain renegade members were doing. That this is so is supported by the information supplied by John Weir, as well as the information received by the Inquiry that senior police officers felt themselves vulnerable.

CONCLUSIONS:

The conclusions of the Inquiry regarding the facts, circumstances, causes and perpetrators of the bombings can be summarised as follows:

1. The Dublin and Monaghan bombings were carried out by two groups of loyalist paramilitaries, one based in Belfast and the other in the area around Portadown / Lurgan. Most, though not all of those involved were members of the UVF.
2. It is likely that the bombings were conceived and planned in Belfast, with the mid-Ulster element providing operational assistance.
3. The bombings were a reaction to the Sunningdale Agreement - in particular to the prospect of a greater role for the Irish government in the administration of Northern Ireland. The timing of the attacks may have been inspired by a number of important events around that time including:
 - (i) a statement of the Taoiseach in April 1974 in which he expressed the hope that formal ratification of the Agreement would take place in May;
 - (ii) statements by Northern Ireland Secretary Merlyn Rees (also in April) proposing the phasing out of internment and a gradual reduction of the British Army presence in Northern Ireland;
 - (iii) the advent of the Ulster Workers Council strike.
4. A finding that members of the security forces in Northern Ireland could have been involved in the bombings is neither fanciful nor absurd, given the number of instances in which similar illegal activity has been proven.

However, the material assessed by the Inquiry is insufficient to suggest that senior members of the security forces in Northern Ireland were in any way involved in the bombings.

5. The loyalist groups who carried out the bombings in Dublin were capable of doing so without help from any section of the security forces in Northern Ireland, though this does not rule out the involvement of individual RUC, UDR or British Army members.

The Monaghan bombing bears all the hallmarks of a standard loyalist operation and required no assistance.

6. It is likely that the farm of James Mitchell at Glenanne played a significant part in the preparation for the attacks. It is also likely that members of the UDR and RUC either participated in, or were aware of those preparations.
7. The possibility that the involvement of such army or police officers was covered-up at a higher level cannot be ruled out; but it is unlikely that any such decision would ever have been committed to writing.
8. There is no evidence that any branch of the security forces knew in advance that the bombings were about to take place. This has been reiterated by the current Secretary of State for Northern Ireland and is accepted by the Inquiry. If they did know, it is unlikely that there would be any official records. Such knowledge would not have been written down; or if it was, would not have been in any files made available to the Secretary of State. There is evidence that the Secretary of State of the day was not fully informed on matters of which he should have been made aware. On that basis, it is equally probable that similarly sensitive information might be withheld from the present holder of that office.
9. The Inquiry believes that within a short time of the bombings taking place, the security forces in Northern Ireland had good intelligence to suggest who was responsible. An example of this could be the unknown information that led British Intelligence sources to tell their Irish Army counterparts that at least two of the bombers had been arrested on 26 May and detained. Unfortunately, the Inquiry has been unable to discover the nature of this and other intelligence available to the security forces in Northern Ireland at that time.
10. A number of those suspected for the bombings were reliably said to have had relationships with British Intelligence and / or RUC Special Branch officers. It is reasonable to assume that exchanges of information took place. It is therefore possible that the assistance provided to the Garda investigation team by the security forces in Northern Ireland was affected by a reluctance to compromise those relationships, in the interests of securing further information in the future.

But any such conclusion would require very cogent evidence. No such evidence is in the possession of the Inquiry. There remains a deep

suspicion that the investigation into the bombings was hampered by such factors, but it cannot be put further than that.

11. As stated, there are grounds for suspecting that the bombers may have had assistance from members of the security forces. The involvement of individual members in such an activity does not of itself mean the bombings were either officially or unofficially state-sanctioned. If one accepts that some people were involved, they may well have been acting on their own initiative. Ultimately, a finding that there was collusion between the perpetrators and the authorities in Northern Ireland is a matter of inference. On some occasions an inference is irresistible or can be drawn as a matter of probability. Here, it is the view of the Inquiry that this inference is not sufficiently strong. It does not follow even as a matter of probability. Unless further information comes to hand, such involvement must remain a suspicion. It is not proven.

APPENDICES

First Tuesday: F163/07

Hidden Hand: The Forgotten Massacre

Tx: 06.07.93

**** STEREO ****

OLIVIA V/O: Tonight on First Tuesday.

MAN: Justice is all I want to see done for them to have, to be brought back down to Dublin and to stand trial for what they did.

OLIVIA V/O: It was the biggest mass murder in Britain or Ireland, 33 people died: why has nobody ever been charged?

MAN: They shouldn't be let off with it. This government definitely does know who done it.

OLIVIA: Good evening. If you live in Dublin it's possible to forget that Belfast is only 100 miles away. Daily life in the Republic is almost untouched by the terrorist violence which bedevils Northern Ireland, a fact that tourists are reassured about constantly.

Ask about the Dublin and Monaghan bombs of May 1974 and the response will be hazy. It was the worst atrocity of the troubles and yet its almost been forgotten. No one was convicted, no one ever charged. There's been no public outcry. The grieving relatives of those killed must ask why. Was it fatalism, a feeling that Dublin at some stage was bound to get its share of the North's misery? Or was there a more sinister reason for this long silence on both sides of the Irish border? That's what First Tuesday's been investigating over many months in Hidden Hand: the Forgotten Massacre.

DUBLIN

PRIEST: Through Him, with Him, in Him, the unity of the Holy Spirit, all glory and honour is yours, almighty Father, forever and ever. For many of you, you come here in sadness and sorrow, as you remember the Dublin victims who have been bombed in 1974.

It's a day of which memories and wounds will be reopened again as we think, and remember, and pray for those who have died. We are joined with you in offering this Mass, that the Lord will give them eternal happiness and peace and that each of us may be...

NARRATOR: Every year on May the 17th a memorial service is held to honour the victims of a terrorist atrocity, forgotten by most, yet unique in the history of the Anglo-Irish conflict.

19 years ago, Ireland's dignitaries filled Dublin's Pro-Cathedral to pay their respects to the victims of what remains the worst bomb outrage of the Troubles.

Today, only the relatives of the dead and injured attend the ceremony. But their prayers for the perpetrators to be brought to justice remain unanswered.

MARTHA

O'NEILL (V/O): It's never too late. I would love to see justice being done and find out who bombed Dublin.

EDWARD

O'NEILL (V/O): I'd like to see it exposed, I'd like to see the people who were involved in it, I'd like to see their names being brought out. Something has got to be done.

NARRATOR: In 1974, the Troubles had barely touched the south. All eyes were on the latest wave of violence in the North. Then, suddenly, the bombs struck Central Dublin on May the seventeenth 1974. It was rush hour on a Friday evening. There was no warning. The first bomb exploded in Talbot Street at 5.30. A second bomb detonated in Parnell Street. A third in South Leinster Street. Within ninety seconds Central Dublin had been devastated.

EYE WITNESS

(Robert Whelan): There was a man lying, his two legs were mutilated, his side of his head was literally cut off. There was a young baby, she was like a ragdoll, she was all torn to pieces.

EYE WITNESS

(Fr. Tony Maher): It was like a battlefield. The first thing I saw was two bodies mangled into each other. There was also a body there and it was decapitated. With a few of them you could just actually see the life going out of them.

EYE WITNESS

(Forbes McFaul): I edged towards the car that was blazing and there behind it was the car which had in fact exploded and beside the car was a body decapitated and the only way in which you could possibly determine who it might have been were a couple of brown platform boots lying there. It had been a young girl.

NARRATOR: Twenty-six were killed in Dublin. Two hundred and fifty three injured.

EDWARD
O'NEILL:

I just remember this big flash coming straight towards me. I remember lying on the ground. It will never leave me, never ever ever leave me.

MARTHA
O'NEILL:

They told me that it was Edward, and Edward only had twenty four hours to live, little Edward, and that my husband was dead. And like I just, I didn't even do what I'm doing now, crying, I wasn't able to cry. I just went totally and utterly numb, like as if every living thing I had inside of me, everything I had for life, just drained out of me.

NARRATOR:

Edward O'Neill was five years old. The extent of his injuries shocked his surgeon.

EDWARD
O'NEILL:

The shrapnel or metal was still sticking in my face. He said all he could see was just bare bone from right down here. He said my whole side of my face was just brought completely over. He said he could actually see my, the bridge of my nose and my ear was

sort of like halfway across the back of my head. They thought I was going to die on them, on the table.

NARRATOR: Paddy Doyle lost four members of his family in the Parnell Street blast. His daughter, son-in-law and two baby granddaughters were killed instantly.

PADDY DOYLE: The kids were like two pieces of gold. I don't think I'm really the same ever since that. I think it was the scenery in the morgue, I think that really knocked a bit out of me, you know. It was like going into a slaughterhouse, bits of bodies everywhere. I identified the son-in-law and the two kids but the daughter, I couldn't place her.

But it was an awful sight to go in, when you went in you had to step over legs and arms, where yer were putting legs and arms just to make up a body.

NARRATOR: Ninety minutes after the Dublin explosions, a fourth bomb went off in Monaghan, 70 miles to the north and just south of the border. By drawing security forces

from the border, it allowed the Dublin bombers to escape north. Again, there was no warning. Seven more were killed here. In Dublin and Monaghan thirty three lay dead, and nearly three hundred were injured. To this day, it remains the worst atrocity of the troubles.

LIAM
COSGRAVE,
PRIME
MINISTER:

To the evil men who have perpetrated these deeds we express the revulsion and condemnation which every decent person in this island feels at their unforgivable acts. The Government are as yet unaware of the identity of those responsible for these crimes...

NARRATOR:

Nineteen years later none of those responsible has ever been convicted. No paramilitary group has ever claimed responsibility. Nobody has been arrested. But tonight First Tuesday reveals disturbing truths behind the Dublin and Monaghan bombings, a story that's been buried for nearly twenty years.

The Irish police, the Garda Siochana, carried out the official investigation into the bombings, the biggest murder hunt in their history. Most unusually in a terrorist case, the Garda have formally co-operated in our investigation.

In a series of briefings, the Garda revealed the contents of many classified files, eyewitness statements, forensic reports and released official photographs.

We also interviewed retired senior Police Officers including three former Commissioners. Those officers who did not wish to be identified allowed us to use their verbatim statements.

It's now clear that within weeks of the bombings, the Garda knew how they were carried out and the identities of the leading suspects, but were powerless to do anything about it.

The bombing mission started in Belfast on May the 17th 1974. Two cars were hijacked in the Protestant Shankill area, and a third stolen. They were later identified as the three Dublin car bomb wrecks.

The Belfast hijackers headed South out of the city. Their job was to deliver the cars to the bomb gangs. The rendezvous took place at an isolated farmhouse in South Armagh. The bombs themselves had been stored at the farmhouse and taken down separately to Dublin.

The Dublin bomb cars entered the Republic unchecked at an unapproved border crossing at Balls Mill, an old smugglers route. They crossed the River Boyne at Old Bridge, and continued south on the back roads.

There were detailed eye witness accounts. All three cars were seen and remembered on their journey to Dublin, as the police files reveal. One eye-witness stated:-

EYE WITNESS: I noticed another car coming towards me from the Sheephouse direction. It was a peculiar shade of blue, an Austin I think. I took the registration number as 'HOI 2487'.

NARRATOR: Just over one hour later the same witness saw another suspicious car in the area and took the number as 'DIA 4063'. He had seen the Parnell Street and South Leinster Street bomb cars hours before they blew up. The bombers took minor roads past Drogheda towards Dublin airport. By 4pm, all the vehicles had gathered in a car park on the outskirts of Dublin. A Garda detective confirmed:

SENIOR
POLICEMAN: That's where they all met up. Civilian eye witnesses who'd spotted their number plates put them on the spot. There were three or four cars met there to prime their bombs.

NARRATOR: The bombers now had to give themselves time to reach their target streets in the city centre. As the Parnell Street bomb car arrived at its destination, it was seen by an eye witness parked outside the Welcome Inn.

EYE-WITNESS: There was a vehicle parking space behind our car but this man did not appear to want to use it. As we pulled away this car reversed into the space that we were leaving.

It was 5.15. All 3 Dublin bomb cars were in place.

NARRATOR: Meanwhile, the Monaghan bombers stole a Hillman Minx from this Portadown car park on the afternoon of the seventeenth of May. An hour earlier, a church minister spotted three men attempting to steal a car. He later picked them out from police mugshots. All three were prominent loyalist terrorists from Portadown.

The car was driven from Portadown through Armagh City and stopped at a farmhouse at a small village just north of the border where the bomb was loaded and primed. The car slipped over the border at Wards Cross, another unapproved crossing used by smugglers. A blue car, almost certainly the getaway vehicle was seen following the bomb car in the town centre.

It left the Republic at the Tyholland customs post 5 minutes before the bomb exploded in Monaghan.

Everyone who had seen the Dublin and Monaghan bomb cars was shown official police photos. The result was a list of suspects: eight faces and eight names.

This was a significant early breakthrough for the Garda. All eight were members of the Ulster Volunteer Force, a loyalist terrorist group. And all eight were members of its mid Ulster brigade based in Portadown, County Armagh.

All the eyewitnesses we contacted reaffirmed their original statements.

Two of the eight suspects they identified closely resembled bomb car drivers. DAVID ALEXANDER MULHOLLAND, for Dublin, and SAMUEL WHITTEN for Monaghan. In both cases, police had three separate eye witnesses who identified them from photos as drivers of the bomb cars.

Police confidence was high. Says one Garda officer who worked on the investigation: “we had no doubts that these people at least had a case to answer. We could have taken them to court with such positive identification. It was more than just one person picking out a photo. It was good, strong evidence.”

The Garda then extended their list of suspects with twelve further names based on their intelligence sources north of the border. Garda files named William “Frenchie” Marchant, the leader of the

Belfast hijackers, and Billy Fulton, the quarter master who took charge of the explosives for Dublin and Monaghan. Also named were three leading loyalists as the planners of the bombings.

Billy Hanna, the leader of the UVF in Portadown; Harris Boyle, his second-in-command, a UVF Major and a loyalist killer known as The Jackal who we cannot name for legal reasons.

The Garda did not know that there may have been a fourth planner. First Tuesday has discovered evidence that he was Robert McDonnell, a farmer from South Armagh. All four were former or serving members of the British Army's biggest regiment, the UDR.

Within weeks the Garda had a list of twenty suspects for the bombings.

In the early stages of the investigation, the Garda enjoyed good co-operation from the RUC. Armed with their list of suspects, a team of detectives headed

north, hoping to interview them and have them arrested by the RUC. But at RUC headquarters in Belfast the trail ran cold.

The Garda were not able to interview the bomb suspects or the owners of the hijacked cars, even with the RUC present. All they could do was hand over their information and wait. They were to be disappointed.

GARDA
OFFICER:

“You were dealing with a Protestant force and there was definitely a lack of co-operation. Our investigation had to end because we couldn’t get any further in the north. The well just ran dry.”

Chief Superintendent John Paul McMahan who led the Monaghan murder hunt wrote in his final report: “These investigations were greatly hampered by reason of the fact that no direct enquiries could be made in the area where the crime originated. There was no access to potential witnesses in Northern

Ireland and there was also the disadvantage of not having been able to interrogate likely suspects and put them on identification parades.”

And his counterpart in Dublin, Chief Superintendent John Joy stated in his final report:

“Enquiries in regard to Mulholland and the others are being made by the RUC and results of the investigation will be reported.”

There is no record on the Garda file that the RUC ever did report back.

Says one senior officer:

“It’s incredible that we don’t have more details about what the RUC did in our files. Even in our final report, they list the suspects but don’t say if they were questioned or arrested. That’s astonishing.”

“We were in a position to bring them to court. On the life of my grandsons, I’m telling you – we could have had them.”

In fact, the RUC had conducted their own inquiries north of the border. We have spoken to two of their Special Branch officers who were detailed to find out more about the bombings.

They confirmed they had a list of UVF suspects which tallied with the Garda's. They reported their information to RUC Headquarters but were never asked to interview or arrest any of the suspects.

Isolated in the north, the Garda team could only report back to their political masters in the hope that the Irish Government would take up the issue. The Garda investigation had nowhere else to go. After only three months it was quietly wound down.

But our independent inquiries in loyalist circles produced a list of 20 UVF members suspected of taking part in the bombing. Their names appeared on the RUC and Garda suspect lists. And they confirmed that the bomb plot did indeed centre on Portadown – the same conclusion as the Garda and the RUC.

Portadown is and was in 1974 a haven for loyalist paramilitaries. Many acts of terrorism were planned in this network of streets by the mid-Ulster brigade of the UVF.

But did Portadown's loyalist paramilitaries really have the capability to bomb Dublin in 1974?

Captain Fred Holroyd spent 1974 in Portadown working undercover for Army Intelligence and MI6. He had personal contacts with many of the Portadown bomb suspects.

FRED
HOLROYD:

At that time the loyalist explosive capability was pretty limited. They mainly used double diamond kegs, beer kegs, filled with explosives with a black powder fuse on and they'd light the black powder fuse, disappear and this thing would burn down. The detonator would go off, and the bomb would go off. They weren't as sophisticated as the IRA who had

electrical detonators, trembler devices and all sorts of other very sophisticated bits of equipment, anti-handling devices. I mean they were pretty primitive basically.

NARRATOR: But the Dublin operation was anything but primitive. It involved the use of sophisticated timing devices to detonate three car bombs within ninety seconds of each other.

So could the Portadown loyalists really have bombed Dublin? And if they did, where did they get their new-found expertise?

First Tuesday commissioned two leading experts to examine all the technical evidence on the bombings, including the official forensic report, never previously released.

Lieutenant Colonel George Styles was formerly head of the British Army's bomb disposal network

worldwide and served in Northern Ireland from 1969 to 1972.

LIEUTENANT
COLONEL GEORGE

STYLES: To put one bomb on wheels together, you have to have a fair amount of training and expertise. To get three to go off all at the same time, you've got to have some pretty good technicians organising the timing mechanisms for instance.

The organisation of getting three cars into the centre of a City all going off roughly at the same time, that smacks of some pretty good administrative ability and whatever organisation therefore that was behind this outrage, you could say they were not low-down on the learning curve, they were high up on it.

NARRATOR: Commandant Patrick Trears was one of the Irish Army's top bomb disposal officers with wide experience of defusing terrorist devices.

COMMANDANT
PATRICK
TREARS:

It was a very sophisticated operation, very military-type operation. The terrorist group had to be well trained to carry out this so smoothly and without a flaw.

NARRATOR: The bombs contained 400 pounds of explosives which detonated so efficiently there was no residue which could be traced back to source.

COMMANDANT
PATRICK
TREARS:

The fact that all the ingredients of the bombs exploded and were expended indicating that the mix was consistent and that the expertise of the people that made up the mix, t'was at a pretty sophisticated level. From a military point of view, it would have been considered a hundred per cent successful.

NARRATOR: Despite the eyewitness and intelligence evidence, these experts believe it was highly unlikely that an attack of this complexity could have been mounted by Portadown loyalists.

GEORGE
STYLES: I have no high regard of their skill in 1974. I don't think they were at a level that would equate to the sort of techniques that were used here in Dublin.

INT: What about the loyalist history of synchronised car bombing?

GEORGE
STYLES: I don't think there was one. In my view they had not done this sort of thing. This is as I say outside their field of technology.

INT: Have they done it since?

GEORGE
STYLES: I don'tnot to my knowledge.

NARRATOR: Lieutenant-Colonel Styles concluded that the bombings bore the hallmark of the IRA, but when he compiled his report, he did not have access to Garda files naming all the suspects as UVF men.

PATRICK
TREARS:

If the loyalists did it, from their own experience, I would find it hard to find that they could do it without being assisted by some other experienced people because I think that they did not have the experience to carry out such a sophisticated operation at that particular time.

NARRATOR: That's a view shared by former Garda Commissioner Eamon Doherty, one of the men who led the investigation into the bombings and told us:

EAMON
DOHERTY:

I didn't think at the time and I don't think now that any loyalist group could have done this on their own in 1974. I believe that if they did participate in this operation, they must have been helped.

NARRATOR: But if so, who did help the Portadown Loyalists and why has nobody been brought to account for the bombings?

END OF PART ONE

PART TWO

NARRATOR: Lurgan. The abandoned headquarters of the British Army in County Armagh. On the 4th floor the intelligence cell, the base in 1974 for Captain Fred Holroyd, Army Intelligence Officer for Portadown. The Security forces infiltrated Portadown's loyalist terrorists to run them and their leaders as informers.

FRED
HOLROYD: We knew who they were, I mean there was no question about that and we knew what they were involved in.

INT: How well infiltrated were they?

FRED
HOLROYD: Well I would say we ran them. I mean if you really want the truth, we were running the organisation, hands off, because the leaders belonged to us.

NARRATOR: According to Holroyd, in return for information, the protestant informants were allowed to continue their terrorist activities unchecked.

FRED
HOLROYD: Atrocities were allowed to be carried out by the Protestants, we knew who they were, we had information and no action was ever taken against them. And this caused a lot of disquiet as you can imagine.

NARRATOR: Captain Holroyd was surprised that he was not ordered to investigate the Dublin bombings, since he was the Military Intelligence Officer for Portadown, where the suspects were based.

FRED
HOLROYD: I mean was never asked once by anybody to question my sources or to try and find out any information about this whatsoever. At the time, and immediately afterwards, there was just no interest at all. It was only quite some time after that that my special branch colleague told me in fact who the Portadown men who

were involved in this and where the cars had come from.

NARRATOR: The Garda officers who went North had no doubt that their investigation had been blocked. Says one: -

“Dan Murphy who was then head of the Garda murder squad told me in his opinion it was a deliberate policy by the RUC not to help the enquiry. But he said that someone was making the RUC act that way.

Says another:

“Suppose some of the suspects were intelligence sources for the RUC Special Branch or MI5 or the British Army. Would you sacrifice them for an investigation in the South? When you do have a source like that, you protect him, even if he’s killed people.”

In 1974 Captain Fred Holroyd kept an official diary and intelligence notebooks.

They reveal that the Portadown loyalists had 124 members with 20 per cent active. And they were clearly being monitored.

They show that in the two months before Dublin, instructions in making bombs were given on Monday nights by William Hanna.

William Hanna was on the list of suspects for Dublin of both the Garda and the RUC.

Billy Fulton is recorded in the notebooks as collecting illegal fertiliser for explosives in the very month of the Dublin bombings. Billy Fulton, again, was on the suspect lists for Dublin of both the Garda and the RUC.

The notebooks list six of the eight men identified by eyewitnesses – including David Mulholland and Samuel Whitten – as active paramilitaries known to Army Intelligence in 1974. Holroyd, and other

sources state that two of the eight were paid informants of the Security Forces at the time.

Lisburn, headquarters of the British Army in Northern Ireland. In 1974, one of its senior information officers was Colin Wallace. He briefed the media on the Dublin and Monaghan bombings. Wallace, too, soon knew the names of the suspects.

COLIN
WALLACE:

The difficulty I think with the Dublin bombings is that there was really no follow-up, no major offensive, no determination to find out whether these people had been responsible or not. And it was the lack of interest I think that concerned us, that it was a departure from normal procedure because the outrageous nature of the bombing would have justified a greater interest and that just didn't seem to be present at that time.

NARRATOR: Wallace says he knew, through intelligence briefings, the names of the bomb suspects by September of

1974. One year later, he wrote to a former colleague, naming eight of them including Mulholland, Hanna and McConnell. So not only did the Garda and the RUC know who the suspects were in 1974, so did the British Army and MI6.

Both Holroyd's and Wallace's claims about undercover activities in Northern Ireland have attracted controversy.

We have submitted Colin Wallace's letter and Captain Holroyd's notebook to a leading forensic analyst. Both documents are consistent with having been produced in 1974 and five.

Wallace's letter goes on to make an even more startling claim. He writes that some of the Dublin suspects "were working closely with INT – intelligence – at that time".

COLIN
WALLACE:

I believe that that is probably members of the special duties team, who were then linked to SAS personnel.

NARRATOR:

That special duties team was based in the rolling countryside of County Armagh at Castledillon in the grounds stately home. The team was a group of SAS trained undercover soldiers who formed the most secret unit of the British Army in Northern Ireland.

HOLROYD:

A remarkable little place, I mean set behind an ordinary regiment of engineers in a compound of its own, guarded by civilian MOD police and it was sort of made up of wooden huts and in there I was shown for example the locker with all their spare barrels so they could use weapons and then change the barrels and claim that they'd never shot people.

I was shown their communications equipment which was quite separate and I suspect went straight through to Hereford and to MOD. I was shown a number of things which meant that they were funded separately

and they were supported separately from regular Army, uniformed Army people. Now, there are only one...there is only one organisation who can sponsor anything like that and that's the SAS.

NARRATOR: The team's cover name was 4 Field Survey Troop. Officially, they were answerable to Army headquarters in Lisburn. But routinely, they operated in virtual isolation. Ultimately, their chain of command led to MI5.

REES: Here was a special duties unit that operated down there and I approved of that, um, I knew that it wasn't a large organisation and I know that it worked to Lisburn. If you are going to have a force operating like that then its got to be given a great deal of freedom of movement anyway, that they couldn't have through the normal army arrangements.

NARRATOR: In 1988, the Government was asked about this secret unit and replied: "The role of a royal engineer field survey is to provide or process aerial photographs,

ground surveys and mapping for the army”. But we have interviewed a former member of Four Field Survey Troop and he painted a very different picture of its role in 1974.

FOUR FIELD
SURVEY TROOP

MEMBER: We were a specialist unit with training in surveillance and anti-surveillance, silent weapons, breaking and entering. We were also trained in weapons for sabotage with explosives and assassination. We also crossed the Irish border with explosives to booby-trap arms dumps and for other missions.

REES: I would certainly not have worried too much if they found arms buried in the ground that they left them in a position that would cause harm to those who were going to pick them up, you know, one lives in a harsh world, but as for crossing the border, they certainly had no permission for any of it from me and neither should they in general but if they were going to cross the border they would have had to have had

permission from the man in charge of security and that was me.

NARRATOR: In 1988 the Government stated that all records relating to this secret unit had been destroyed.

In 1974 Four Field Survey Troop was led by two key officers – Captain Tony Ball – in command – and Lieutenant – and later Captain – Robert Nairac.

Nairac had already spent twelve months as an undercover specialist in Northern Ireland.

V/O Nairac's job at Castledillon when I was there was as a source handler. He was getting intelligence and had contact on both sides.

NARRATOR: We have evidence from Police, Military and loyalist sources which confirms the links between Nairac and the Portadown loyalist terrorists. And also that in May 1974, he was meeting with these paramilitaries;

supplying them with arms and helping them plan acts of terrorism against Republican targets.

In particular, that three prime Dublin suspects, Robert McConnell, Harris Boyle and the man called the Jackal were run before and after the Dublin bombing by Captain Nairac.

That three of the Dublin bomb suspects at the time of the outrage were run by Nairac has been confirmed to us by a series of security force sources from 1974.

They include officers from R.U.C. Special Branch, C.I.D. and Special Patrol Group;
Officers from the Garda Special Branch;

And key Senior loyalists who were in charge of the County Armagh paramilitaries of the day also confirm the Nairac connection.

But why should Nairac and Ball involve themselves with known loyalist terrorists?

The Army's own secret training manual specifies this kind of role for SAS forces when it states that they "are particularly suited to liaison with and organisation, training and control of friendly guerrilla forces operating against the common enemy." The friendly guerrillas in Northern Ireland were loyalist terrorists.

A similar range of sources confirm that Billy Hanna, the most senior loyalist on the suspect list was run separately as an agent by the British Army from Lisburn and the Three Brigade Headquarters in Lurgan.

WALLACE: Loyalist para-militaries by and large worked willingly with the intelligence community, ostensibly with the Army, because they felt that both they and the security force were doing the same job, defeating the IRA, so in many ways, they would have been much easier to manipulate because any work or any task given to them by the intelligence community they would have

seen almost as an honour that this would have been an extension of what they themselves were doing.

NARRATOR: The extraordinary concept that elements in the British security forces could be involved in acts of cross border terrorism was not new.

In 1972 two English brothers, Keith and Kenneth Littlejohn were arrested for robbing a Dublin Bank. Their campaign included firebombing Irish police stations and blaming the IRA, to provoke tougher Irish Government action against them.

The Littlejohns maintained that they were M16 agents acting under orders. The British Ministry of Defence later confirmed the Littlejohn connection to M16.

Then in December 1972, two car bombs exploded in Dublin killing two people as the Irish Parliament was debating new anti-terrorist laws. The Irish opposition was against the measures but now voted for them believing the IRA planted the bombs.

Yet within weeks, rumours that the British were responsible were rife. Even Jack Lynch, the Irish Prime Minister at the time of the bombs, suspected British involvement.

IRISH PRIME
MINISTER –

JACK LYNCH: Well my suspicions naturally are aroused more, we have no, as I said, indication who was responsible and it is now well known a lot of people in Ireland believe that many of these unexplained activities and actions could well be related to British Intelligence or other activities of that nature.

NARRATOR: Two days after Mr. Lynch's statement, the Garda leaked a file on the 1972 bombings to the Evening Herald. The file's conclusion: that the car bombs were the work of the British Army's S.A.S.

SENIOR GARDA
OFFICER:

The 1972 Dublin bombing was the work of the SAS there's no doubt about it: They were such convenient

bombs with the Dail debate going on. That's probably why the article appeared.

There was a lot of frustration about the SAS role and our inability to do anything about it.

NARRATOR: In his report for First Tuesday on the 1974 car bombings of Dublin and Monaghan, Lieutenant Colonel George Styles, the head of Army Bomb Disposal in Northern Ireland in 1972, said "It could be a covert military operation by U.K. Armed Forces." but added "in my view which is based on experience of such operations, (this) is extremely unlikely."

But did "such operations" mean the British Army covertly detonated their own bombs?

STYLES: I don't think without breaking the Official Secrets Act, or getting somebody to break it, you're ever going to get any information about every operation that goes on covertly, whether it involves setting a bomb off, or whether it doesn't.

INT: I understand that, but you see where it says here “It would be unthinkable for a covert operation such as this to use other than captured IRA materials.” That suggests to me that the military were undertaking covert operations using captured IRA explosives.

STYLES: No I would, I think I would say if somebody said to me, if somebody said to me “We want you to set off a bang tonight so that we can go and have a look at whatever, and because the bang would be allied to an IRA explosion and therefore wouldn’t be other than a normal occurrence it would be unthinkable to an operation such as that, to use other than captured IRA materials.

INT: But for us to set off a bang, we’re still setting explosives?

STYLES: Yes

INT: So the British Military were carrying out explosives?

STYLES: Well they could have been, no reason why they shouldn't, if that was a way of getting information.

NARRATOR: So, according to Lt Col Styles, in the early 1970s the British Army in Northern Ireland was planting and exploding bombs in populated areas, so that soldiers could search evacuated premises for information. These bombs were then blamed on terrorist groups.

MERILYN REES: I don't believe that it was difficult under the law to go into areas to search if they had reason to believe that there were arms or bomb kits to be found. I don't believe that one needed a bomb that, I presume was going to be set not to kill anybody, to go in, erm, and for whatever reason, I believe it is a grave mistake for that to be done.

NARRATOR: George Styles left Northern Ireland in 1972 having received the George Cross for heroism. There is no suggestion that he or his team had anything to do with cross-border bombs. Lieutenant Colonel Styles

discounts the possibility that the 1974 bombing of Dublin and Monaghan was a covert British Military operation.

STYLES: Oh, certainly it wasn't, I can't see that happening at all, you see if you're talking about 1974, I can say definitely that it wasn't or certainly it wasn't carried out by the part of the organisation that I represented.

NARRATOR: That some elements of the British Security Forces had been involved in the Dublin atrocity is maintained by a senior source in the RUC Special Branch by five senior Portadown paramilitaries and by Captain Holroyd and Colin Wallace.

WALLACE: The belief certainly by certain people at Army headquarters in Lisburn was that some of the explosive used in the Dublin bombings had been provided from security force sources and that was security forces in the wider sense which could mean from the RUC, from the UDR or from the Army, it wasn't specific but it was a genuinely held belief that

that had been the case and that the planning and some of the organising of that operation had been done with the assistance of people who were working within the security community.

NARRATOR: But why should even the most extreme elements in the British Security Forces want to play a role in bombing the south?

In December 1973 the Sunningdale Agreement was signed. It established power sharing in the North and gave Dublin its first political role in Northern Ireland.

The protestants rebelled. Loyalist paramilitaries stepped up their campaign of sectarian killing.

Then in Feb 1974 Harold Wilson's minority Government came to power. Some feared that Labour would move towards a United Ireland and go soft on the IRA. According to Wallace, this alarmed elements in British Intelligence fearing that their war against the IRA would be undermined.

WALLACE: I suppose they regarded the election of a Labour Government as a major threat to the Irish situation. The Army seemed, in the early days, much less involved; but I think they became increasingly

concerned by statements made by senior Labour people about possible withdrawal from Northern Ireland.

NARRATOR: By April, Merlyn Rees the Northern Ireland Secretary was still promoting Sunningdale; planning to phase out internment, cut troop numbers and hand over the Army's security control to the police.

Merlyn Rees believes his 1974 policies were being undermined by a subversive faction in Army Intelligence.

REES: It was a unit, a section, out of control. There's no doubt it reflected the views of a number of soldiers, let's go in and fix this lot and so on.

But that it went on, and that it went on from Lisburn and it went on from the Army Information Service and those associated with it, I have no doubt at all.

NARRATOR: On May 15th Loyalist resentment boiled over. The Ulster workers strike brought the Province to a standstill. On the strike's third day the Dublin and Monaghan bombs exploded.

For those who opposed the Republic's new role in the North and saw the South as a safe haven for the IRA, the bombs gave Dublin and its politicians a taste of the carnage already suffered in Northern Ireland for five years.

Within two weeks the Loyalists had destroyed much of the political will in Dublin and London.

Sunningdale was dead.

Nevertheless, in three months, the Irish Police had the names of 20 prime suspects- eight of whom were identified by eye witnesses.

Yet a year later, the Irish Government told its Parliament that the Garda had no positive information with which to identify the bombers.

Today, all the ministers on the Irish Government's Security Committee interviewed by First Tuesday, say they were never told the Garda had any suspects for the bombings.

COSGRAVE: While our society is menaced by men who perpetrate cowardly acts of violence the gardai and the army will give the citizens all the protection they can.

We asked former Irish Prime Minister Cosgrave what pressure he'd put on the British authorities to trace the bombers and if HE knew his police force had a list of suspects.

He declined to answer any questions about the bombings.

Suspect William Fulton the UVF's Portadown quartermaster was captured one month after the

Dublin bombings He was imprisoned in Scotland for carrying explosives, but was never arrested in Dublin and died in 1989.

Suspect William “Frenchie” Marchant the man named in the Garda files as the leader of the car hi-jackers, was assassinated by the IRA in 1987, and given a full UVF paramilitary funeral.

Suspect Harris Boyle died a year after the Dublin bombings killed at the Miami Showband Massacre by his own bomb. He too received a UVF military send-off.

Suspect Billy Hanna, who won the Military Medal with the British Army in Korea, was shot dead in 1975 by fellow Loyalists, suspected of leaking UVF information to arrival section of British Intelligence.

Suspect Robert McConnell was shot dead by the IRA in April 1976, while serving as a corporal in the Ulster

Defence Regiment. At his funeral, he was described as a man who worked “ceaselessly for peace.”

Suspect Samuel Whitten is serving life for a sectarian murder , and fourteen years for arms possession.

Other Dublin suspects remain free. There’s no record of any being arrested or charged with the greatest massacre of The Troubles.

Suspect David Alexander Mulholland left Portadown in 1975. He’s now believed to be living somewhere in England.

And the man known as the Jackal was left free to carry some of the worst atrocities of the Troubles.

REES: I am absolutely astonished to hear that such...there was detailed information about those who had been involved in Dublin. Certainly it wasn’t notified to me. And if it had, to hell with any problems that there might be with the Garda-suspicion of the south you

know, and all that. If names were given, and the names were in the north, it would be my job, without ever interfering in day-to-day security matters, to make clear that something's got to be done within the rule of Law-that these people should be questioned and if needs be, dealt with by the full process of law.

NARRATOR: Each year a memorial service is held in Dublin on May the seventeenth to honour the victims of the bombing. Their relatives are joined by uniform and special branch officers, who monitor the gathering.

PADDY DOYLE: It's like taking a big lump of your life away isn't it? Especially your first grandchildren, you know.

INT: How do you feel about the people who inflicted this on your family?

PADDY DOYLE: Well, I don't know how they sleep in the night, but they were only carrying out orders, but they were very bad orders to carry out.

I'd feel a hundred percent better if this Government done something and get these fellas on trial and let them get, serve their sentence. And that would make me happy. 'cos they be killing a hell of a lot of people and they shouldn't be let off with it. And this Government definitely does know who done it.

MARTHA
O'NEILL:

When I go to the cemetery and I visit that grave, how can I not feel for the man that's in that, how can I not feel for the five children that were left behind and the baby that was stillborn after it. If they are listening to this programme and they know they're responsible, and they have a family I hope and I pray that God will keep them together, that they will not... their families will not go through what our families up here went through.

EDWARD
O'NEILL:

For nineteen years I've lived just referring to these bombers as bombers. I've never seen a face, I can't understand why any human being would go out and inflict so much destruction and death on his fellow

human being. I mean, my father was an innocent man, so were a lot, the rest of the people who died. Justice is all I want to see done for them, to have... to be brought back down to Dublin and to stand trial for what they did.

NARRATOR: Robert Nairic continued to serve in Northern Ireland, maintaining his contacts with Loyalist paramilitaries. He was murdered by the IRA in 1977, while on an undercover mission, and posthumously awarded the George Cross.

His commanding officer at Castledillon, Tony Ball, was awarded the Military Cross for his undercover work. He died in 1981.

The Castledillon base was closed down in 1975, but the Special Duties Team- which now goes under the name of 14th Intelligence- lives on in Northern Ireland, the most secret unit of the British Army based there.

Today, the Jackal is still one of the UVF's most active gunmen. He is said to have killed at least 30 people.

In one murder case, he was named in court as the actual killer, but the RUC had never interviewed him about the crime.

During the trial, an RUC Superintendant was asked why. The officer replied: it was a "matter of operational strategy"

Many believe the Jackal was not charged with this and many other killings because he was- and is- protected by the Security Forces in Northern Ireland.

OLIVIA: The RUC did not want to take part in our programme. A spokesman said they ha provided factual evidence and intelligence to the Garda. The relatives of the dead and injured are now calling for an enquiry and First Tuesday will co-operate with any properly constituted

public enquiry. We'll be back in August. Until then,
goodnight.

THE MURDER OF JOHN FRANCIS GREEN

- 1. INTRODUCTION**
- 2. EXAMINATION OF THE SCENE**
- 3. EYEWITNESS EVIDENCE**
- 4. FORENSIC ANALYSIS**
- 5. INFORMATION RECEIVED**
- 6. ALLEGATIONS OF FRED HOLROYD**
- 7. ALLEGATIONS OF JOHN WEIR**

INTRODUCTION:

John Francis Green was murdered at Comaghy, Castleblayney, Co. Monaghan on the 10th January 1975. He was said in the Garda investigation report to have been a staff captain and intelligence officer within the Provisional IRA. He was killed at the home of one Gerry Carvill, a farm located in a rural area about one mile south of the border by road, but much closer over the fields. The house was recognised in the Garda report as “a haven for members of the Provisional IRA”.

John Francis Green had been a frequent but irregular visitor to Comaghy for about eighteen months prior to his death. On the night in question he arrived at the house at about 6:30 pm. Carvill and a neighbour were in the house at that time.

Carvill and the neighbour left at about 7:10 pm; the latter went home while Carvill went to a nearby farm to milk some cows. Whilst engaged in this activity Carvill says that he noticed that all of the lights in his house were on, except that of the upstairs bedroom, which had no bulb. This struck him as unusual because when he had left only the kitchen and possibly the yard light were on.

Carvill returned home at about 8:20 pm. He found the front door had been burst open and on entering the living room to his right, which stretched from the front to the back of house, he saw Green lying parallel to the front wall and underneath the front window. His head was towards the door (the only entrance to the room) and in a pool of blood. He did not touch the body but immediately left the house and went to fetch another neighbour. The neighbour returned with him and checked Green for a pulse. He told Gardaí that the body was starting to go cold. He also said he turned off all of the downstairs lights, including that in the yard. They left immediately for Castleblayney.

EXAMINATION OF THE SCENE:

The Gardaí were notified at 9:10 p.m. and arrived at Comaghy at 9:23 p.m. The first members of the Gardaí at the scene were Sergeant Cahill, Garda Ryan and Garda Donlon who were on border patrol at the time. In his statement, Garda Donlon says that the lights in the house were on in the kitchen and in the upstairs bathroom. He also states that the front door of the house was closed but not locked. Sergeant Cahill pushed it in and Garda Donlon saw that the lock on the door had been broken. There was mud on the door which appeared to have been forced open by a boot. They did not enter the house but on looking through the window on the right-hand side of the front door they saw a man lying on his back on the floor inside the door. He was recognised as being John Francis Green. Sergeant McGowan, who was off-duty when he received notice of the incident, says that when he arrived at the scene the front door was ajar and he saw a piece of the door jamb lying on the floor close to the right wall. He saw a dirty kick mark on the front door about 18 inches from the bottom and 9 inches out from the right door jamb. The door catch on the lock was in the locked position inside the door.

The Ballistics Expert, Detective Garda Niland, who arrived with the rest of the Garda Technical Bureau at approximately 11:00 am the following morning, noted that there was a piece of wood missing from the door frame at the lock receiver and this was lying on the floor of the hallway. There was also a nondescript mark in mud on the outside of the door and it appeared that the door had been forced open. On the frame of the window to the left of the front door there were two small marks in the wood and a piece of the white paint of the window frame was missing. In his opinion, an attempt had been made to open the window by means of an implement such as a small screwdriver. In the soil in the garden in front of this window there was a footwear impression which appeared to have been made by a gentleman's rubber soled boot. This impression was photographed by Detective Garda Stratford. There is no mention of any follow-up of this matter in the Garda Report.

If this impression had been found under the window on the right hand side of the front door, it would have meant little since at least two of the Gardaí who came to the scene looked through that window into the room on their arrival. The evidence as to the weather from other witnesses was that it was wet and windy and that the lane leading to the house was very wet and muddy. It is perhaps reasonable to suppose that the impression under the left hand window was of recent origin.

Search of the house and surrounding area:

Green's car was parked by the house. In the glove compartment of the car twenty-six photographs of men were found. Twenty-five of these were either members of the Provisional IRA or of the Official IRA, all of whom were wanted in Northern Ireland. Also found hidden behind the back seat were a Sten gun, two pistols, a rifle, a telescopic sight for the rifle, a holster, a box containing 20 rounds of 7.65 mm ammunition, a parcel

of .22 ammunition wrapped in plastic, four match boxes filled with .22 ammunition, a plastic bag of 9 mm ammunition and assorted documents. The components of the rifle were found in a white envelope in the house.

A search of the house and surrounding grounds uncovered 10 rounds of .303 ammunition, half a gallon of nitrobenzene and 10 lbs of a mixture of nitrobenzene with sodium chlorate in the grounds; and an envelope containing the bolt knob and safety from the rifle in the house. A total of twenty-one assorted batteries were discovered in Carvill's bedroom, and in the kitchen together with a micro-switch. Carvill denied all knowledge of these items. He did however admit that he had seen the batteries once before, and that Green had said that they belonged to him. Inspector McMenamain said that given the locations of the finds "they could not have been there without Mr. Carvill's knowledge." As the house was known to have been frequented by members of the PIRA it had been searched on previous occasions, most recently about three weeks before the murder. Nothing had been found at the house in the course of these searches.

EYEWITNESS EVIDENCE:

Immediate Garda enquiries were conducted to try and build up a picture of the movement of persons and vehicles in the area over the critical period. These enquiries left one vehicle, a large white car remaining unidentified. This car was seen at 7:20 pm by four persons in a car which was being driven ahead of it some miles from the actual scene, but heading towards it.

The report also referred to a red Ford Escort registration number BIB-1291, which was seen in the vicinity of the border within a mile of the murder scene on different occasions between 1 and 14 January 1975. Most of these sightings accurately identified the make and colour of the car, but not the registration.

On 21 January, a report detailing these sightings was submitted to C/Supt J.P. McMahon by D/Supt D. Murphy. Members of one family from Keady, Co. Armagh stated that the car had been moving around an area between Doocharn in the South and Aughnagorgan on the North side of the border for two months prior to the murder of Green. They recalled specific sightings of the car on 1 and 4 January on the southern side of the border, and on 12 January in the RUC barracks at Keady. The Inquiry has seen this report, but not the original witness statements on which it is based.

A resident of Clea, Keady stated that the car passed his house frequently, usually containing 2 to 6 men. He stated that on one evening of the week before the murder the occupants of the car (5 or 6 on that occasion) stopped to enquire from a man on the road the way to a neighbour's house. According to local Gardaí, the neighbour in question was a regular caller to Gerry Carvill's house.

Local Gardaí were also informed by an unnamed person on 15 January, 1975 that “a red estate type car” passed by Gerry Carvill's house heading south towards Creaghanroe around 11 a.m. on the morning of the murder. Garda B.Campbell also received information that a car reg. BIB-1291 was parked near Doocharn some day of the week the murder took place - the occupants gave the impression they were working for Armagh County Council (as they had done on 1 January when encountered by a member of the first family mentioned above).

On 14 January, the car was seen crossing the border from the Keady direction by two Garda officers on border patrol. The car had two male occupants. On seeing the Garda patrol car, the driver of the Escort stopped, reversed back across the border, then turned and drove back towards Keady. At 4.10 p.m., Gardaí at Castleblayney requested the RUC to check out this car. At 5.30, they rang again and were told that the number BIB-1291 was false and had not been issued to any car. They were also told that the RUC had a patrol car on two roads and they did not locate the Escort. The RUC officer also stated that the British Army had been out most of the day but saw nothing. However, at 7.10 p.m. they received a call from the British Army at Armagh admitting that the vehicle was one of theirs, and that it had been occupied by two British soldiers in civilian attire.

Neither D/Supt Murphy's report nor the final investigation report of D/Supt Kavanagh dated 4 February 1975 drew any conclusions from the presence of this vehicle in the area during the relevant period, though it was thought significant by C/Supt J.P. McMahon, when reviewing allegations in 1984 made by former British Army Captain Fred Holroyd concerning the possible involvement of British soldiers in the murder.¹

FORENSIC ANALYSIS:

A number of fingerprints were taken by members of the Technical Bureau. Most of these were found to belong to innocent parties, although some were still being checked at the date of the Garda Report. There is no further mention of any developments.

The post-mortem carried out by the State Pathologist Dr. Harbison showed that Green had been shot six times in the head, all of the bullets entering from the front of Green's head. Five of these bullets remained in his head. The body was lying flat on the floor, parallel with the front wall and with the head pointing towards the door. Dr. Harbison stated that there were no signs of the body having been moved or dragged across the floor. Furthermore, Dr. Harbison stated that “the presence of powder tattoo, but no skin burns or blast effect on the tissues, suggests that some shots were fired within six to twelve inches of the face”. It would seem then that Green was shot at close range by someone who had entered the room and circled around so that Green was positioned between them and the door.

¹ See below.

The officer in charge of the ballistic examination of cartridge cases and bullets found at the scene of the murder of John Francis Green was D/Gda Michael Niland of the Garda Technical Bureau.

On searching the house, he found nine spent cartridge cases. Four were of .380 inch calibre (otherwise known as 9 mm calibre Kurtz), and the remainder were of 9 mm calibre Parabellum). He also found a total of six spent bullets or bullet fragments; two of .380 calibre and four of 9 mm calibre Parabellum. Finally, he found a further five rounds of live ammunition; two of .380 inch calibre and three of 9 mm calibre Parabellum. The manufacturing origins of all these items were traced as follows:-

“All of the spent .380 inch calibre... cartridge cases were manufactured by Kynoch Factories, Imperial Chemical Industries, England. The live rounds of this calibre were also manufactured by the same facility. The spent 9 mm calibre cases were manufactured as follow:- 1 by the Royal Ordnance Factory, Blackpool, England in 1941; 2 by the Royal Ordnance Factory, Radway Green, England in 1957; 1 by Gustav Genschow & Co., Durlach, Germany in 1961; and 1 by Kynoch Factories, Imperial Chemical Industries, England in 1956.

The 9 mm calibre Parabellum rounds of ammunition were manufactured by:- 2 by Kynoch Factories, Imperial Chemical Industries, England in 1959 and 1 by the Royal Ordnance Factory, Radway Green, England in 1957.”

D/Gda Niland initially expressed the opinion that the weapons used were semi-automatic pistols - in the case of the .380 inch ammunition, either an Austrian Steyr or a Czechoslovakian CZ.M4, and in the case of the 9 mm Parabellum, a German Luger. In a later, undated report (probably soon after 11th April, 1975), he indicated that the two guns used were a German Luger semi-automatic pistol of 9 mm Parabellum calibre and the second either a Spanish Star or a Czechoslovakian CZ.M4 semi-automatic pistol of .380 inch / 9mm Kurtz calibre.

On 15 January 1975, he travelled to the RUC Data Reference Centre at Lisburn where he saw Norman Tulip of that Unit. The latter was of opinion that the two weapons used were a German Luger and a Spanish Star pistol. Subsequent information established that he was correct in this opinion. At the same time he told D/Gda Niland that neither gun had any recorded history at the Data Reference Centre.

On 11 April D/Gda Niland received a copy of a report from Inspector McMenamin of Monaghan Station containing further information supplied by Norman Tulip through Inspector Murray, RUC Portadown Station. Mr Tulip reported that he had tested a number of legally held Spanish Star pistols, with serial numbers from 342630 to 344162. He found that bullets test fired from pistol number 344162 produced similar markings to those produced by the pistol used in shooting Green, but gave his opinion that this was not the pistol used. Instead, he suggested that a Star pistol bearing the number 344164 which was issued to a member of the UDR stationed at Portadown and had been reported

stolen on 3 April 1973 was probably the weapon used in the Green murder. It was also used in the murder of a Mrs. Dorothy Trainor at Portadown on 2 April 1975.

The two firearms used in the Green murder were subsequently found. On 18 May 1976, police searched the home of Edward Sinclair, a suspected UVF member from Dungannon. They uncovered a Luger pistol, serial number 4, and also a second pistol along with other illegal material including explosive substances. The Luger, with four rounds of ammunition and a silencer, was found in his milking parlour. On 3 August 1979 a number of firearms were found at Portadown which included a Star pistol, serial number 344164.² The owner of the farm upon which the weapons were found was a part-time UDR member. He received a seven year sentence for possession of the weapons and was also given a concurrent four year sentence for membership of the UVF

The finding of the two guns enabled a fuller ballistic investigation to take place. Reports were furnished by Victor Leslie Beavis, a Forensic Scientist employed at the Northern Ireland Forensic Science Laboratory, and from D/Gda Niland, now a Detective Sergeant.

From the report of Victor Beavis it appears that both guns were test fired and that spent bullets and cartridge cases were retained in the possession of the Northern Ireland Forensic Laboratory. The firearms themselves were returned to the RUC for ultimate disposal.

On 15 September 1983, Beavis received the Star pistol from the RUC for re-examination. Again, there were test firings and the spent cartridge cases and bullets together with the test five cases and bullets collected in 1979, were compared microscopically with the material recovered from the incidents listed in his report. He was satisfied that the cartridge cases in the following incidents were discharged from the Star pistol. The incidents were:

- (1) the attempted murder of J. Turley near Lurgan on 10 March 1973;
- (2) a shooting incident at Loughall, near Portadown on 24 March 1973;
- (3) the murder of James Francis Green on 10 January 1975; and
- (4) the murder of Mrs D. Trainor and attempted murder of Mr M. Trainor in Portadown on 1 April 1975.

He was also satisfied that the bullets recovered from the following incidents were fired from the Star pistol:

- (1) the murder of Green; and
- (2) the murder of Mrs D. Trainor and attempted murder of Mr M. Trainor.

The markings on other bullets - those relating to the attempted murder of J. Turley and the Loughall incident- indicated that although they were all fired from a single firearm, they had not been fired from the same barrel as the bullets in the other two incidents. He

²RUC report dated 17 May 1984.

concluded that since the cartridge cases from all four incidents indicated a single firearm and that the bullets from the 1973 incidents are different from later incidents, this would indicate that the barrel had been altered or replaced.

He then examined a number of 9 mm Parabellum cartridge cases taken from the Green murder and the Miami Showband attack of 31 July 1975. He said the markings on them were “indistinct”, but continued:

“Nevertheless, there are sufficient details to enable me to say that they were discharged in the Luger pistol, Serial No.4.”

However, he refrained from making a “definite conclusion” owing to the availability of only one test bullet from the Luger pistol. The pistol had been destroyed by the RUC on 28 August 1978.

As part of the Garda investigations into former British Army Captain Fred Holroyd's allegations in 1983 / 84, D/Sgt Niland prepared a further report. It includes a more detailed history of the weapons and the relevant incidents than was given in Beavis' report. He noted that the Star pistol was licensed a member of the UDR stationed at Portadown. It had been reported stolen from him on 2nd March 1973 at 11 o'clock in the evening while walking at Loughall Road, Portadown. The Luger pistol was not recorded as having been licensed in Northern Ireland.

D/Sgt Niland's report directly linked the Luger pistol, not only to the murder of John Francis Green but also to the Miami Showband killings. He referred to the recovery of bullets and cartridge cases from the respective crime scenes and stated:

“Subsequent ballistic comparison showed that they were discharged from and fired in the Luger pistol No.4.”

As we have seen, Mr Beavis was more cautious in his conclusions owing to the fact that only one test fired bullet from the Luger was available to him. While he was prepared to say that cartridges found at both the Miami and Green incidents were discharged from the Luger, he felt unable to make a definite conclusion concerning the bullets. He noted a similarity of rifling characteristics on the bullets recovered at the Green murder, but made no comment as to those found at the scene of the Miami Showband attack.

These two ballistics reports were sent by C/Supt Daniel Murphy to the Assistant Commissioner, C Branch, by letter dated 24th February, 1984. In the above letter, C/Supt Murphy commented:

“The position regarding this investigation is unsatisfactory and the destruction of such a very important exhibit as the Luger pistol is difficult to comprehend.”

In the same letter he also indicated that he had received information in November 1983 from RUC Inspector Mack that the owner of the Star pistol had been interviewed with no

positive result. Inspector Mack also told him that he had further enquiries to make and hoped to have a complete investigation file ready at Christmas when he would send a copy to Garda Headquarters. The file, in so far as it related to the murder of John Francis Green, was sent to the Garda Siochana on 18 May 1984.

INFORMATION RECEIVED:

Gerry Carvill's house was also alleged to have been connected with the kidnapping of a UDR Corporal, from his lorry at Killeen Customs Post Newry on 17th April 1972. On 19 April 1972, his body was found near Newtownbutler. He had been shot several times. Support for this view was to be found in the fact that for over a year before Green's murder Gerry Carvill had been receiving photographs of the officer through the post at fairly regular intervals. About six months before the murder he had instructed the postman to destroy further similar letters without delivering them to him. Apparently, on 20 January 1975 the postman destroyed a letter addressed to Carvill containing a similar photograph as well as a newspaper cutting making reference to the funeral of Green in Lurgan. Written on the cutting were the words "BE WARNED".

The postman made a statement in relation to the letters received by Carvill. He said that Carvill got little post. The letters referred to were all posted in Belfast and were addressed in the same handwriting. In the last six months, there had been about one a month which he had destroyed.

An RUC Special Branch officer has told the Inquiry that the UVF were said to have believed that the UDR corporal was killed in Carvill's house. He said that he and his colleagues believed Green was killed by a UVF team who had gone there with the intention of killing Carvill.

ALLEGATIONS OF FRED HOLROYD:

Some of the allegations made by former Military Intelligence Officer Fred Holroyd related to the murder of John Francis Green. As such they required a re-evaluation of some of the evidence that had been obtained in that case. The further Garda and RUC inquiries regarding ballistics have already been set out.

Having alluded to an illegal SAS operation in his statement to the RUC dated 19 September 1982, Holroyd gave details in a further statement dated 15 December 1982. He stated:

“I refer to a clandestine SAS operation across the border in the Irish Republic which concerns a crime of a very serious nature. During my period of service in Northern Ireland from 1973 to 1975, the SAS were introduced to Northern Ireland under the cover of a Royal Engineer Survey Troop. Starting from scratch they were eager to develop sources of intelligence. As a result these officers made great efforts to obtain the help and assistance of myself, my FINCO³ Ian Bushell, Bunny Dearsley and the Special Branch....

During my period of service in Northern Ireland, an IRA suspect, John Francis Green from Lurgan, was shot dead in a house across the border in the Irish Republic. In my conversation with Drew Coid, he said that he had heard that an ex-UDR man whose brother had been killed by the IRA was the suspect for this killing. This UDR man who comes from the Portadown area was believed to have been mentally disturbed by the shooting of his brother... Later information came in that Green had been murdered by the Portadown branch of the IRA because he had just finished an enquiry for the IRA's Grand Council into the misappropriation of funds from robberies. Later I was told by police that the Garda had discovered a Volkswagen Beetle belonging to J F Green at the scene of the crime and had searched it finding in the rear seat upright cushion hollowed out compartments containing a rifle, a Sten gun, a pistol and a briefcase, containing documents relating to his misappropriation enquiries. Later I saw about 5 of these documents at either Mahon Road information room or Portadown Police Station. If at the Police Station I must have been shown these by Frank Murray or Drew Coid. They contained manuscript lists showing monies received as the result of robberies and subsequent expenses on bomb-making equipment.

About five weeks after the murder of Green, I met Captain Robert Nairac (deceased) at Mahon Road Army Camp. We had a general conversation during which I brought up the subject of John Francis Green. Nairac said to me, 'we did that'. I think I said, 'You're kidding' and he reaffirmed what he had originally said. He told me that there were two of them and that they watched Green through the window of a house over the border. He said that they had approached the house on foot.

There was another man in the house with Green but he left. I got the impression that the man who left had set up Green and that Nairac knew he was going to leave. He said that they emptied their guns into him and that he put an empty 9 mm cartridge case on Green's forehead. He said the weapons used were a 9 mm Browning and a pistol. He mentioned a lane and a grassy bank I think. Nairac showed me a photograph which I kept. It was a colour Polaroid photograph of Green lying on his back, dead. Nairac told me that it was Green and I knew it to be Green from other photographs I had seen of Green....

³Field Intelligence NCO.

I did not mention this conversation with Nairac to my authorities or to any police officer. Whilst Robert Nairac did not tell me who the second man was with him, because of my knowledge of their working system it was likely that it was either his OC, Captain Tony Ball or a ginger-haired, small Sergeant Major who was often in his company.”

It is also worth noting that there were a number of references to the murder of Green in Holroyd's diaries. One note said that “Carver” (Carvill) had been receiving threatening letters with photos of “the so-called ‘tortured’ prod”⁴ for a year prior to Green's murder; on the next page Holroyd wrote:

“Prime theory on JFG is that [two named IRA members] did it”.⁵

Later in the same notebook, following notes on the shooting of Dorothy Trainor and a reference to Camelot Bar, the following is written:

“Gun tied in with JF Green. Bluestones murder 1973 and Ballyliggett - Turley shooting.”

This is echoed some pages later by a further note which states:

“.38 Star. Turley - used gun.”

It is not clear from whom and at what date Holroyd received his information concerning the history of the Star pistol, but it was correct, as has been seen. His notes also contained the correct identity of the UDR officer to whom the gun had originally been issued.

On 10 February 1983, Assistant Chief Constable Whiteside wrote to the Garda Commissioner seeking permission for an official contact between the Garda Officer in charge of the investigation into the murder of John Francis Green and Detective Superintendent Caskey of the RUC.

Garda D/Supt Murphy was nominated. On 14 March, together with D/Insp Culhane, he met RUC D/Supt Caskey and other RUC Officers in Belfast. D/Supt Murphy furnished a report of this meeting to the Garda Commissioner on 16 March. Discussion at the meeting had involved all aspects of the murder of John Francis Green, with particular reference to:

- (a) the examination of bullet and cartridge cases found at the scene of the murder with firearms examined at the RUC Data Reference Centre by Mr. Norman Tulip, a Ballistics Expert, who had then retired;

⁴A UDR corporal - see above.

⁵Both IRA rather than loyalist suspects.

- (b) the movements of British Army vehicle, Registered No. BIB 1291 between the 1st and 14th days of January, 1975; and
- (c) the photograph of John Francis Green alleged to have been taken by his killers.

British Army Vehicle:

Following RUC contact with Gardaí regarding Holroyd's allegations, copies of D/Supt Murphy's report of the 21st January 1975 on the sightings of the Red Escort BIB 1291, and the investigation report into the Green murder were sent to the Commissioner on 25 February 1983. The then Asst Commr J.P. McMahon commented in a covering letter:

“These reports clearly indicate that a motor vehicle was seen in suspicious circumstances in this general area on a number of occasions, around the date of the murder. There seems to have been some prevarication by the Northern Ireland authorities in response to requests by the Gardaí as to ownership of the vehicle but eventually it was admitted that it was the property of the British Army....

It seems to me that information forthcoming from Captain Holroyd may be well founded. The investigation conducted at the time seems to have unearthed one set of suspects, i.e. the occupants of the British Army car.”

In May 1984, the section of the RUC report on Holroyd dealing with John Francis Green was sent to Garda Headquarters. Having summarised Garda evidence in relation to the British Army vehicle, the report stated that the RUC had requested British Army Major Stephen Saunders to conduct internal enquiries regarding the vehicle:

“Major Saunders produced a photocopy of a page from an Army record of Tax application... From this document it will be seen that that vehicle in question was allocated to 3 Royal Tank Regiment.

Further enquiries regarding the use of this vehicle at the time in question have been made from 3 RTR and from a statement made by Captain David Ian Vicars it will be seen that no records are available relating to this vehicle. He states that records are normally destroyed after 5 years.

The RUC report did not refer to the Army car in its conclusions, but stated:-

“No evidence has been found to corroborate Holroyd's allegations that Captain Robert Nairac or any member of the Security Forces was involved in Green's death.”

Photographic evidence:

Holroyd told the RUC that the Polaroid photograph obtained from Nairac was in one of his scrapbooks, held by his second wife, Beverley Jane Bridger, in Zimbabwe. In February, 1983, Miss Bridger was asked to tear the page containing the photograph from the scrap book and post it to Holroyd's solicitor. According to the RUC report, the scrap book page arrived with a number of photographs attached - of PIRA weapons and of John Francis Green (alive). Also attached was a Polaroid photograph of Green's body.

At a meeting in PSNI Headquarters, Belfast on 14 October 2003, the Inquiry were shown the scrapbook page, together with a polaroid photograph of Green which had clearly been attached to the page at one point. Written on the back of the photograph was the following:

“John Francis Green – murdered by the PIRA during the Jan 75 truce.”

On the scrapbook page itself was written:

“JOHN FRANCIS GREEN interned in Long Kesh on criminal charges – escaped disguised as a priest... He went on the run to Eire from where he was active against the SF on the border.
Found assisinated [sic] by the Garda in a farm near Castleblayney – evidence suggests the IRA were the murderers in an internal feud.
9mm and .38 automatics used.
- later found to have been shot by UVF.”

Concerning the photograph allegedly given to Holroyd by Nairac, two issues arose. Firstly, could the photograph have been taken by the person who killed Green? Secondly, how could Nairac have come to possess it?

As to the first question, the RUC obtained a report from Dr Richard Wynne Adams, Forensic Laboratory, Scotland Yard which analysed the clotting, flowing directions and discolouration of the blood in the photograph. He concluded:-

“From tests I have carried out I am satisfied that the colour Polaroid in DWK3 could not have been taken less than half an hour after the flow of blood from the body in the photograph.”

Dr. Adams also examined photographs taken by Garda D/Sgt Stratford on the morning following the Green murder. He was of the opinion that there were no significant differences in the degree to which the blood had dried onto the floor and face, and also in the extent to which blood serum had been expressed from the blood clot on the floor [sic]. He concluded by saying:

“As these processes are time dependent it is likely that the photographs were taken at not greatly different times.”

An explanation as to how the photograph may have come into the possession of Nairac was given by RUC D/Sgt Coid. In his statement dated 17th May, 1983, he said that at the particular time he was the Special Branch Sergeant at Portadown. Members of the Gardaí had shown him photographs of the murder scene and given him details of the calibre of the weapons used. He was also given a Polaroid coloured photograph of Green's dead body as a memento because of his interest in the Green murder.

D/Sgt Coid said that very soon after Green's death, it became almost common knowledge throughout the UVF/UDA elements in Portadown that the Green killing had been the result of a UVF operation, although their original target had been the farmhouse owner, an elderly man called Carvill. From their perspective, the shooting of Green was an unexpected bonus.

The UVF in fact claimed responsibility for “executing” Green in the June 1975 issue of its magazine, *Combat*.

He said that he had the photograph in his possession for several weeks following the murder. He then recalled giving the photograph to someone with whom he was closely associated in his work. He presumed that he had given it to Holroyd who was well known to have more than a passing interest in collecting articles for inclusions in scrapbooks.⁶ However, he thought he might equally have given the photograph to Nairac who was a regular visitor to his office for duty purposes and also a close personal friend.⁷

In the view of the RUC investigation team, Holroyd's suggestion that he had been given the photograph by Nairac was discredited by the fact that he had written on the back of the photograph, “John Francis Green - murdered by the PIRA during the January 1975 truce”.

Holroyd was re-interviewed by the RUC on 23rd May, 1983, and confronted with the findings of Scotland Yard and the statement of D/Sgt Coid. When asked did he still believe Nairac had murdered Green, he said that he did not have the same conviction but was still not convinced that he had not done so. Later in the same interview he said that the evidence he had been shown would indicate that what he had believed all along was not correct.

⁶When the Commission interviewed Holroyd at his home, he produced approximately 80 such scrapbooks, dating from his time in Northern Ireland to the present.

⁷D/Sgt Coid also said that on another visit by Gardaí some days after the first, they gave him photographs of the contents of Green's Volkswagen car and photostat copies of documents found in a hidden compartment in the rear seat. The documents consisted of a list of IRA suspects obviously from a British Army source, together with lists of expenses probably incurred by Green in his role as IRA Intelligence Officer. He said that these photographs and documents were made available to Holroyd to enable him to investigate how the British Army documents came into Green's position. In his own statement, Holroyd had referred to having seen some of these items either at Mahon Road Army Camp or Portadown Police Station.

The RUC report of its investigations into Holroyd's allegations was completed in the spring of 1984. The section which dealt with the murder of John Francis Green was forwarded to An Garda Síochána on 18 May 1984. In it, reference was made to a statement given to the RUC enquiry by Garda D/Sgt Stratford, the officer who took the official Garda photographs of Green's body. In this statement, Stratford said he had arrived at scene at 11.07 a.m:

“I took a number of photographs inside and outside the house. I have no recollection of taking Polaroid photographs.”

He then stated:

“I have been shown a colour Polaroid photograph by Detective Inspector R. Mack, marked exhibit DWK 3.... I am 95% sure I took this photograph.”

Against D/Sgt Stratford's near-certainty should be placed the fact that in his first statement, made during the original Garda investigation into the murder, he made no mention of having taken any Polaroid photographs:

“I took a number of photographs inside and outside the house. Later that day, I went to Monaghan Hospital where Doctor John Harbison was carrying out a post mortem examination of the [sic] of John Green. I took some photographs there. On returning to the Technical Bureau I developed all the negatives and made photographic enlargements from them. I put the enlargements of the photographs taken at the house into an album, exhibit “___” [sic]. I attached an index to the album. I put the enlargements of the photographs I took at the post mortem into another album. I have this album and all the negatives in my possession and will produce them if required.”

Stratford's statement to the RUC also conflicts with what he told Garda D/Supt Murphy in the course of his investigation into Holroyd's allegations. In his report dated 16th March, 1983, D/Supt Murphy wrote:

“Detective Sergeant William Stratford of the Photographic Section, Garda Technical Bureau, who completed the photographic examination of the scene has compared this photograph - referring to the Polaroid photograph provided by Holroyd, with his film taken at the scene and he is satisfied that the photograph of the victim attached was not taken on film by him.”

This apparent change of opinion was explained by D/Sgt Stratford in a report dated 11 May 1984, which was made during the course of another Garda investigation into Holroyd's allegations, conducted by D/Insp Culhane. Regarding his interview with D/Supt Murphy “some weeks before 19 May 1983”, Stratford said:

“I told him it was very likely that I had taken the photograph, but I had no recollection of taking Polaroid photographs. I also told him I could not swear I had taken the photograph.”

He added:

“On looking at the photographs in the album I can now recollect having my Polaroid camera case in the room after I took the black and white photographs. It was normal practice for me to take Polaroid photographs of murder scenes and give them to a member of the investigation team. I would usually take an average of 8 Polaroid photographs. I am not in possession of any Polaroid photographs of this scene now.”

Turning to an examination of the Holroyd photograph, he stated:

“The size of the Polaroid photograph... was in keeping with the camera I would have had with me on the occasion. The blood pattern around the body in this photograph, I recall, was similar to that in my black and white photograph. This would suggest it was taken about the same time and almost certainly not immediately after the shooting.”

A further, unexpected development took place on 25th May, 1984. D/Gda Martin Dermott was cleaning and tidying the storage area of the Television and Technical Support Section of the Garda Technical Bureau when he came across two Polaroid photographs of a man lying in a pool of blood. The two photographs had fallen from a book on lock-smithing which was being filed away. He was of the opinion that the photographs had been in the book for some considerable time as they were old reference books not used recently by the staff in the Section. He handed the photographs over to a D/Sgt McConagle on 26th May in case they referred to some old case and were required.

These photographs were shown to D/Sgt Stratford on 29th May, 1984 by D/Insp Culhane. Both were similar to the Polaroid photograph produced by Holroyd. The colour batch number on the back of the two photographs was F46K-371 - the same batch number as on Holroyd's photograph. A pack of Polaroid film produced 8 photographs, numbered 1-8. The two photographs found were numbers 3 and 6; the Holroyd photograph was numbered 7. According to D/Sgt Stratford, numbers 6 and 7 were taken from the same angle and were almost identical. Photograph number 6 was not properly exposed and lacked proper colour balance.

He said that it was his normal practice when taking Polaroid photographs to correct the exposure and take another photograph where necessary. The better exposed photographs would be given invariably to the investigation staff. Acceptable quality rejects would be kept by him and the remainder destroyed. When he was originally shown Holroyd's photograph he checked his file but there were no Polaroid photographs in it.

D/Sgt Stratford said that film Batch No. F46K-371 was manufactured in Scotland and that less than 800 packs of eight exposures each were made bearing this number.⁸ He received this information from a telephone call to the manufacturers. He was also told that approximately half that number had been exported to the State.

One further piece of evidence relating to these photographs is to be found in the RUC report dated 17 May 1984. At paragraph 707 the report states:

“D/Superintendent Raymond White was a Detective Inspector in Special Branch attached to Lurgan Police Station at the time of the Green murder. He recalls seeing Polaroid photographs of the murder scene and of the deceased. He said that these photographs, about eight in number, were furnished by the Gardaí who were then conducting enquiries into possible UVF involvement. When shown the relevant photograph, DWK3 - presumably Holroyd's photograph - on 19th May, 1983 by D/Inspector Mack, the Superintendent said it was similar to the photograph which had been circulating within Police circles just after Green's murder.”

Taking all the above into account, the Inquiry is satisfied that the photograph in Holroyd's possession was taken by D/Sgt Stratford, and passed to Holroyd either by D/Sgt Coid or by Captain Robert Nairac.

Garda investigation, 1984:

D/Insp Culhane identified “two major issues” in Holroyd's allegations concerning Green:

- “(a) That shortly after Green's murder, Captain Nairac told Holroyd that it was he who shot Green and afterwards took a colour Polaroid photograph of Green. Holroyd states that Nairac gave him that photograph which he retained until he handed it over to D/Supt Caskey, RUC in 1982.
- (b) That after the shooting, he (Nairac) placed an empty 9 mm cartridge on Green's forehead”.

Regarding the photograph, he recounted the statements of D/Sgt Stratford that “he now recollects having a Polaroid camera in the room”, and that he told D/Insp Mack “he was 95% sure” he had taken the Polaroid photograph. He mentioned the discovery of two additional Polaroid photographs on 25 May 1984, and that he had shown them to D/Sgt Stratford on 29 May 1984. He quoted from the aforementioned RUC Special Branch officer's statement in which he remembered having the photograph in his possession for

⁸Report of D/Sgt William Stratford, dated 30 May 1984.

several weeks after the murder, and his assumption that he had given the photograph either to Holroyd or Nairac. D/Insp Culhane concluded:

“In our opinion it is a reasonable assumption to make that the photograph Holroyd alleges was taken by Robert Nairac immediately after he shot J.F. Green was in fact taken by D/Sgt W. Stratford, Photographic Section, Garda Technical Bureau.”

With regard to the cartridge allegedly placed on Green's forehead, D/Insp Culhane referred to the statement of D/Sgt Niland, who outlined the position of cartridges found at the scene:

“None was found on Green's forehead, but there was a spent case on his chest. D/Insp Niland did find a spent case on the floor among the blood and close to the right side of Green's neck. Had this cartridge rolled off from its original position on the forehead, one would expect it to have lodged in the blood-matted hair of his face, or in the blood pool close to his ear.”

D/Insp Culhane continued:

“Other matters stated to [Holroyd] by Nairac refer to: use of two guns, forcing of door, and documents found in Green's car. These matters are accurate and [are] contained in the investigation file. If Nairac did not relate these matters to Holroyd then the conclusion could be drawn that he collected the information from the Investigation file, obtained by him through the RUC.”

D/Insp Culhane did not refer to the presence of a British Army vehicle in the area, as mentioned in the original Garda investigation report.⁹ Although not mentioned by Holroyd, this does lend oblique support to his assertion that members of the Security Forces were involved in the murder of Green.

Garda investigation, 1987:

As in 1984, D/Supt Culhane was asked to report on Holroyd's allegations concerning the murder of Green. He began by quoting the conclusion of the original Garda report of 1975 to the effect that the investigation had not even provided enough evidence for an “educated guess” as to who was responsible for the murder. He commented:

“To date, the position does not appear to have changed one iota.”

He continued:

⁹See above

“This alleged statement made by Nairac to Holroyd that he carried out the assassination on John Francis Green with two other chaps will never be discounted as Nairac is dead. However, several other matters arising from the allegations can well and truly be discounted....”

Regarding the photographic evidence, D/Supt Culhane referred to his report of 1984. He added that on 30 March 1987 he had spoken to Dr T. Creedon, Forensic Science Laboratory and Dr J.F. Harbison, State Pathologist:

“The latter states that it would be difficult to establish what time the photograph was taken but in his professional opinion having regard to the flow of blood down lower on the body, it could possibly take a considerable amount of time, possibly up to 30 minutes.”

Referring to Holroyd's statement on the 'Talkback' programme that the window of the house showed blackness outside, and that the Gardaí had not arrived until daylight because of the risk of mines; D/Supt Culhane wrote:

“From a study of the Polaroid photograph allegedly taken by Nairac, there is no doubt but same was taken from inside the house and there is no apparent blackness, nor is there a window as alleged by Holroyd which again discounts Holroyd's statement.

Regarding the reference made by Holroyd, that the Gardaí stayed away until daylight, because they were afraid of mines, [this] can be completely refuted because (i) Gardaí visited the scene within minutes of the first report, (ii) medical and spiritual attendance was rendered to deceased at the scene that night under Garda supervision, (iii) preservation of the scene was prevalent from the arrival of the first member to the scene until the following morning when a technical support team arrived, and (iv) records at Castleblaney Garda Station show that Garda E. Donlon was on border patrol on the night in question between 2 pm and 10 pm. He states that at no stage was he approached by his authorities or anybody else to stay away from a particular area. D/Garda V. Heavin was also on duty in the sub-district and he too says he had no such instructions.”

Regarding the ballistic evidence, D/Supt Culhane referred to Holroyd's 1982 statement, in which he had said that the weapons used were a 9mm Browning and a pistol; and his allegation that Nairac had shown him a security cabinet at Castledillon which contained 9mm Browning barrels, unregistered, for use in clandestine operations.

Having pointed out that the weapons used were in fact a Luger semi-automatic and a Star Pistol, D/Supt Culhane referred to a statement of D/Insp M. Niland, Ballistics Section, dated 1 April 1987, in which he stated:

“It is a simple task to remove the barrel from a Browning pistol and replace it with another Browning barrel. However, it cannot be replaced with a barrel from

a different make of pistol such as a Luger pistol, as the dimensions and methods of attachment of barrels are different in all makes of pistols and so it can only be replaced with a barrel from a Browning pistol of the same type.

If a barrel was replaced with another similar barrel and used in a crime, then the land and groove markings on the bullet would be different and it would not be possible to identify it as having been discharged from the pistol if the original barrel was then replaced.

However, as the Browning pistol is semi-automatic in operation, it will eject the spent cartridge cases and these can be identified as having been fired in the pistol through the firing pin, breach face and extractor marks.

To make a Browning pistol unidentifiable after a crime it would be necessary to replace not only the barrel, but also the slide which houses the breach face, firing pin and extractor.

The replacement of a Browning pistol with another similar barrel does not affect the functioning of a pistol or the extraction and ejection of the spent cartridge cases and so there would be no need to 'push up the empty cases' as stated in Holroyd's statement."

D/Supt Culhane also referred to an allegation by Holroyd that Nairac and his accomplices had watched Carvill's house from a house on the Northern side of the Border. He pointed out that this would have been impossible, as Carvill's house was not visible from the Border. However, Holroyd did not in fact make such an allegation. It is a misinterpretation of his statement to the RUC dated 15 December 1982, in which he said that Nairac had told him "they had watched Green through the window of a house over the border which they had approached on foot." Clearly, he meant no more than that they had observed Green through the window of Carvill's house.

In conclusion D/Supt Culhane wrote:

"John Francis Green Murder

The main allegations by Holroyd in this case were -

- (a) observation by Captain Nairac on Carvill's house from a house on the northern side of the Border;
- (b) assassination carried out with 2 pistols, one of which was a Browning;
- (c) photograph allegedly taken by Nairac immediately after the assassination of one John F. Green;
- (d) the freezing of the area by members of our Security Forces during the assassination.

As can be seen from our investigation into the above case, there is absolutely no substance whatsoever in these allegations made by Holroyd."

Notwithstanding this view, the Minister for Justice requested that Holroyd be interviewed by Gardaí. One of the matters raised during that interview was the murder of Green.

Holroyd told Gardaí that he had come into possession of a photograph of Green some months before his murder. He had it enlarged and distributed, and believed that from that time on Green was placed under surveillance by 4 Field Survey Troop (led by Captains Ball and Nairac). He said he met with Nairac and another officer from Nairac's unit approximately 5-7 days after Green's death at Mahon Road Army Camp.¹⁰ It was then that Nairac told him he and two unnamed others had killed Green, and gave him the Polaroid photograph.

As on the 'Talkback' radio programme¹¹ Holroyd said that the photograph "showed quite clearly that it was pitch black outside the window adjacent to the body." He continued:

"Nairac described to me how three of them had driven to the location in a white car. He mentioned a narrow lane with high hedges. He said one person stayed with the car.... They knew that there would be somebody there with Green, an old man who would leave at a certain time. They watched the old man leave and then Nairac described how they had kicked the door down and emptied the contents of two hand guns into John Francis Green. Nairac said that one was an automatic pistol and the other was a revolver. Nairac described how before he left he placed an empty cartridge case on the man's forehead as a 'signature' or 'trade-mark'."

From police photographs seen by the Commission, it is clear that the body was adjacent to the window. But the window is not visible in the Polaroid photograph obtained by the RUC from Holroyd's scrapbook.

ALLEGATIONS OF JOHN WEIR

In his statement of 3 January 1999, former RUC Sgt Weir claimed to have information that Green had been killed by Robert McConnell (UDR) and Robin Jackson (UVF).

Some years previously, he told journalist Liam Clarke of information received from a named UVF source which said that Nairac had been with the killers on the operation:

"The men who did that shooting were Robert McConnell, Robin Jackson and I would be almost certain, Harris Boyle who was killed in the Miami attack. What I am absolutely certain of is that Robert McConnell, Robert McConnell knew that

¹⁰ This appears to conflict with his statement to the RUC dated 15 December 1982, in which he said that he met Nairac at Mahon Road Army Camp about five weeks after the death of Green.

¹¹ Radio Ulster, 27 February 1987.

area really, really well. Robin Jackson was with him. I was later told that Nairac was with them. I was told by... a UVF man, he was very close to Jackson and operated with him. Jackson told [him] that Nairac was with them.”

INFORMATION RECEIVED CONCERNING CERTAIN WEAPONS

In the course of its work, the Inquiry requested ballistic information from the PSNI relating to any guns known to have been used in more than one incident and which involved members of the mid-Ulster UVF. On 30 November 2001, a ballistic report was received from the PSNI in relation to “weapons used in more than one incident and attributed to loyalists in the mid-Ulster area.” The Inquiry had already received certain information regarding guns used in the shooting of John Francis Green on 10 January 1975.

The ballistic evidence which the Inquiry has seen shows an unbroken chain from gun to gun, commencing with the attempted murder of J. Turley on 10 March 1973, and continuing to the shooting of a man named McNeice at Loughgall on 25 July 1976. Other offences involving the guns in the chain were the attack on Donnelly's bar, Silverbridge on 19 December 1975, the shooting of members of the Reavey family on 4 January 1976, the murder of Farmer and McCartney on the 24th August 1975 and the attack on the Rock Bar, Tassagh in June 1976.

The evidence received by An Garda Síochána in 1984 shows that a Spanish Star pistol used in the murder of John Francis Green on 10 January 1975 had previously been used in the attempted murder of J. Turley on 10 March 1973 and a shooting incident at 219 Redland Road, Loughgall on 24 March 1973. The gun when used in the murder of Green had a new barrel from that used in the two shooting incidents in 1973. Following the murder of Green, it was used again with the second barrel in the shooting of D. and M. Trainor on 1 April 1975, one of whom was killed. It was subsequently found on the lands of a part-time member of the UDR in August 1979. He was subsequently convicted of membership of the UVF.

This Spanish Star pistol is connected to a Luger which was also used in the killing of John Francis Green. This Luger was subsequently used in the murder of members of the Miami Showband in July 1975, and was subsequently found on 18 May 1976 on the premises of Edward Tate Sinclair, a suspected UVF member.

The Luger is connected to a .38 ACP Colt pistol, found at the same time as the Luger on the premises of Sinclair. This Colt pistol was used in the fatal shooting of Peter and Jenny McKearney on 24 October 1975.

It in turn is connected with a 9mm Stirling Sub-machine gun, also used in the fatal shooting of Peter and Jenny McKearney. This latter sub-machine gun was used in several other shootings, including the attack on Donnelly's Bar, Silverbridge on 19 December 1975 and the shooting of members of the Reavey family on 4 January 1976.

This latter gun is again in turn connected with three other guns used in the murders of those members of the Reavey family.

The first was a 9mm Luger used also in the murder of John Farmer and Colm McCartney on 24 August 1975, and in the shooting at the Rock Bar.

The second was a .455 Webley revolver, used in the shooting of the members of the Reavey family, as well as in the murders of Farmer and McCartney.

The third was a 9mm Parabellum SMG, used also in the shooting at the Rock Bar, Tassagh.

The evidence obtained by An Garda Síochána in 1984 suggests the existence of collusion between a member of the UDR and those using the Spanish Star pistol of which he had been the owner. On 9 August 1983, Detective Sergeant Michael Niland, a Garda ballistics expert, reported to Detective Chief Superintendent Murphy of the Technical Bureau that he had received information from an RUC officer that the UDR member, former owner of the Spanish Star pistol was about to be arrested. This RUC officer believed that the arrest would lead to the solving of John Francis Green and that someone would shortly following the arrest of the UDR man be charged with that murder. This belief was not realised.

Save in relation to the Spanish Star pistol, the information received by An Garda Síochána did not purport to state by whom the guns had been used. It was otherwise with the information supplied to the Inquiry. The use of the guns was attributed either to loyalists, PIRA or not known.

There was a third gun, a 9mmP sub-machine gun used in the murder of Peter and Jenny McKearney. Its use on that occasion was attributed to loyalists as well as the use of the other two guns. However, the use of this gun on three occasions between February and April 1979 was attributed to the PIRA. No suggestion was made as to how this weapon might have come into the hands of this organisation. There is no other attribution in the information supplied pointing to the PIRA.

On three occasions the attribution was not known. Of these three occasions one related to the shooting of T. McAliskey at Corr, Coalisland on 4 August 1973, even though its use the following day in the murder of F. Mullen is attributed to loyalists.

Another gun used in the murder of F.Mullen was shown to have been used by loyalists four times between 17 January 1974 and 11 April 1975.

The other two uses whose attribution was marked not known, both related to guns used at a shooting at Dundalk Road, Newtownhamilton on the 8th December 1974. One of these also used on 24 August 1975 in the murders of Farmer and McCartney was attributed to loyalists. The other gun had also been used in a shooting on 3 September 1974 as well as subsequently in the murders of Farmer and McCartney, the murders of the Reavey brothers, as well as the attack on the Rock Bar. All of these uses were attributed to loyalists.

All this information leads strongly to the conclusion that there were one or more groups operating in Northern Ireland involving not only loyalist paramilitaries but also members of the RUC and of the UDR, and using weapons obtained from some central quartermaster to whom the guns were returned after use.

Among the evidence obtained following the arrests in December 1978 was an allegation that one of those involved would have been responsible for obtaining the guns after they had been used in any particular attack, and returning them to where they were kept. Other information obtained at the same time suggested that whoever the quartermaster may have been, the guns may have been kept at James Mitchell's farm at Glenanne.

BIOGRAPHICAL DETAILS OF THE VICTIMS OF THE DUBLIN AND MONAGHAN BOMBINGS

Patrick Askin (44): Forestry worker, married, Glaslough, Co. Monaghan. Killed in the Monaghan bomb. Survived by his wife, Patricia and four young children: sons Paul and Patrick, aged 6 and 7 and two-year-old twin daughters, Sonia and Sharon.

Josie Bradley (21): Civil Servant, single, Coolfin, Kilcormack, Co. Offaly. Killed in Talbot Street, Dublin. Survived by her parents, May and Chris, twin sister, Marian and eight other siblings.

Marie Butler (21): Temporarily employed as a shop assistant at Clery's while awaiting a nursing place at Sir Patrick Dun's Hospital, single. Viliertown, Cappoquin, Co. Waterford. Killed in Parnell Street, Dublin. Survived by her mother, Mary.

Anne Byrne (35): Housewife married, Donaghmede, Dublin. Killed in Talbot Street while on a shopping trip. Survived by her husband, Michael, and two children: Michelle aged 8 and Trevor, aged 4.

Thomas Campbell (52): Agricultural worker, single, Silverstream, Co. Monaghan. Killed in Monaghan. Survived by his mother and sister, Mary, also two stepsisters. His mother never recovered from the shock of his death and died six weeks later.

Simone Chetrit (30): A French citizen visiting Ireland with a number of other French students on an English language course. She was due to return to her home in Paris the following morning. She was single and was survived by her parents, brothers Elie, Maurice, Marcel and Albert and sister, Yvette. She was killed in Talbot Street.

Thomas Croarkin (36): Agricultural worker, single, Tyholland, Co. Monaghan. Seriously injured in Monaghan and survived until 24th July, 1974 when he died in the Richmond Hospital, Dublin. Survived by his mother and seven siblings.

John Dargle (80): John was a pensioner, who lived alone at Portland Row, Ballybough, Dublin. It seems he had served in the British Army and was working at the Corporation Fruit Market in Dublin. He was killed in the Parnell street bombing.

Concepta Dempsey (65): A shop-assistant at Guiney's, Talbot Street, Concepta was single, and lived at Chord Road, Drogheda, Co. Louth. She was seriously injured in Talbot Street and survived until 11th June when she died in the Mater Hospital. She was survived by five nieces and nephews: Vincent, Deirdre, Gertie, Raymond and Aidan.

Collette & Baby Doherty (21): Colette ran a shop in Sheriff Street with her husband John. She was nine months pregnant when she was killed in Talbot Street. She was survived by her husband, John, daughter, Wendy, aged 22 months, her parents, Michael and Winifred and siblings. Wendy was with her when she was killed and was found wandering an hour later, relatively unharmed.

Patrick Fay (47): He was employed in the GPO, married, a native of Ardee, Co. Louth, he lived in Artane, Dublin. He was survived by his wife, Maura and only son, Pat, who had moved to live in London. He was killed in Parnell Street, having just filled his car with petrol at Westbrook Motors.

Elizabeth Fitzgerald (59): She had lived with her husband, Christopher in Phibsborough. Both were injured in the Talbot Street bombing. She survived until 19th May 1974, while her husband, Christopher, recovered in the Mater Hospital.

Breda Grace (35): Married, housewife and living in Portmarnock, originally from Tralee, Co. Kerry. She was survived by her husband, Tim and 12 month-old son, Edward. Breda was killed in Talbot Street.

Archie Harper (73): An active man who still ran a farm and family pub in his native Co. Monaghan. He was survived by his wife and only daughter, Iris. He was injured in the Monaghan bombing and died on the following Tuesday night, 21st May, at 11.45pm.

Antonio Magliocco (37): Italian citizen. Restaurant owner, survived by his wife, Anna, and three young children, Tommassino, Corrado and Marinella. He was a native of Casalattico, near Cassino, in Italy. He was killed instantly in the explosion in Parnell Street, while visiting his brother Mario's restaurant. His wife and family moved back to Italy a number of years after his death, but his brothers and sisters remained in Ireland.

May McKenna (55): Originally from Monaghan and Dungannon, Co. Tyrone, but lived in Talbot Street (over O'Neill's Shoe Shop). She was employed at Clery's. She was survived by her sister, Margaret McNicholl, brother-in-law and three nephews. May was killed instantly in the Talbot Street explosion.

Anne Marren (20): Worked in Department of Posts and Telegraphs in Hawkins Street. She was a native of Lavagh, Ballymote, Co. Sligo. She was survived by her father, two sisters and two brothers. Anne was killed in the Talbot Street explosion.

Anna Massey (21): Worked a Lisney's Auctioneers and from Sallynoggin, Dublin. Anne was the eldest of seven girls and was a twin. She was survived by her parents, Frank and Annie, and sisters. She was engaged to be married and her wedding was due to take place in July 1974. Anna was killed in the South Leinster Street explosion.

Dorothy Morris (57): Employed at Cadbury's, Dorothy had five siblings and lived all her life in Kimmage with her mother and sister, Georgina. She was killed in the Talbot Street explosion.

O'Brien Family – John O'Brien (24), Anna O'Brien (22), Jacqueline (17 mths) & Anne-Marie (5 moths): Lived in Gardiner Street, originally from Finglas. John worked in Palm Grove, the ice-pop factory. This entire family was wiped out in the Parnell Street explosion.

Christina O'Loughlin (51): Worked in the Shelbourne Hotel as a French polisher. Resided in Townsend Street, Dublin. She was survived by her husband, Kevin and two adult sons, Kevin Junior and Pius. Christina was killed in the South Leinster Street explosion.

Edward John O'Neill (39): Self-employed painter and decorator who lived in Dominick Street with his wife, Martha and five children: Denise, Angela, Billy, Edward, Jr., and Niall. Edward was killed and his two young sons were seriously injured in the Parnell Street bombing. His wife gave birth to a stillborn daughter three months after his death.

Baby Martha O'Neill (stillborn): Stillborn child of Edward and Martha O'Neill, born in August 1974.

Marie Phelan (20): Worked in the Civil Service. Originally from Ballyvoreen, Woodstown, Co. Waterford and living in Dublin. Survived by her parents, Kitty and Billy, and brothers, Pat and Anthony. Marie was killed in the Talbot Street explosion.

Siobhán Roice (19): Worked in the Civil Service. Originally from Thomas Street, Wexford Town and living in Dublin. She was survived by her parents, Johanna and Edward, sisters Aileen and Elizabeth and brother James. Siobhan was killed in the Talbot Street explosion.

Maureen Shields (46): Originally from Hollyford, Co. Tipperary, Maureen moved to Dublin where she worked in the Civil Service until her marriage to Leo in 1953. They had one son and two daughters. Maureen was killed in the Talbot Street explosion.

Jack Travers (28): Self-employed, single and from Park Street, Monaghan Town. Jack still lived with his family and was very athletic. He was engaged to be married. Survived by his parents, brother Jim, sisters and fiancée. Jack was killed in the explosion in North Street, Monaghan.

Breda Turner: Worked in the Civil Service, in the Income Tax Office, she was engaged to be married the following Easter. Originally from Thurles, Co. Tipperary, she had moved to Dublin and was survived by her parents, Bidy and Jimmy, and brother and sisters. She was killed in the Parnell Street explosion.

John Walshe (27): Single, from Crumlin, Dublin. He was survived by his father and mother, sisters Anne and Mary and girlfriend Joan. He was killed in the Talbot Street explosion.

Peggy White (45): Part-time restaurant worker. She was survived by her husband, Joe, a daughter and three young sons. She lived in Belgium Park, Monaghan town. Peggy was injured in the bomb in North Road, Monaghan town and died on the night of the bombing.

George Williamson (72): A bachelor farmer from Castleshane, Co. Monaghan. George was survived by his sister. Margaret and two brothers, Isiaiah and Jesse, as well as nieces and nephews. He was killed in the explosion in North Road, Monaghan.

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