



Tithe an Oireachtais

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

**An Tuarascáil Deiridh maidir leis an Tuarascáil ón gCoimisiún
Fiosrúcháin Neamhspleách faoi Bhuamáil Bhaile Átha Cliath i 1972
agus i 1973**

Feabhra 2005

Houses of the Oireachtas

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

**Final Report on the Report of the Independent Commission of
Inquiry into the Dublin Bombings of 1972 and 1973**

February 2005



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Chairman's Preface

At the outset, the Sub-Committee wishes to commence this Report by expressing again its deepest sympathy with the victims and relatives of the victims of the Dublin Bombings of 1972-73 and all the other atrocities occurring during the Troubles.

The Sub-Committee was particularly touched by the intense trauma and feelings of abandonment experienced by the victims and relatives in the years since the 1970s. In particular, credit is due to all those persons affected by the atrocities who have not had the benefit of direct support or counselling until the establishment of Justice for the Forgotten.

A total of eight innocent people died as a result of the explosions. Many more were injured. We have heard submissions made by some of the victims and their relatives. Their contributions will remain in our memories for a long time.

We would like to thank all those persons who appeared before the Sub-Committee, in particular the victims and relatives who gave of their time so generously. We hope that the process of holding these hearings as part of the consideration of the Report by the Independent Commission of Inquiry goes some way towards assisting the victims and relatives in dealing with their ongoing grief and suffering.

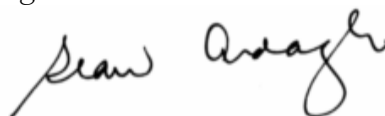
The Committee is indebted to Hugh Mohan S.C. and Paul Anthony McDermott B.L. for their pro-active role in advising and assisting the Committee. Credit is also due to the many persons on the staff of the Oireachtas who have spent long hours on the organisation and secretarial backup to whom we are very grateful.

The Joint Committee on Justice, Equality, Defence and Women's Rights hereby adopts as a report of the Joint Committee, the Report of the Sub-Committee on the Barron Report in accordance with the resolutions of Dáil Éireann and of Seanad Éireann dated 16th and 17th November 2004.

In adopting the report of the Sub-Committee, the Joint Committee wishes to emphasise that all views expressed by the Sub-Committee in the report and all conclusions drawn and recommendations made therein are those of the Joint Committee.

We commend this report to the Houses of the Oireachtas.

Signed

A handwritten signature in black ink, appearing to read 'Seán Ardagh', written in a cursive style.

Mr. Seán Ardagh T.D., Chairman of the Joint Committee on Justice, Equality, Defence and Women's Rights, 16th February 2005.

Sub-Committee on the Barron Report on The Dublin Bombings of 1972 and 1973

MEMBERSHIP

Deputies



Sean Ardagh
(Chairman)
(FF)



Joe Costello
(LAB)



Máire Hctor
(FF)



Finian McGrath
(Techn.Grp)



Gerard Murphy
(FG)



Sean O Fearghaíl
(FF)

Senators



Jim Walsh
(FF)

** Senator Tony Kett was replaced by Senator Jim Walsh as a Member of the Sub-Committee by agreement of the Joint Committee at its meeting held on Monday 24th January, 2005.*

Chapter One

INTRODUCTION

- 1) The Sub-Committee wishes to commence this report by expressing its deepest sympathy with the victims and relatives of victims of the Dublin bombings of 1972 and 1973 and of the other atrocities that occurred in the State from 1970 to 1974. The Sub-Committee acknowledges the great suffering that has been endured by both the victims and their families. In many cases this suffering is ongoing and we hope that the publication of the second Barron report, the hearings which were conducted by the Sub-Committee and the publication of this report will help in some small way to alleviate the grief these individuals have suffered over the years.
- 2) On 16th and 17th November 2004 respectively, the Joint Committee on Justice, Equality, Defence and Women's Rights was asked by Dáil Éireann and Seanad Éireann to consider the report of the Independent Commission of Inquiry into the Dublin bombings of 1972 and 1973. This Sub-Committee was established for that purpose and was asked to consider the report in public session in order that the Joint Committee could report back to Dáil Éireann and Seanad Éireann by 16th and 17th February 2005 concerning any further necessary action. This is its report.
- 3) The Sub-Committee believes it is important that the Oireachtas can and does inquire into matters of great public concern, such as the Dublin bombings of 1972 and 1973, and the other atrocities from 1970 to 1974. It also believes that the Oireachtas is an appropriate forum where efforts should be made to find the truth at the heart of matters of great concern. The Sub-Committee, as Members of the Oireachtas, has been elected by the People and, as such, its members must act as their public representatives in matters of public importance. The Oireachtas is a unique forum which is widely recognised and reported on by the media. In the Oireachtas an informed citizen's approach can be taken in respect of hearing, examining and inquiring into important public matters, albeit with legal and procedural advice. The Sub-Committee thanks TG4 in particular for the live broadcasting of its proceedings. The Sub-Committee believes that this broadcasting was in the public interest and that TG4 is to be commended for the interest it has shown in these proceedings.
- 4) It should be noted that in the course of its work the Sub-Committee was bound by its very precise orders of reference. In particular, the Sub-Committee is not conducting an investigation of its own into the terrible events that happened from 1970 to 1974, nor is it seeking to apportion guilt or innocence to any person or body. It has neither the jurisdiction nor the legal authority to perform any such function. It is also not the function of this Sub-Committee to make any findings of fact.
- 5) The Sub-Committee notes that a number of well-informed individuals, who have assisted the Sub-Committee, believe it may be possible to ascertain the identity of those involved. A number of such individuals who have come

before the Sub-Committee now and in the past have also expressed their belief that collusion occurred. The Sub-Committee notes the lack of co-operation that Mr. Justice Barron received from the Northern Ireland Office and the British Authorities. The Sub-Committee met with the same difficulty. Correspondence was sent to the Secretary of State for Northern Ireland and to other current and former office and titleholders in Northern Ireland and Britain. Unfortunately, no adequate response has been received to date. The two issues are linked in so far as it was the inability of Mr. Justice Barron to obtain original documentation from Northern Ireland and Britain that made it difficult for him to address the issue as to who the perpetrators were and whether there was collusion.

- 6) As in its first report, the Sub-Committee acknowledges the sense of isolation that the victims and families have experienced due to the inactivity on the part of former Governments and State agencies over the years in relation to the matter.
- 7) A total of eight innocent people died as a result of the explosions and murders, which are referred to in the report of Mr. Justice Barron. Many more were injured. The Sub-Committee heard submissions made by their relatives and some of the persons who were injured. The Sub-Committee will not forget them. Those who died were:

Mr. Thomas Duffy
Mr. George Bradshaw
Mr. Thomas Douglas
Ms. Geraldine O'Reilly
Mr. Patrick Stanley
Ms. Bríd Carr
Mr. Oliver Boyce
Ms. Bríd Porter

- 8) An insight into the nature of the atrocities which were perpetrated on the streets of Dublin and other towns is evident from the account given to us by Mr. Pat Morrissey who survived the bomb of 1 December 1972 in Sackville Place. He described the explosion as follows:

I was a distance of 30ft to 35ft away from the actual car bomb. The shock was really something devastating; it was like a KO punch. I was floored to the ground. I was dazed and shocked for some time. I then noticed I had a piece of metal shrapnel lodged in my left ribs which were bleeding.

It is accounts such as this, which have highlighted the gravity of the work that we are engaged in.

Chapter Two

THE BACKGROUND TO THE REPORT OF THE INDEPENDENT COMMISSION OF INQUIRY INTO THE DUBLIN BOMBINGS OF 1972 AND 1973 (known as THE SECOND BARRON REPORT)

- 9) It is appropriate to commence by recalling how the Report of the Independent Commission of Inquiry into the Dublin Bombings 1972 and 1973 (referred to in this report as the second Barron Report) came into being. On the 19th December 1999, An Taoiseach announced the appointment of Mr. Justice Liam Hamilton. His terms of reference were agreed on 15th 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.

- 10) 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. This Sub-Committee was subsequently established to achieve those aims. It was envisaged that the Joint Committee would advise the Oireachtas as to any further necessary action.

- 11) Initially the Inquiry received orders of reference in relation to two incidents – the Dublin/Monaghan bombings of 17th May 1974 and the bombing of Kay's Bar, Dundalk on the 19th December 1975. At a later date the Inquiry agreed to report also on the shooting of Mr. Seamus Ludlow on the 1st May 1976. In January 2002 the Inquiry was asked by the Government whether its report into the Dublin/Monaghan bombings could also consider a number of other bombings and shootings which took place in the State during the 1970s. The Inquiry's report into the Dublin/Monaghan bombings was presented to An Taoiseach on the 29th October 2003. The Sub-Committee held hearings over a number of days and published its report on the 31st March 2004. This Report

should be read in conjunction with the first report as some similar themes arise.

- 12) Following a preliminary examination of the remaining incidents, the Inquiry considered that the bombings of Dublin in 1972 and 1973 should be addressed in a separate report. Other incidents from that period including bombing incidents along the border between 1970 and 1973, the murder of Ms. Bríd Carr, and the murder of Mr. Oliver Boyce and Ms. Bríd Porter were also dealt with in this report.
- 13) These are the circumstances which led the Joint Committee to establish this Sub-Committee to consider, including in public session, the Report and to report back to the Joint Committee. This Sub-Committee was given the same orders of reference as outlined above and this Report has been issued in accordance with those terms.
- 14) The second Barron Report was presented to An Taoiseach on the 29th June 2004. The main body of the Report is 142 pages long. An idea of the areas covered may be gathered from the “part” headings:
 - (i) Part 1: Background information;
 - (ii) Part 2: Film Centre Cinema, November 1972;
 - (iii) Part 3: Eden Quay and Sackville Place, December 1972;
 - (iv) Part 4: Sackville Place, January 1973;
 - (v) Part 5: Conclusions.

The Report also contains four appendices dealing with the following subjects:

- (i) Murder of Ms. Bríd Carr;
- (ii) Murder of Mr. Oliver Boyce and Ms. Bríd Porter;
- (iii) Bombing of Clones, Belturbet and Pettigo;
- (iv) Other bombing incidents in the State, 1970-1974.

Request for Submissions

- 15) Before the Sub-Committee commenced its public hearings, it invited interested parties with information pertinent to its orders of reference to make submissions to it. In response, a number of written submissions were received and many of those were the result of a great deal of time and effort. As will be apparent from this Report, the submissions were of enormous benefit to the Sub-Committee and it is extremely grateful to all of the authors. A list of all the parties and bodies that provided the Sub-Committee with written submissions appears at Appendix 6 to this Report.
- 16) After careful consideration of all the written submissions received, certain parties whose written submissions were of particular relevance to the Sub-Committee’s terms of reference were invited to make additional oral submissions. These consisted of a short oral presentation followed by questions from individual members of the Sub-Committee about matters

arising out of those presentations. Merely because an oral presentation was not requested, it does not follow that the Sub-Committee was not assisted by the other written submissions. All submissions were circulated to each member of the Sub-Committee and formed an integral part of its deliberations.

- 17) A list of the persons and bodies that made oral submissions to the Sub-Committee appears at Appendix 5 to this Report. At this point it is important to note that everyone who appeared before us did so on a voluntary basis and the Sub-Committee wishes to sincerely thank all involved for their assistance with its work.
- 18) In order to complete the work assigned to it by the Houses of the Oireachtas, the public hearings were organised into a number of modules. The Sub-Committee endeavoured, in adopting its proposed programme, to arrive at the best means of structuring its work, bearing in mind the specific orders of reference. The Sub-Committee adopted this programme in order to optimise the time available to it to fulfil its remit within the timeframe delegated to the Joint Committee by the Houses of the Oireachtas.
- 19) The oral hearings were conducted over a number of days. The Sub-Committee has prepared this report pursuant to its orders of reference for the purposes of reporting back to the Joint Committee on Justice, Equality, Defence and Women's Rights, which in turn will report to both Houses of the Oireachtas. The Joint Committee in line with its terms of reference will report back to the Houses of the Oireachtas by 16th and 17th February 2005. This Report of the Sub-Committee to both Houses, as a Report of the Joint Committee, details the submissions received, the hearings held, and such comments, recommendations or conclusions as the Sub-Committee has decided to make.
- 20) The Sub-Committee would also like to take this opportunity once again to express its gratitude for the work done by the late Mr. Justice Hamilton and Mr. Justice Barron and their staff, who have performed an important public service in producing the Report that the Sub-Committee is considering herein.
- 21) In respect of procedures, the legal framework within which the Sub-Committee operates was set out in the Report of the Joint Committee on the first Barron Report and will not be repeated here. In particular the Sub-Committee set out in that Report that it was not its function to reach its own findings of fact.

Chapter Three

VICTIMS' VOICES

- 22) As with its first set of hearings, this Inquiry commenced with submissions from surviving victims of the atrocities and bereaved relatives. The Sub-Committee wished to hear from these persons at the outset of its hearings in order to place them at the centre of its work. It was also felt that hearing from the victims and relatives would focus attention on the grief and distress which they still endure.
- 23) Initially, Mr. Cormac Ó Dúlacháin SC (with Mr. Miceál O'Connor BL), instructed by Mr. Greg O'Neill, Solicitor, made a statement to the Sub-Committee on behalf of Justice for the Forgotten. He stated:

The relatives here today appreciate this opportunity of coming before this Committee and the function this Committee is discharging. In the turmoil of the politics of the last six months it is sometimes forgotten that the Good Friday Agreement contained a commitment to address the needs of the victims. What is happening in the coming days is part of that process.

In some respects, the Good Friday Agreement was non-specific as to how the needs of victims were to be addressed. There was no formal truth process. There was no formal commitment to a truth process. Even in the latest round of discussions and negotiations leading from Leeds Castle, there was a feeling that, to a certain extent, victims were being left behind. This hearing is an opportunity to bring the focus back on the suffering that occurs when politics fails and affords an opportunity to hear from and about victims in circumstances other than political debate or argument.

- 24) Survivors of the bombings and relatives of the victims and those who were killed then shared their experiences. The following persons made oral submissions to the Sub-Committee:

Mrs. Monica Duffy-Campbell
Mr. Tom Duffy
Mr. Paddy Duffy
Ms. Lynn Cummins
Ms. Anna Bradshaw-Cooke
Ms. Angela Connery
Ms. Rose Bradshaw-Brett
Mr. Pat Bradshaw
Mr. Pat Morrissey
Mrs. Maureen Noble
Mr. Andrew Douglas
Mr. Martin Douglas
Mr. Joe Douglas

Ms. Carol Garvey
Fr. James Carr
Mrs. Marie O'Reilly
Mr. Anthony O'Reilly
Mrs. Frances McCann
Mrs. Gretta Farrell
Ms. Susan Stanley
Mr. Hugo Boyce
Mr. Seán Boyce
Mrs. Ann McDermott
Mrs. Joan Ann T. Hourigan
Mr. Cormac Ó Dúlacháin SC
Ms. Margaret Urwin.

25) The accounts of the bombings were deeply moving and were related with dignity. A number of quotes are included below to give an idea of what the Sub-Committee heard. The full transcript of the hearings is available on the internet (www.oireachtas.ie).

26) Mr. Thomas Duffy was killed by the car bomb which exploded at Sackville Place on 1 December 1972. Thomas was working as a bus conductor; he was 24 years of age. His wife, Mrs Monica Duffy-Campbell, attended before the Sub-Committee. She explained that she was four months pregnant at the time of her husband's death and stated that Mr. Duffy

was a young, vibrant, happy go lucky, hardworking, loving husband. He went out to work full of expectations and life, full of what the future might hold for us as a couple and family. The next time I was to see Tom was in a coffin in the North Strand following the bombings...

Mrs. Duffy-Campbell stated that she had sought counselling to help her come to terms with the enormity of what had happened to her husband. She indicated her belief that the British Government or agents were involved in the death of her husband and stated that *'I will go on fighting for the next 32 years for some truth. I cannot come to terms with this. I will not find closure and my family will not find closure until somebody stands up and says 'OK, we think these people were responsible''*.

27) Mr. Tom Duffy, son of Mr. Thomas Duffy, spoke about the impact of his father's death on him and his family and told the Sub-Committee that he saw this as:

an opportunity to let history be rewritten by the efforts of a loving, caring society and people who show that these events, which we kept hidden for so long, do matter to us personally and socially. The anguish we have gone through as a family is not in vain, and we learn as a society ultimately that while stuff may not have been mentioned in the past we have an ability now to speak about it, move forward, learn from it and become better people for it. That sounds like a grandiose statement but that is what I feel about it.

He explained that he is a professional sculptor and described how a sculpture had been placed on the path at Sackville Place as a memorial to the three persons who were killed there.

28) Mr. Paddy Duffy, brother of Mr. Thomas Duffy, also spoke of the effect that his brother's murder had on the family and stated that *"..we have been unable to communicate in some way. I think people have not been able to speak about what happened."*

29) Mr. George Bradshaw was also killed in the explosion at Sackville Place on 1st December 1972. Mr. Bradshaw was a bus driver working on the night of the explosion. His daughter, Ms. Lynn Cummins, his sisters Ms. Anna Bradshaw-Cooke, Ms. Angela Connery and Ms. Rose Bradshaw-Brett and his brother Mr. Pat Bradshaw appeared before the Sub-Committee.

30) Ms. Lynn Cummins was three and a half when her father was killed. She spoke of the loss of her father and the impact of his death on her mother. *"Mammy always said we lost a mother and father the day daddy was killed. It took me a long time to understand that."* She explained that her father was not supposed to have been working that night but was covering a colleague's shift and was simply in the wrong place at the wrong time. She said that:

what upsets me most is that mammy's life was also taken. She was so upset. It was a black hole for me. I did not know George Bradshaw so I did not miss him but I missed knowing what it was like to have a daddy. There was something missing in our house. Mammy did the very best she could and I am grateful to her for that." She indicated that: *'I am grateful that at last some body is listening to us. Before, we could not and did not speak about it. We did not talk about it even though we had done nothing wrong.'*

31) Ms. Bradshaw-Cooke told the Sub-Committee that *'George was one of thirteen children'* and that they miss him and wonder why he died. *"We have all the newspapers since 1972 - every single one of them kept. That was what we did. That was the only connection we had with what went on: anything we read in the newspapers. We clutched on to these newspapers to see what they said and what they did not say."* She said of her mother *'She was going up the stairs one day and she put her hand here and she said 'Oh I am so happy'. It was shortly afterwards that her happiness was gone forever and definitely gone forever because she loved him and he loved her.'*

32) Mr. Pat Bradshaw stated that he had wondered why Governments did nothing about it down the years. Ms. Angela Connery indicated that it was hurtful and she found it difficult to speak about it. Ms. Rose Bradshaw-Brett recalled that George had been a fun-loving person who hated injustice to any human being, regardless of who they were.

33) Mr. Thomas Douglas was killed by the car bomb which exploded at Sackville Place on 20th January 1973. The Douglas family travelled from Scotland in order to participate in the hearings. The Sub-Committee is very grateful to

them for their contribution. Thomas' sister, Mrs. Maureen Noble and his brothers, Mr. Andrew Douglas, Mr. Martin Douglas and Mr. Joe Douglas attended. Mrs. Noble described how her brother had had strong religious beliefs and had got engaged at the crib on the altar of his local Church at Christmas 1972. She explained that on his last visit home he was talking about the great plans that he had for the future but 20 days later he was dead. She told the Sub-Committee that the impact of her brother's death on the family had been "*absolutely devastating*". She said:

It has been a living nightmare ever since, not knowing who did it and why. The waiting and hearing nothing from any of the authorities did not help our heartache. Now 32 years on we are no further forward. We still have no answers to so many questions.

She also told the Sub-Committee:

I do not like using the word "murder" - I do not like using it at all. Let us face it, nobody plants a bomb accidentally. As a family, we have to fight on to get to the truth and justice. We loved and lost a brother to be proud of, whom we loved dearly and sorely miss.

34) Mr. Andrew Douglas told the Sub-Committee that his brother loved Ireland because his mother came from Achill, County Mayo. He said that the Barron Report contained two important mistakes:

For a start they do not even get his age right. The other is that they had him coming out of a bookies when in actual fact he was going to Eason's to get a newspaper.

35) Mr. Martin Douglas told the Sub-Committee that his brother was "*very sensitive and well balanced. He had an old head on his young shoulders. He was a very caring lad, a lad who was passionate about justice and peace.*" Mr. Douglas told the Sub-Committee that "*my mother just never got over Tom's death. It was almost a mortal wound to her. She was never the same again.*" Mr. Douglas told the Sub-Committee how important it was that the truth should come out:

.if you still suspect that people know something about why Tommy died and they are not telling us, then it does not leave you at peace. You know there is something there, some information, somebody is hiding something or somebody is not being open about it and you really feel duty-bound to do something about that. You cannot just say that does not matter.

He described how he had contacted his local Member of Parliament in order to try to get answers:

On Saturday I got a reply from my local MP in Preston in Lancashire. He is Vice-Chairman of the Conservative Party, and he is my MP, Nigel Evans. After the publication of the interim report, I just had to write to the MP for him to contact Tony Blair and ask why there

was no co-operation with this Inquiry. The expected bland reply came back signed "Tony", but we may be interested in the final sentence - the letter is dated 10 January - which says "It is entirely understandable that those who have suffered the loss of loved ones still yearn to find out what happened and the British Government is committed to doing what it can to give those people the best chance of achieving that." I have failed to get the question answered "What exactly are you doing?" Perhaps the Irish Government could ask Tony that question. With a bit more weight behind the question maybe you will get the specific answer that I was desperately trying to get.

- 36) Mr. Joe Douglas spoke of the plans that Mr. Thomas Douglas had been making for his future with his fiancée Moira whom he had arranged to marry in August 1973. Sadly that was never to be. He explained that Thomas had had a happy childhood and had been very popular. He said that Moira had told him what had happened on the day of the bombing:

When the bus arrived in Marlborough Street, Tommy had a couple of minutes to spare and thought to himself that this was his chance. He always used to send my mother, a native of Achill Island, a copy of Mayo News. He decided to run down to Eason's to get the newspaper. He was running past the car, full of explosives, when it exploded. He was killed.

- 37) Mr. John Garvey was injured in the explosion of the 20 January 1973. His wife, Ms. Carol Garvey, explained how Mr. Garvey had been seriously injured and had a leg amputated. *'To this day he still has holes in his body from embedded shrapnel. In those days there was no such thing as counselling. People were just left to get on with it.'* She told the Sub-Committee *'I just want a little bit of John's life to be recorded by this Committee.'*

- 38) Mr. Pat Morrissey survived the bomb of 1st December 1972 in Sackville Place. He described the explosion and explained that since that time he has suffered from claustrophobia.

- 39) Ms. Bríd Carr was shot dead on 19th November 1971 on the Lifford-Strabane road. Her brother Father James Carr attended before the Sub-Committee to speak of his sister's death. He told the Sub-Committee *"I rate my sister Bríd's case as a case of the ignored."* Father Carr said that *'I cannot visualise the damage done being healed in such a way as to allow us to live a normal life.'*

- 40) Ms. Geraldine O'Reilly was 15 when she was killed by the car bomb which exploded in Belturbet, Co. Cavan on 28th December 1972. Her sister Mrs. Frances McCann and her brother Mr. Anthony O'Reilly and his wife Mrs. Marie O'Reilly attended before the Sub-Committee.

- 41) Mrs. Frances McCann told the Sub-Committee how her parents came to be told of their daughter's death.

My parents had to be told the news. My Dad, may the Lord have mercy on him, was getting ready for bed. My parents were in shock. I do not think they ever came to terms with it. They took it with them to their grave. There was no help for any of us at that time. There was no mention of counselling or any other help. The only help any of us got was from neighbours and friends.

She explained that after her sister's death

there was a silence and an emptiness in the house. All Geraldine's things were there. The knitting that she had before she went out was just sitting on the couch. Everything belonging to her was there. For a long time I think mam and dad expected her to come back.

Mrs. McCann also recalled that “*there was an anger directed at who did this, why no one was telling us about it and the fact that no one had been caught for it.*”

- 42) Mrs. Marie O'Reilly spoke on behalf of her husband who had driven Geraldine into the town that night and who was also injured by the explosion. She said that

For years afterwards, I was picking glass out of Anthony's head. He must have been blown out of the car. The car was a mess, which can be seen from the photographs. It was double-parked and very near the car bomb. He had nightmares for years afterwards and would wake up. We had a lot of problems. We had so many that our marriage nearly ended.

Mrs. O'Reilly also told the Sub-Committee

We learnt there was a group called Justice for the Forgotten. Anthony thought he would like them to get involved in it as he wanted answers. He wanted those to be brought to justice for what had happened. We have compiled a file at home, which he goes over now and again, with all the different photographs all through the years from that particular night.

- 43) Mr. Anthony O'Reilly who was with his sister on the night she was murdered said that he was very fond of his sister and confirmed that he missed his sister terribly.
- 44) Mr. Patrick Stanley was also killed by the car bomb which exploded in Belturbet on the 28th December 1972. He was 16 years of age. His sisters, Mrs. Greta Farrell and Ms. Susan Stanley, also attended before the Sub-Committee.

45) Mrs. Gretta Farrell told the Sub-Committee that

my parents, brothers, sisters, extended family and I were devastated by the loss of Paddy. This tragedy still lives with us and we will never fully recover from the loss of Paddy."

She described Paddy as

a kind and gentle person who adored his family, particularly his mother, his two grannies and his grand aunt, Mary, who used to call him Master Pat. She was 89 years of age at the time of his death and she was never told he had been taken from us. She died less than six months later thinking she was asleep every time he called down to see her, although he managed to leave gifts each time.

46) Ms. Susan Stanley spoke of her mother's grief

She said that when she realised it was Paddy, she could feel something terrible happening inside her, that this young woman had to carry life when her first-born had been taken away from her.

She said that

My parents still cannot talk about it 32 years later. It is not fair that Irish citizens should have this over them. We should not allow it because tomorrow or the next day it could be one of your children or my son who has that done to him.

47) Mr. Oliver Boyce and his fiancée Ms Bríd Porter were murdered on 1st January 1973 near Burnfoot, County Donegal, close to the Border. Mr. Hugo Boyce and Mr. Seán Boyce, Oliver's brothers, and Mrs. Ann McDermott, Bríd's sister attended before the Sub-Committee.

48) Mr. Hugo Boyce told the Sub-Committee that Oliver "was a brilliant carpenter. He was a fine craftsman as well and did some lovely work which we still have in the house." He explained that "my father and mother were very fond of Bríd and the two of them were a great pair and we all had great time for Bríd." Mr. Boyce told the Sub-Committee that "I feel my brother and Bríd were –they were not singled out –picked up by accident but definitely murdered because they were Catholics". He told the Sub-Committee that "time eases the grieving. However, worse than obtaining justice is a lack of justice. There has been no justice from any Department or Government since 1972. I do not believe justice will ever be done. As my mother says, we may only get justice through God." He said that he could not understand why nobody had been brought to justice for any of the atrocities.

49) Mrs. Ann McDermott told the Sub-Committee that "Bríd was the youngest of our family and she was 7 years younger than me. She was a lively, happy-go-lucky person who worked at the shirt factory in Buncrana. Everybody was fond of Bríd. She would have been 21 in February of the year she was killed."

She explained that *‘Brid was the only remaining child at home with my mother and father at the time. They were devastated to lose their daughter, the baby of the family, who lived with them. They never got over Brid’s death.’*

- 50) Mrs. Joan Ann T. Hourigan was injured by the bomb which exploded on Eden Quay on 1st December 1972. Extraordinarily, Mrs. Hourigan was also injured in the Dublin bombing on 17th May 1974. She spoke with the Sub-Committee by telephone link from New Jersey in the United States where she lives. Mrs. Hourigan also made a written submission to the Sub-Committee in which she described the explosion on Eden Quay:

There was a big flash, and then a loud noise. Seconds later something hit me on the right shoulder and blew part of my clothes off, (shoulder and arm) and also a silver American coin that was on a chain around my neck. What seemed like an eternity after the blast, people were running for their lives, screaming and crying.

- 51) Mrs. Hourigan explained that she suffered from a number of medical difficulties in the aftermath of the bombing and underwent plastic surgery on her shoulder. She explained how she emigrated to the United States. In respect of painful memories of the bombing she stated that *‘I find it harder and harder to deal with them because I do not have any closure.’* Mrs. Hourigan also underwent back surgery. She stated that

I do not feel sorry for myself, and I do not need anyone else giving me sympathy, but I would like for someone to help me bring this to closure by uncovering the truth. Someone else committed these crimes, and got away with it. I am serving their time with my pain and suffering, and will continue to for the rest of my life, along with the other survivors.

- 52) In her oral submission she described how the doctors had wanted to amputate her arm but that her mother would not let them and said that they had to try and save it. She explained the continuing treatment that she had to get in the United States and described how the attack on September 11th 2001 had set her back again. She described how her husband helped her through and described him as possibly the best husband anybody could ask for. She said she had never met anyone from the 1972 bombings until relatively recently. She said that she had not been asked to make a statement to Gardaí at the time of the bombings.

Chapter Four

THE TREATMENT OF VICTIMS AND THEIR FAMILIES AT THE TIME AND THE ROLE OF JUSTICE FOR THE FORGOTTEN

- 53) The Sub-Committee was particularly struck by the fact that many of the victims and relatives of victims who made submissions outlined the lack of any official support or assistance at the time of the attacks. Mrs. Duffy-Campbell (wife of Mr. Thomas Duffy) spoke of a lack of support from the authorities:

I heard nothing. I might as well not have been widowed at all. I heard nothing until I got the courage and the strength to join Justice for the Forgotten. Jack Lynch, the Taoiseach at the time, came and offered his sympathy. However, that is as far as it went. Nobody came to my door to offer me assistance or counselling, to ask me to talk about it or to inquire how they could help. A sum of money was given out at the time but that was the extent of the help I received. Otherwise, I had to live with it - I had to bury it in my head and my heart, rear my children and just put it behind me until such time as it could no longer remain hidden and had to come out. I received no help.

She told the Sub-Committee that “we lived in an era in which nobody wanted to talk about this.” Ms. Bradshaw-Cooke, sister of Mr. George Bradshaw observed that “..successive governments through the years never bothered or did anything about it. They swept the issue under the carpet all these years.” She explained that:

There was nothing, we did not see anybody at all. I would say not even T.D.s called to see mammy, or even councillors. The neighbours were great and we are a very long-tailed family. Mammy was not short of visitors but not a sinner ever called to Drumdeel to us as we were growing up, nobody.

- 54) Mr. Martin Douglas, brother of Mr. Thomas Douglas, told the Sub-Committee that:

A small amount of money was paid to cover Tommy's burial and that was it. We heard nothing else thereafter from either the Irish Government or the British Government. The British Government did not get involved at all despite the fact that our brother was a British citizen. That did surprise and shock us. It just seemed that his death did not really matter as far as the authorities were concerned.

Mr. Andrew Douglas, also a brother of Mr. Thomas Douglas, took up the same theme:

Could I just add that there was no medical assistance whatsoever. As far as my mother was concerned, she was not even given a sedative.

There was no counselling and no doctor came to see her. There was nothing whatsoever, just this total sense of loss and we were left to get on with it.

55) Father James Carr, brother of Ms. Bríd Carr, explained that after his sister was killed

by any standards the attitude was 'stay quiet and lick your wounds'. For example, no messages of sympathy were received from the State. In contrast, the IRA sympathised, apologised and brought a wreath to the funeral. Another example is the unbelievable hassle my mother experienced in trying to get Bríd's savings from the post office. Also, my mother received a letter from the then Minister for Justice which bluntly told her that since Bríd died outside the jurisdiction of the State, no public liability could be granted.

56) Mrs. Gretta Farrell, sister of Mr. Patrick Stanley, told the Sub-Committee that

we grew up keeping our grief and tragic loss to ourselves. Nobody ever offered to help us come to terms with that grief or the insurmountable loss we had suffered...Never, not even on the day Paddy died, did a Garda or politician call to our door to tell us how the investigation was going or what was happening. Anything we or my parents knew was what we read in the newspapers and it was not in the newspapers for very long after that. We just felt as if everyone wanted to forget them.

Mrs. Farrell also told the Sub-Committee that “*without the efforts of Justice for the Forgotten, we would not be here today.*”

57) Indeed, a number of the victims and relatives of victims drew our attention to the important role that Justice for the Forgotten had played. Mr. Paddy Duffy, brother of Mr. Thomas Duffy stated

It is only in the last two or three years, with counselling, that for the first time people have been able to speak about this. I have to acknowledge Justice for the Forgotten, because through them counselling has been sought and something has been done.

Mrs. Noble (sister of Mr. Thomas Douglas) told the Sub-Committee that “*If it was not for our legal team and the Justice for the Forgotten group, we would not have any support at all.*” Mr. Martin Douglas, brother of Mr. Thomas Douglas, told the Sub-Committee that:

We are in a situation where as individuals we were nowhere for over 20 years, so we are grateful to Justice for the Forgotten and the legal team for bringing us to where we are to today. We are grateful to the Government which has got involved as witnessed by the fact that we are here before this Sub-Committee today. It is a marvellous step forward. I know that Mr. Justice Barron's

hands were tied somewhat in what he did, but the report as far as our family is concerned is completely inconclusive and tells us absolutely nothing.

Mr. Joe Douglas, another brother of Mr. Thomas Douglas, told the Sub-Committee that *“But for the Justice for the Forgotten group we would not have been aware of these proceedings. The group has taken up our case and is doing a tremendous job.”* ; Mr. Pat Morrissey (who survived the bomb of 1st December 1972 in Sackville Place) explained how he had been helped by Justice for the Forgotten. *‘I am deeply grateful to Justice for the Forgotten for providing a therapy facility during the last couple of years, which I attend. I have got great relief from the facilities there on relaxation. It has enabled me to relax a great deal.’*

58) Mrs. Frances McCann, sister of Ms. Geraldine O’Reilly, stated that *‘The first person to do anything about it was John Wilson and, in recent times, Justice for the Forgotten. Margaret Urwin wrote to us and told us we could get some help and, although it came 32 years later, at least it was some recognition of our situation.’*

59) In her oral submission Mrs. Hourigan said that Justice for the Forgotten was the only group which had supported her in the last couple of years.

60) The Sub-Committee was struck by the fact that the perception of the families that they had been ignored was not disputed by anyone who made submissions. For example, Mr. O’Malley, a former Minister for Justice, stated that:

I must acknowledge that perhaps we did not have at the time the degree of concern for victims that would have been appropriate. I believe people nowadays would be more conscious of that. One of the drawbacks of the criminal justice system here is that has always tended to concentrate on the defendants and the State. It is a sort of contest, as it were, between the two. Injured parties are often looked upon by the State as being just witnesses or part of the overall incident. Sufficient concern was not given to them. I believe that has been realised in more recent years. Unfortunately I do not believe it was realised at that time. It is unfortunate that was the case, but I must acknowledge that I am afraid it probably was at the time.

61) The Minister for Justice, Equality and Law Reform, Mr. Michael McDowell T.D., also picked up on the theme when he indicated that last year he had announced the appointment of a Commission to administer a remembrance fund established to address the needs of the victims of the conflict in Northern Ireland and their families in this jurisdiction. He stated that:

I was struck, on reading coverage of yesterday's proceedings here, that the point was made that a somewhat less concerned approach generally for victims pervaded public administration in the past. We now have a different attitude. In those days people were expected - wrongly, in many cases, I believe - simply to accept the burden of

events and to soldier on without much help from the community. The arrangements I am now talking about are very much belated and I deeply regret they were not put in place at an earlier stage, but we did live in different times, economically, socially and in terms of attitude.

The Sub-Committee welcomes the Minister's recognition that the victims' needs were not addressed at the time of the attacks and welcomes the fact that some measures have now been put in place which try to address such needs and that there is a willingness to consider other measures.

62) The Minister outlined for the Sub-Committee the powers of the **Remembrance Commission** which is charged with the administration of the remembrance fund for a three-year period from the date of its commencement. Its function is to assess and process applications from individuals for financial assistance under various categories. In operating the fund, the Commission is empowered to make payments under the following categories:

(i) It can make acknowledgment payments of €15,000 to each of the bereaved families of the persons who were either killed in this jurisdiction or resident in the jurisdiction at the time of their death.

(ii) lump sums up to €15,000 per applicant can be made to spouses and dependent children of victims killed in this jurisdiction or resident here at the time of their death, and to any injured victim.

(iii) unless already covered by payments under the previous categories, unmet and continuing medical costs to cover such vouched expenses, including home help expenses not already paid by some other State body or agency.

(iv) relocation payments of up to €15,000 can be paid, subject to conditions, to bereaved families or injured persons who have had to move as a direct consequence of the conflict in Northern Ireland.

(v) a grant will be paid at the request of the Minister for Justice and on the recommendation of the Taoiseach, to the Northern Ireland Memorial Fund.

63) In his oral presentation Garda Commissioner Mr. Noel Conroy also addressed how matters are different today and stated that:

Currently, when a serious crime is committed we appoint a liaison officer to liaise with the family. That is done as soon as we receive information on the crime. That officer remains the liaison officer throughout the investigation and thereafter. In other words, the family has somebody with whom to liaise by telephone or in person. I am all in favour of the Garda Síochána helping the relatives in any way it can. I suggest, if this meets with approval, that a member of the force be made available at Garda Headquarters to talk to individuals and answer questions about the information held on file. Naturally, intelligence is a different matter but the Garda would be able to give an indication of what was contained in it.

- 64) The Sub-Committee wishes to contribute to the publicising of the work done by Justice for the Forgotten by quoting from the submissions of Ms. Margaret Urwin who is the Secretary of the organisation:

Justice for the Forgotten ..provides services for all those bereaved by the northern conflict, living in this jurisdiction and all of those who were injured by any acts relating to the northern conflict. We have funding to provide counselling services and we also provide holistic services at our family centre in Lower Gardiner Street, Dublin. We also have an outreach service, whereby counselling or holistic therapies can be provided in any part of the State to anybody who has suffered as a result of the conflict.

The Sub-Committee would like to take this opportunity to commend Justice for the Forgotten on the work that it is doing.

Chapter Five

THE HISTORICAL AND POLITICAL CONTEXT

65) As part of its work the Sub-Committee looked at the background to the discussions that took place and the reasons behind the Offences Against the State (Amendment) Bill 1972 which at the time was being processed by Dáil Éireann. In order to assist the Sub-Committee, the following persons attended and made submissions:

- (i) Mr. Des O'Malley, former Minister for Justice;
- (ii) Dr. Garret FitzGerald, former Taoiseach and Minister for Foreign Affairs; and
- (iii) Mr. Seán Donlon, former Secretary General of the Department of Foreign Affairs;
- (iv) Mr. Seán Garland of The Workers Party; and
- (v) Mr. Tomás Mac Giolla, former T.D. and President of the Workers Party.

The Sub-Committee wishes to record its thanks to each of them for attending.

66) The first of the Dublin bombings was at the Film Centre cinema on 26th November 1972. Mr. Justice Barron in his Report set the background in the following terms:

The bombing took place during a period of intense unrest in the State, in which the Government seemed to be exhibiting a new severity in its dealings with republican subversives. The forced closure of Provisional Sinn Fán's office at Kevin Street, Dublin in October caused some controversy; but matters were brought to a head with the arrest of the Provisional IRA leader Seán MacStiofán and his ensuing hunger and thirst strike. The day before the bombing saw massive demonstrations in the city centre and an unsuccessful attempt by armed men to seize MacStiofán from the Mater Hospital. When taken together, these events could have provided the motive for an attack which ordinarily would not have been contemplated by republican subversives. This is particularly so if one considers the possibility that the bombing was carried out by a small number of republican paramilitaries without authority from the Official or Provisional IRA leadership.

67) Some submissions received by the Sub-Committee made the point that the climate of intimidation at the time meant that some witnesses would not have felt it possible to make a statement. Mr. Hugo Boyce, brother of Mr. Oliver Boyce, said of the area of Donegal where his brother was killed:

Tensions were very high. Many of the witnesses at the time did not come forward out of fear. We do not hold that against them; we know they were afraid and rightly so. Everybody felt afraid at the time but

the situation is different now. We know the matter is being re-investigated and that a great deal more evidence exists. People were afraid to come forward.

- 68) Mr. O'Malley described 1972 as the worst year of all and said that the atmosphere was pretty dreadful. He pointed out that there were 496 killings in Northern Ireland that year and about 14 or 15 in the Republic; over 500 in all. It was a time of great tension, fear and difficulty. He recalled that:

..at one stage during the passage of the Offences Against the State (Amendment) Bill 1972 it was estimated there were 7,000 or 8,000 people outside the gates, many of whom were in a fairly violent frame of mind. There were 300 troops here, at the back of Leinster House in the part that was then the Department of Agriculture. I remember being told that they were armed and that there was no question of them firing blanks, that their orders were to shoot to kill, if necessary. That was the only basis on which the Chief-of-Staff would place them there because they had to be armed. They were there because it was considered necessary that they should be.

- 69) Mr. O'Malley said that at the time he was faced not by one subversive organisation within the State but three. In addition to the Provisional IRA there was the Official IRA and Saor Éire. At the beginning of February 1972 the Chancery of the British Embassy was burned following Bloody Sunday. At the time there was enormous media opposition to any steps taken against subversive organizations and much political opposition too. He suggested that the media opposition made matters very difficult because there was a great deal of ambivalence towards violence and subversion. The Offences Against the State Bill that was going through the Oireachtas on 1st December, the time of the Dublin bombing, was widely reviled. Mr. Séan MacStiofán, who was the well known leader and Chief of Staff of the Provisional IRA, was arrested and charged with membership of the organization and there was a tremendous outcry when he went on what was described as a hunger and thirst strike.

- 70) Dr. FitzGerald stated that in retrospect the Opposition had carried its opposition to the Bill a bit far. He endorsed what Mr. O'Malley had said about the dangers to the State at that time and suggested that these dangers have never been greatly appreciated by the public because Governments tend not to advertise the fact that the State is at risk. He noted that as late as 1981 the Army had been used as backup to the Gardaí in protecting the British Embassy in Ballsbridge and that the only basis on which the Army could be there was that if attacked and if there was an attempt to disarm its personnel it would, if necessary, fire directly on those attacking them, although the rule was that an individual soldier had to be authorised by an officer to shoot and shoot at a particular person attacking him rather than firing wildly. He stated that *'I have always felt the IRA represented a greater danger to this State than to the*

British State and Northern Ireland. They could blow up buildings in Britain but they could not put the State itself at risk.”

- 71) He indicated that at the time it was his feeling that there was a problem in that the British Government seemed reluctant to exercise an appropriate degree of control over their army. There was not a coherent British policy on Northern Ireland at the time, rather there were different policies pursued by different ministries, particularly by the Ministry of Defence. He stated that one concern that the Government had was that the British might withdraw from Northern Ireland:

I was right to have suspicions and fears which I communicated to Mr. Kissinger on 8th January 1975. I said that while it was highly improbable that the British would do this, if there was any question of it happening, we would have to ask the American Government to discourage an abandonment of the situation in Northern Ireland as it would lead to chaos and civil war on our island.

- 72) Fr. James Carr, brother of Ms. Bríd Carr, stated that “*On 22nd November that year The Irish Times gave the essence of a fiery speech delivered in Letterkenny by Neil Blaney, 28 hours after Brid fell clinically dead on Lifford bridge.*”

- 73) Mr. Seán Donlon, former Secretary General of the Department of Foreign Affairs, stated that the Anglo-Irish political climate in the early 1970s was generally poor and varied from cool to frosty most of the time. Whilst there was a slight thaw in Anglo-Irish relations during the first year of direct rule, from approximately March 1972 to March 1973, the two Governments were, according to Mr. Donlon, still singing from different and at times conflicting hymn sheets.

- 74) In a written submission Mr. Patrick Cooney, former Minister for Justice, said that he could not say whether the bombings of 1st December 1972 were coincidental or incidental to the debate on the Offences Against the State (Amendment) Bill but added ‘*I am inclined to the former for if the latter were to be credible, something then or since would have emerged to confirm it ...*’ .

- 75) Mr. Sean Garland of The Workers Party made a written and oral submission to the Sub-Committee. He described the opposition that they held, and continue to hold, to the Offences Against the State (Amendment) Act 1972. He stated that repressive legislation does not solve the issue of terrorism or alienation. He was of the view that Mr. Justice Barron’s Report was filled with suspects but no hard evidence. He doubted whether republicans carried out the bombing at the Film Centre. He said that the history of intelligence services around the world leads him to believe that nothing is beyond the people who are involved in such activities.

- 76) Former T.D. Mr. Tomás Mac Giolla, who was President of Sinn Féin at the time, described it as being a traumatic period. He noted that everyone acted on

their emotions. In his view it was natural that there would be collusion between the British Government and the paramilitaries who were being organized and armed by the B specials. It was also his view that in the Republic *Irish Army and Government people were involved in the establishment of the Provisional IRA.*”

- 77) In a written submission, Mr. Neil Ferris, a solicitor in Belfast, asked the Sub-Committee to consider whether what he described as the failure of the extradition process at the relevant time deprived the victims of the right to find out the truth about specific crimes.
- 78) The Sub-Committee acknowledges that it is difficult at this remove to appreciate just how heightened tensions were. The political landscape then is very far removed from what exists today. The island was about to enter into a very bloody period in which many people were to lose their lives, hence the necessity now to look back and understand how this came to pass. This period, in this context, is therefore a pivotal era upon which a lot of subsequent events turned. The process currently being undertaken by the Sub-Committee should assist in greater understanding of why the island had to endure many further years of bloodshed.

Chapter Six

ADEQUACY OF THE GARDA INVESTIGATION

- 79) Several of the submissions referred to the question of the adequacy of the Garda investigation into the atrocities referred to in the second Barron Report. In his opening submission, Mr. Cormac Ó Dúlacháin SC stated that:

With regard to the investigation that happened in 1972 and 1973, the Report outlines an extensive and wide ranging investigation into the bombing on 1st December 1972. It reveals the rigour that was applied by the Gardaí, the inquiries they conducted in Northern Ireland and in England and the application of considerable resources in the days that immediately followed the bombing. However, when one looks at the investigations into the bombing in Belturbet on 28th December and in Dublin on 20th January 1973, certainly from the detail in the Barron Report, the same urgency and application of resources, use of contacts with the RUC and trips to Belfast and other places does not appear. It is important for us to clarify whether that is so or whether there is more detail available on those investigations, particularly given that there seems to have been a considerable degree of co-operation between the Gardaí in Donegal and the RUC in Derry regarding the murders that occurred outside Buncrana.

- 80) Mr. Ó Dúlacháin indicated that he was concerned that lessons should have been learned about the forensic examination of bomb sites as a result of the 1972 and 1973 bombings but those lessons did not seem to have been applied when the forensic examination of the bombings in May 1974 occurred. He stated that:

What has emerged is that the atrocities in Dublin and Monaghan are not the only atrocities about which families are seeking answers to questions. It is only now we are beginning to realise a well of atrocities exist from the 1970s, 1980s and 1990s involving victims of this jurisdiction whose families have no real sense of what investigation was carried out on their behalf. They also have no means of determining what investigations were conducted. That is a common theme.

He noted that photo-fits are available of the person believed to have driven the car bomb into Belturbet and of the person believed to be the one who hired the cars used in the Dublin bombing on 1st December 1972. He submitted that those photo-fits are as valid today as the day they were created 32 years ago yet they have never been released to the public to determine if the persons can be identified. He also raised questions about the relationship between the police forces north and south of the Border and the level of co-operation between them and said that there is a sense that some investigations were

brought to a certain level and then stopped. He noted that there were some common threads between some of the attacks, giving rise to the possibility that the same persons may have been involved. He said that there appeared to be no process whereby the investigation files into the atrocities were revisited as a matter of course every five or ten years.

- 81) The Sub-Committee also noted that a number of the families/victims also had concerns in respect of the Garda investigations. Mr. Andrew Douglas, brother of Mr. Thomas Douglas, was concerned that the Barron Report had not followed up matters such as what happened to a test tube found in the wreckage of the car which was taken away for analysis or what the result of fingerprint analysis was. He stated:

You have got people from forensics; you have got ballistics experts. A ballistics expert was supposedly standing at the door of Eason's shop when he heard the explosion. He said he immediately ran over to Sackville Place. By that time, people who were there had actually moved the car bomb. I do not mean to say he should be an Olympic runner but for goodness' sake it is about 80 yards away. How could someone have moved - physically - a car by the time the ballistics expert got there?

In his written submission to the Sub-Committee, Mr. Andrew Douglas asked the Sub-Committee to investigate why the investigation had been closed down so quickly and had never been re-opened or re-examined in the light of improved forensic techniques or additional information on suspects. He also indicated that the family were concerned to know what were the results of certain forensic tests that had been carried out by the Gardaí. He raised a number of specific questions in respect to the Garda investigation. He drew the Sub-Committee's attention to a number of similarities between the circumstances in which the bomb car for the Sackville Place explosion was stolen and the hi-jacking of the taxi that exploded in South Leinster Street on the 17th May 1974 and expressed his surprise that these similarities were not highlighted in the Garda reports into the 1974 bombings. Another brother, Mr Joe Douglas, stated that:

The investigations were short. There does not appear to have been a full or intensive investigation. The then Taoiseach, Mr. Lynch, assured me two days after my brother was killed, that no stone would be left unturned by the Government in its efforts to find the perpetrators. That has not been my experience so far. We have not heard anything further.

- 82) Father James Carr (brother of Ms. Bríd Carr) was critical of the Garda investigation into his sister's death and wondered if either little effort was made or whether the Gardaí had been instructed to go "soft" on the IRA. He stated " *This incident was unique in so far as no question of collusion arose. Oliver Boyce and Bríd Porter were killed near Buncrana about two years*

later. That case was, in my opinion, meticulously followed up in comparison to how my sister's case was dealt with."

- 83) In his presentation to the Sub-Committee Mr. Seán Donlon, former Secretary General in the Department of Foreign Affairs, located the issue in a broader perspective:

During the weekend I reviewed the details of the 500 people killed during the Troubles in Northern Ireland in 1972. I estimate - this is no consolation to the relatives of the victims about whom the committee is speaking - that no conviction was obtained in approximately 82 per cent of those cases. That is a high rate of failure on the part of all those involved in dealing with these matters.

- 84) In his presentation Michael McDowell T.D., Minister for Justice, Equality and Law Reform, made the point that then as now, his Department would not shadow a Garda investigation. He indicated that he would be kept informed in a general way of particular investigations of national interest. He made the point that any documentation within his Department on various Garda investigations constitutes only a very small subset of the information obtained or generated by the Gardaí in the course of their investigations. He explained that files and other papers dealing with the activities of paramilitary groupings are handled and maintained within a small unit of his Department known as the Security and Northern Ireland Division, which is headed by a principal officer. He said that the four senior officials who would have dealt directly with security matters in 1972 and 1973 are all deceased. Thus, there is no one serving in his Department who would have been involved in these matters at the time. He confirmed to the Sub-Committee that for the purposes of Mr. Justice Barron's inquiry into the events under consideration, *'all files located in my Department were made available to the Judge's Independent Commission.'*

- 85) Mr. Donlon stated in respect of co-operation between the Gardaí and the RUC that:

It was, it is fair to say, very patchy. In answer to an earlier question, there were no written protocols of which I am aware until the Baldonnell meeting of September 1974, involving Mr. Cooney and Merlyn Rees, when there were panels created, including a panel to deal with explosives and a panel to deal with intelligence, etc. That marked the beginning of the era of formalised co-operation between the Gardaí and the RUC. Up to then, as Mr. O'Malley said, it was haphazard.

- 86) This situation would appear to have improved. Minister McDowell pointed out that co-operation between the Gardaí and the Police Service of Northern Ireland has never been closer and it is done on the basis of sharing a common understanding that the two police forces are interdependent in terms of each other's effectiveness. Each force recognizes that it cannot carry out its task on this island if the other is failing in its task. That shared mutual understanding

of interdependence has reached unprecedented levels. The Sub-Committee welcomes this and recommends that everything possible be done to continue and further it.

- 87) Mr. O'Malley noted that the technological facilities available to the Gardaí at the time were pretty limited. Garda investigators would be able to discover considerably more now with modern technology than they were able to at the time. He noted that communications were poor at the time, for example, to get through to Dublin from the Border one had to go through about four post offices. Co-operation between the police forces on either side of the border was generally done on a sergeant to sergeant level and sometimes it was forthcoming but often it was not, or if it was, it was forthcoming long after the event.
- 88) Mr. O'Malley suggested that in respect of a lot of the things that happened along the Border, the Gardaí were pretty certain who did them. They were generally carried out by loyalist subversives from the North with one or two exceptions. He noted that the murder of Bríd Carr was obviously carried out by the Provisional IRA and that the Gardaí had three witnesses to identify the people. The three witnesses told the Gardaí orally who was involved but they would not sign statements. He noted that the Barron Report had quoted the Garda report as saying that the Garda investigators regarded further pursuit of the possibility of interviews of the three suspects who had been identified in relation to the murder of Bríd Carr as a futile exercise, and commented that *'Now, if I had seen that I certainly would have told them that I would not have regarded it as futile and that they should continue.'* Mr. O'Malley observed that the establishment of the Special Criminal Court made it more feasible for convictions to be obtained in certain types of cases but would not have had any bearing on cases where witnesses were intimidated.
- 89) In his written submission to the Sub-Committee, Garda Commissioner Conroy noted that a number of the principal senior officers were deceased. He said that at the time they were considered to be highly experienced investigators. He pointed out that in the period 1971 to 1973, forensic science was in its infancy in this and other jurisdictions. He said that experience in Europe and further afield had contributed towards the development of best practice. Commissioner Conroy gave as an instance of such police co-operation the example of the Madrid train bombings on 9th March 2004 when Ireland, as Chair of the Counter Terrorism Group (CTG), convened an emergency meeting in Dublin attended by experts in counter-terrorism from all 15 member states as well as the ten pre-accession states and Norway, Switzerland and the United States to identify best practice for a co-ordinated response. His submission indicated that in the event of similar atrocities happening today, certain aspects of the investigation would differ significantly from that of 1971 to 1973. In this regard, he mentioned a number of matters such as the advent of DNA evidence, close circuit television, close co-operation with the Police Service of Northern Ireland and the tracking of telephone traffic.
- 90) In his oral presentation Commissioner Conroy rejected the suggestion that the Gardai had ever been "soft" on the IRA and pointed out that if one went back

to the period from 1969 to 1973, one would find that many IRA persons were arrested and dealt with before the courts. In dealing with the three suspects for the murder of Bríd Carr Mr. Justice Barron stated that:

The Deputy also asked about the three suspects identified. Some of them are known to me personally. They have been arrested in the Donegal area on a number of occasions. It was clear to me, having read the files, that the problem for the investigating Gardaí at the time was that the witnesses who nominated the three individuals - I think they nominated the right people - did not, unfortunately, for reasons best known to them, make statements to back-up the information given to the Gardaí. As far as I can determine, several efforts were made to get the witnesses to make statements based on the intelligence given. If that had happened, I am sure a prosecution would have taken place. Members should realise that had a prosecution taken place it would have been taken in Northern Ireland and the function of the Garda Síochána would have been to assist in every way the RUC investigation into the woman's death.

In respect of the reference in the Barron Report to the bombing at Sackville Place on the 20th January 1973, and the suggestion that the Gardaí had received an anonymous telephone call giving the name of five persons who, it was alleged, were responsible, the Commissioner stated that he had found nothing to suggest that the anonymous call was sufficient to bring the matter before the Director of Public Prosecutions. In contrast to Mr. Des O'Malley, the Garda Commissioner noted that co-operation with the RUC had been good at the time and said that if it was felt that the persons identified in the call were good suspects, then interviews would have been conducted, probably by the RUC. He said that whilst he could not get into the mindset of the investigators who were involved, he knew the individuals under whom he worked and he could say that they were highly competent and effective investigators of the time. In his view, if they saw there was any way of identifying suspects or getting the evidence, that evidence would have been gathered and presented to the Attorney General. He indicated that he had looked at the files and felt in most cases that the investigations had been carried out in a competent and capable manner. He said he had seen where they had run into difficulties which they could not overcome. He said that: *'Having looked at the file and how the investigation was conducted, I would not want to build up the hopes of relatives of the victims of those atrocities. I cannot see how at this stage, having looked at the files, we could advance the investigations that were conducted there.'*

91) In his closing submission, Mr. Ó Dúlacháin SC responded to this by stating that:

While the Commissioner did not see the merit of further investigation at this stage, in various submissions we have put before the Sub-Committee, we have indicated the continued existence of fingerprints, photofits, the identity of suspects and issues that can be subjected to further examination and investigation. Whether they will lead to

prosecutions is another matter but they deserve to be looked at, considered and investigated.

- 92) The question of what more can be achieved was also addressed by Mr. Justice Barron. In respect of the murder of Ms. Bríd Carr, Mr. Justice Barron said that it was speculation that the Gardaí did not do their duty because of some Government statement that they should go “soft”. He did say that the Gardaí should have followed up on the three suspects. When asked if the case could be followed up 34 years later, Mr. Justice Barron stated that *‘That is one of the problems. That nothing might emerge from following it up would not be a justification for not doing so.’*
- 93) The Sub-Committee heard from the following members of the Gardaí who were involved in the investigation of the atrocities that occurred:
- (i) Mr. Brian Garvey, retired Chief Superintendent;
 - (ii) Mr. Hubert Reynolds, retired Detective Superintendent;
 - (iii) Mr. Eamon Ó Fiacháin, retired Detective Sergeant;
 - (iv) Mr. Martin Hogan, retired Detective Inspector.
- 94) Mr. Reynolds said that he had travelled to Buncrana to assist in the investigation into the murder of Ms. Bríd Porter and Mr. Oliver Boyce. He said that it followed the usual lines of any investigation. He said that very early on in the investigation they had established that the perpetrators most likely came from Northern Ireland, around the Derry area. He said that this had been confirmed by the RUC and that there had been good co-operation with the RUC. He noted that a gun had been sent to a laboratory in Belfast but between the time it was left in and the finalizing of the file there was a break in and that particular gun and other material was stolen.
- 95) Mr. Garvey said that his function was in relation to the bombings in 1972. He went to Belfast and to London to trace who might have hired the cars that were used. Documents he obtained from car hire companies in England were treated for fingerprints but the Gardaí were not able to identify who made certain unexplained fingerprint marks on the documents.
- 96) Mr. Hogan said that he had been attached to the fingerprint analysis section and would have had contact with the persons in the fingerprint sections in the RUC, Scotland Yard, Glasgow and Cardiff. He explained that at the time of the bombings the fire brigade would have had to quench the scene in circumstances where the whole place was on fire and they would not have known which was the offending car and thus evidence could have been washed away. For example, no prints were found on a book found in the Avenger car. He was satisfied that the maximum effort had been made to obtain prints from the bomb sites.
- 97) Mr Ó Fiacháin said that he was the senior detective in the ballistics section at the relevant time. He said that he had not yet got his files back from the Inquest held last year and thus only had his memory to go on which was not too good after 32 or 33 years. He was of the view that the standards at the time

in the ballistics section were reasonably up to the standards in England and Scotland.

Chapter Seven

THE ROLE OF THE ARMY

98) In respect of the role of the Army, the Sub-Committee was addressed by:

- (i) Lieutenant General James Sreenan, Chief of Staff of the Defence Forces,
- (ii) Lieutenant Colonel Rory Kelleher, who was representing Colonel Joseph O'Sullivan, the Director of the Ordnance Corps, and
- (iii) Lieutenant Colonel Dermot Igoe who has acted as the Defence Forces' point of contact with Mr. Justice Barron and his Commission team over the past number of years.

99) The Sub-Committee was assured that it continued to be a priority for the Defence Forces that every effort should be made to assist Mr. Justice Barron. Lieutenant General Sreenan placed the work of the Army in the following historical context:

Prior to 1969, Ordnance Corps expertise would have been in the area of the disposal of conventional munitions, for example, sea mines washed ashore. From 1969 onwards, a new kind of expertise was developed in response to the threat from improvised devices. We were at an early stage in that regard in 1972. Currently, the Ordnance Corps is at the leading edge in dealing with such devices.

100) He noted that at the time the Army had to deal with a large number of hoaxes and other incidents as well as a number of real incidents. He described the Army as being 'in the midst of a very steep learning curve at the time of the attacks.'

Chapter Eight

COLLUSION

- 101) The issue of collusion featured prominently in the Report of the Joint Committee on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings of 1974. It was revisited in these hearings. In relation to the Film Centre bombing, Mr. Justice Barron concluded that:

Although the information available to Gardaí and to the Inquiry does not point to any particular suspects with certainty, it seems more likely than not that the bombing of the Film Centre Cinema was carried out by republican subversives as a response to a Government 'crackdown' on the IRA and their associates.

- 102) In relation to the bombings at Eden Quay and Sackville Place on 1st December 1972, the Dáil debate on the Offences Against the State (Amendment) Bill started on 29th November of that year. The contents of the Bill and the distinct possibility of a defeat for the Government leading to a General Election had been the subject of media attention for some days previously. Mr. Justice Barron stated: *'It is quite possible that the bombs were planted in order to influence the debate on the Bill.'* Mr. Justice Barron concluded:

There is no evidence to suggest that the IRA or any other republican group were involved in the attacks. There is evidence that the IRA had access to considerable amounts of Ammonium Nitrate and Sodium Chlorate and there is little doubt that the UVF, UDA or similar groups could also have obtained such explosive substances without undue difficulty.

He continued:

There are some aspects to the attacks that were not characteristic of loyalist subversive groups at that time: the giving of a warning, the coordinated nature of the blasts; the use of hired vehicles; the use of a stolen licence to hire these vehicles, and the apparent use of a car stolen four months previously. In addition, the political context in which the attacks took place has led to speculation that members of the British Army or Intelligence Services may have instigated, assisted with or even carried out the attacks.

Mr. Justice Barron added:

These features may be consistent with involvement by the British Army or Intelligence Services in the bombings. However, the circumstances are not so unique, or even unusual, that they would reasonably exclude the involvement of other groups.

He held that before any finding of collusion in a specific instance can be made, two requirements need to be met.

Firstly, there has to be credible information identifying individual members of the security forces as having been involved. That would establish collusion on an individual level. The second requirement is that evidence which shows that that collusion was officially sanctioned would be needed. On the information available to date, credible and reliable evidence in respect of both of those requirements is absent in respect of the bombings of 1st December 1972.

He concluded: "While suspicions linger, evidence has not been forthcoming to take it beyond that".

- 103) In regard to the Sackville Place bombing of 20th January 1973, Mr. Justice Barron said:

There is no substantive evidence linking the bombing of 20th January 1973 with any particular group or groups. The fact that the hijacking of the bomb car took place in a loyalist area of Belfast suggests that loyalists rather than republican paramilitaries were responsible. Confidential information obtained by Gardaí suggested that responsibility lay with the UVF, but no evidence was found to confirm this. Nor was there any evidence to suggest the involvement of members of the security forces in the attacks.

- 104) In the murder of Ms. Bríd Carr on 19th November 1971, British army personnel were involved in erecting ramps on the Lifford-Strabane road on the Strabane side of the British customs post. Fifteen shots were fired at the troops from a position on the Lifford side of the Border. British army soldiers returned fire. Mr. Justice Barron concluded: "It seems clear that Bríd Carr met her death as a result of gunfire coming from the State side."

- 105) In regard to the death of Mr. Oliver Boyce and Ms. Bríd Porter at Burnfoot, County Donegal on 1st January 1973, the Inquiry states "it is likely that whoever shot and stabbed the deceased had a connection with the UDA."

- 106) In his opening submission, Mr. Cormac Ó Dúlacháin SC stated that:

The issue of collusion has loomed large in the minds of the families and it is a matter that this Committee has considered. We are concerned that this report raises further issues relevant to it. We are also conscious that the Barron Report into the Dundalk bombings of December 1975 will add further to those concerns. In that instance, the spectre of collusion that hangs over these atrocities has to be dealt with. If the recommendations that this Committee makes are not acted upon, maybe it will be time for the Committee itself to fill that void as best it can. We are concerned that Mr. Justice Barron did consider to some degree the question of various events that occurred in Dublin in

December 1972 in relation to Garda files coming into the possession of people who were working for the British authorities and connections to people such as Kenneth Littlejohn involved in other affairs earlier in the year.

Mr. Ó Dúlacháin also made the point that:

It is very clear in a legal sense and in international law that providing cover constitutes an act of collusion. If one provides protection, obscures people from prosecution or fails to disclose information, one is acting as a participant in the overall event. Even if one does so subsequently, one is acquiescing. Not to co-operate with investigations, whether civil or criminal, parliamentary or quasi-judicial, into murders is effectively to give an imprimatur to the murder that occurred.

107) In respect of contacts with the British authorities about collusion, Dr. FitzGerald stated that:

The only thing I did, which I had forgotten was to say to the British Ambassador - I am referring back to the Clones case - that I hoped nothing of the kind was going on and that it would be a disaster for the British if it transpired that there had been official involvement. I had no evidence for this but it seemed useful to raise the issue with him and sound a warning note, not because I had evidence but because I thought it politically important to have it on the record. I am sure the British were at least aware of our particular concerns if anything of the kind was going on. I do not recall the actual discussion with the Ambassador and do not recall having any grounds for it, other than that it seemed politically wise to take up the matter with him in that way and alert him to the fact that this was a matter about which we would be very concerned if there was anything to it.

He said that from reading the second Barron Report, his view was that whilst collusion could not be excluded there was no real evidence supporting it.

108) Mr. O'Malley, commenting on this issue, stated:

..how unrealistic it would be to consider the British did not have people operating in Ireland. Around that time, or a year or two earlier, the Government decided to open a Soviet Embassy. The Department of Justice, the Garda Síochána and I were very much opposed to this measure. Dr. Hillery said to me that we were living in the real world, that people knew what we said was true but that we would have to put up with it. I said we would be stuck with 40 or 50 Gardaí watching the Embassy and the people there. The Americans then introduced a CIA man to watch the Russians. We were perfectly well aware that these countries had people working here. If the

Soviets and Americans had people in Ireland, the British certainly had far more interest in what was going on here than either of them.

Chapter Nine

CO-OPERATION

Domestic co-operation

- 109) The second Barron Report records that it received full co-operation from the Army and the Gardaí. It stated that *“The Inquiry also received copies of Garda reports and witness statements relating to the bombings in Dublin on 1st December 1972 and 20th January 1973: they were not attached to any particular Departmental file.”* Mr. Justice Barron also stated that *“The Department of Foreign Affairs supplied a number of files requested by the Inquiry, including files relating to border incidents and incursions between 1972 and 1977.”*
- 110) However, in the context of access to materials by Justice for the Forgotten, Mr. Ó Dúlacháin made the following observations:

We are also concerned that a veil of secrecy still prevails in relation to State files. Various files have become available in the National Archives under the 30 year disclosure rule but recent inquiries conducted by Justice for the Forgotten have revealed an extensive range of Department of Justice files that have not been disclosed. There may be good reasons for the non-disclosure but not alone have the files not been disclosed but there is a refusal to disclose the names of the files, the number of files and the file numbers. That is in the context where in the last report by this Committee there was a concern as to whether files were missing. That is a matter that, in the public interest, the Committee might wish to clarify with the Minister for Justice, Equality and Law Reform.

- 111) In response to this, Minister McDowell explained that the Secretary General of his Department, Mr. Seán Aylward and he had agreed to establish a committee of independent academics who would advise the Department on access to the files which were kept back so that persons with a bona fide interest in research, such as historians, would have access to files subject to conditions that they would not abuse such access. He stated that whilst such files give insights into history which should be available to those who are writing our history, there are things in them that one simply could not put into the public domain. That is why he believed that the fairest system was not to have a black or white system where it either is made totally public and anybody can pore through it and make whatever use they want of it or it is kept entirely restricted. He felt that a system which would allow people with a genuine reason to have access to files which might have security or reputation implications, subject to some ethical considerations. The Minister also indicated that if Justice for the Forgotten wish to appoint a researcher his Department would assist him or her. The Sub-Committee welcomes this development.

- 112) It is also the intention of the Sub-Committee to actively consider the possibility of appointing someone to examine the relevant files before its remaining hearings into the bombing of Kay's Bar, Dundalk and the murder of Mr. Seamus Ludlow.

Co-operation from outside the jurisdiction

- 113) The British Government and Northern Ireland authorities provided the Sub-Committee with no meaningful co-operation. No information has been forthcoming from the British and Northern Irish authorities despite repeated requests by the Inquiry. The second Barron Report concludes that:

The Inquiry is surprised and disappointed at this lack of co-operation on the part of the British authorities. It should also be noted that in a letter dated 21st November 2002, the PSNI informed the Inquiry that the answers to its questions would be furnished through the Northern Ireland Office. The failure of the latter to supply information therefore includes a potential failure to supply any relevant information which might be in the possession of the PSNI.

- 114) In his opening submission, Mr. Cormac Ó Dúlacháin SC stated that “*In all cases, the detection and prosecution of those responsible were dependent on the co-operation and actions of two police forces but no one was arrested, charged or convicted and no one has served one day in prison.*” He continued:

The non co-operation of the British Government is a grave political issue because it does not concern the actions of a government 30 years ago but the actions of the current British Government and the obligations of that Government under the Good Friday Agreement. Ultimately, it concerns that Government's current commitment to the rule of law. This process is still part of an investigative process; it is a process trying to establish the truth as to criminal actions and criminal atrocities that occurred. There is now emerging a pattern and a policy of non-cooperation with official inquiries established by this Government that involve any investigation of allegations of collusion. This Committee made recommendations which the British Government has chosen to ignore. The families here today want to know whether there is the political will to pursue those matters.

- 115) A number of the victims/families raised the issue of lack of co-operation in their submissions. In her oral submission, Mrs. Monica Duffy-Campbell (the wife of Mr. Thomas Duffy who was killed at Sackville Place on 1st December 1972) stated that “*The one thing I would like the Oireachtas Committee to do is to examine further why we did not get any information. The British Government is supposedly a friendly nation, we are not at war with it. Why did it decide to stand totally back from this and not give any answers? Why has it got to hide?*”

116) Mr. Martin Douglas, brother of Mr. Thomas Douglas, stated that *'I was a civil servant in the British Government for 28 years, and files do not just go missing. Files are withheld for very good reason, but the good reason is rarely good for truth and good for democracy in my experience.'*

117) Mr. Joe Douglas, brother of Mr. Thomas Douglas, told the Sub-Committee that:

My brother was a British citizen living in Ireland. Surely he was worthy of some respect and the British Government should have at least shown an interest in him. However, they never came forward with any assistance.

He stated that:

I would like closure. I would love to see the Irish and British Governments push away the smokescreen that seems to have surrounded them. I would like them to come clean, be open and tell the truth about what happened; whether outside agencies or secret organisations in the North, part of the British military, were involved. They have the answers. Then we would certainly move on.

118) Dr. FitzGerald stated that:

It is disappointing the British did not respond. They did respond in the case of the other bombings in 1974 by going through a vast amount of documents. They have not done that in this case. Whether there is any significance attaching to this, other than the fact that they are fed up with having to do so much work the previous time, I do not know. It is certainly disappointing that we do not have the information. We can see the scale of what is involved from the tens of thousands of documents they had to go through for the other bombings. Perhaps we should have asked them to do both lots together.

119) Minister McDowell stated that he and the Taoiseach were concerned that Mr. Justice Barron and the Sub-Committee should find themselves in the position of not receiving as much co-operation as they thought appropriate in the circumstances. He cautioned that one has to remember in these matters that one is talking about a separate sovereign state and that although one can attempt to persuade, one cannot direct or demand as one can in one's own jurisdiction. However he said that he and the Taoiseach would do their level best to try to persuade the British Government to take a generous approach to their interpretation of its letter dated 10th January 2005 in which it said that its would cooperate *"consistent with its responsibilities for protecting national security and the lives of individuals"*.

120) By letter dated 10th January 2005 from Prime Minister Blair to An Taoiseach (which was forwarded to the Sub-Committee) it was stated that:

On the matter of British co-operation with Justice Barron's extended Inquiry into the Dublin bombings of 1972 and 1973, it was our judgement at the time of Justice Barron's approach that, given our experience of the scale of the task in identifying relevant material in the Dublin-Monaghan and Dundalk bombings, it would not be possible to conduct another major search through our records for material relating to the 1972/1973 bombing within the timescale of the inquiry.

- 121) By letter dated 1st February 2005, Mr. Paul Murphy, Secretary of State for Northern Ireland, wrote to Deputy Ardagh and stated that:

We take all of Justice Barron's requests for information seriously and seek to address these diligently where we can. However, as I have explained to Justice Barron and to the Taoiseach, it was our judgement at the time of Justice Barron's approach regarding the Dublin bombings of 1972 and 1973 that we were not able to begin the further major and time-consuming search through records of various departments which would be necessary to assemble the material. I fear that there is therefore nothing that I could usefully add, either in writing or orally before your Sub-Committee, on this question. I am sorry that this may be a less helpful response than you may have hoped for. It is no reflection on the esteem in which I hold you and your colleagues and the important work you do.

- 122) It is difficult to reconcile this with what the Sub-Committee was told by Mr. Sean Donlon who explained that:

The Secretary of State for Northern Ireland is quoted as saying: "We have not yet been able to begin a further major and time consuming search." This, in my view, is not credible. They have already gone through the papers and have sifted and screened them in preparation for the release of official documents. In fact, the documents relating to 1973 and 1974 have been released. The sifting and screening for the years 1971, 1972, 1973 and 1974 has already been done. While many security related files remain, it should not be as difficult a task as is being suggested. I offer the following as a suggestion although it may not work.

Mr. Donlon advised confining the request to what the Sub-Committee thinks are the relevant papers and suggested that there are two sets of papers that the Sub-Committee might ask the British Authorities to consider releasing. One set relates to the Laneside papers. Mr. Donlon explained what these were in the following terms:

[Laneside] is to this day although I emphasise it is now in private hands and has no connection with the British Government, an unmarked house in a leafy upmarket suburb between Belfast and Bangor. It was, from 1969 onwards, the residence and workplace of a very senior British official of uncertain background. His activities included contacts, now documented although denied at the time, with

all paramilitaries, republicans and loyalists. I can personally vouch for that.

On one occasion in 1972 when visiting the resident, I saw members of the Provisional IRA leave by another door. My arrival was unexpected - I knew the man well enough to drop in on him if I was in the area. I am not sure who was more embarrassed, him or the IRA, because this was at a time when they were denying point blank that they had any contact with the Provisional IRA. If that was, and I believe it was, a point of contact between a very senior British official and members of paramilitary organisations, I suggest those contacts were documented. It would therefore be worth pressing for a specific trawl of what I call the Laneside papers. It should not be an embarrassing situation for the British because in a recent BBC programme, which some of the members may have seen, the last occupant of Laneside, Mr. James Allen, who is now retired and aged well into his 70s, to my surprise appeared to discuss the 1974 papers. We are not, therefore, the first to breach the wall.

- 123) Mr. Donlon indicated that the second set of papers which may be relevant are those relating to the Joint Intelligence Committee, which was chaired by a senior Downing Street official. The committee operated from Downing Street and included all the relevant security agencies. It was chaired by either the Cabinet Secretary or by one of his immediate deputies and, therefore, it is very relevant to all British security operations worldwide. Given the nature of the Sub-Committee's work, Mr. Donlon thought that it was likely they would not be particularly forthcoming. He also made the point that if the British decide they have something to hide the Sub-Committee will not get access to the papers.
- 124) It is the view of the Sub-Committee that the fact that to date the papers have not been made available to the Sub-Committee raises the question as to whether the British Authorities have something to hide.
- 125) By letter dated the 1st February 2005, the Clerk of the Sub-Committee wrote to Mr. Paul Murphy, Secretary of State for Northern Ireland, requesting documentation under the following two headings:
- (i) The Laneside papers.
 - (ii) Records of the Joint Intelligence Committee from 1970 to 1975.

At the time of writing the only response which has been received from the Office of the Secretary of State is a holding letter dated the 4th February 2005.

- 126) The Sub-Committee is very unhappy about the fact that neither it nor the Independent Commission of Inquiry has received any co-operation from the Northern Irish or British Authorities. It notes that under the heading *Reconciliation and Victims of Violence* The Good Friday Agreement states that *"The participants believe that it is essential to acknowledge and address*

the suffering of the victims of violence as a necessary element of reconciliation.” It seems impossible to reconcile the stance of the Northern Irish and British Authorities with this element of the Agreement. This is a matter to which the Joint Committee intends to return to in its subsequent reports. If necessary, the Joint Committee will also consider asking the Houses of the Oireachtas to permit it to reconvene to specifically address this matter.

- 127) In conclusion, the Sub-Committee reiterates that it received no meaningful assistance from either the Northern Ireland or British Authorities in respect of its work. The Sub-Committee deplors the non co-operation with its attempts to comprehensively consider the second Report of the Independent Commission of Inquiry. This non co-operation exacerbates the difficulties experienced by all person interested in establishing the truth.

Chapter Ten

METHODOLOGY FOR THE REPORT BY THE INDEPENDENT COMMISSION OF INQUIRY INTO THE DUBLIN BOMBINGS OF 1972 AND 1973

128) The Sub-Committee is grateful to the late Mr. Justice Hamilton, Mr. Justice Barron and all of their staff for the work they did in putting together this second report. A number of parties commented on the methodology of Mr. Justice Barron as follows.

129) Mr. Ó Dúlacháin began by offering the following general overview of the issue:

Even, as lawyers engaging with Mr. Justice Barron, we do not come to the report to criticise it for the sake of criticism, but the points arising from the Report that we wish to highlight would have been highlighted more effectively, if we had been in a position to do so, when Mr. Justice Barron was considering these matters. Mr. Justice Barron was reporting to the Government and not to us. We, as lawyers, had no sight of any of the documents to which he had access. We had no idea of the content of his Report. We could not, on behalf of relatives, tell him what other line of inquiry he could pursue.

Mr. Justice Barron has not had the benefit of an input from us or the families involved to ensure his is a more wholesome and effective report. That undermines the whole exercise significantly. It means that the Douglas family find that the Report does not fill in the detail and leaves them with so many questions, that they question whether their brother's murder received less attention because they did not live in the country. That may not be the case, but that does not come out in the Barron Report. They have not had the benefit of sitting down with a Garda officer to obtain an explanation of what occurred.

130) In his written submission to the Sub-Committee, Mr. Andrew Douglas, brother of Mr. Thomas Douglas, took issue with some details in the Barron Report. He said his brother's age was incorrectly stated and that his movements on the day of the bombing were incorrectly described. In response, Mr. Justice Barron stated that the information in his Report was taken from Garda documentation.

131) Mr. Hugo Boyce (brother of Mr. Oliver Boyce) said that Mr. Justice Barron had not made contact with him. Mrs. Ann McDermott (the sister of Ms. Bríd Porter) stated that:

I am disappointed there is no mention of the fingerprints that are all over the car and matters such as that. Also, we disagree with his remarks on page 114 where he says, "Ultimately, it seems far more likely that Boyce and Porter had driven alone to the Glen Road". I presume he meant that they had gone there to have a court or

something. That is 22 miles away and that comment is nowhere near the mark.

Mr. Justice Barron, in a letter to the Sub-Committee dated 10th February 2005, has responded to these expressions of concern by saying:

“The details relating to Mr. Thomas Douglas, set out in the Report are taken from the Garda investigation report, paragraph 39. In this paragraph Thomas Douglas is referred to as being aged 22 years, and last seen leaving Kilmartin’s just before the explosion.....It is regretted that Mr. Hugo Boyce is concerned that neither I nor anyone on my behalf made any contact with him. The Report set out to bring into the public domain the relevant facts known to the investigating authorities at the time. As a general rule, the Inquiry did not initiate steps to contact or meet relatives of the victims of attacks with which it dealt. Whenever it was intimated to the Inquiry that relatives wished to meet with its members, this was arranged. I recognise the hurt now being expressed by Mr. Hugo Boyce on behalf of himself and his family and, if he still wishes, I am willing to meet with him and any other members of his family anxious for such a meeting.... Paragraph 74 of the Garda investigation report which deals with the technical examination of the car states: “any number of fingerprints were found, but they were eliminated as having been made by persons who had access to the vehicle”.

132) Mr. Justice Barron attended before the Sub-Committee and made himself available to answer any questions. He said that all of the files that he had asked for had been made available by the Department of Justice. He said that he was unable to say why his investigation had not seen the C3 investigation file into the Clones bombing but only the C1 security and intelligence file. In this regard, it should be noted that in his oral presentation Commissioner Conroy indicated that the investigation file into the Clones bombing was missing but that he could not offer any explanation for this. The Sub-Committee anticipates that the liaison officer appointed by the Gardaí to assist Justice for the Forgotten will be able to address this.

133) A concern arose as to whether Mr. Justice Barron had asked questions to follow up what had had happened to certain items sent for forensic testing as part of the Garda investigations. He responded by explaining that where a Garda report indicated that something had not been followed up, he accepted that and worked on the basis that nothing further had been done. He said that if he felt that something could have been obtained by following up then he would have followed it up. He stated:

..I think one of the difficulties that we faced was that very little seemed to have been written down and most communications between Gardaí and RUC officers would have been verbal. There would be no record of them nor would there be any record of the people who had been making the verbal communications. That is really the difficulty when one goes back that distance in time. It was a pattern and I think

we were not unreasonable to accept that if you see a pattern of statements like this, we will let you know if anything further turns up and there is nothing more on the file. It is reasonable to assume that nothing was done or if it was followed up, nothing useful was obtained.

- 134) In respect of the suggestion that there had not been interaction by the Inquiry with the families, Mr. Justice Barron stated that:

There was no wish to cause members of the families any further trauma than they had already suffered. We met them on one occasion. I cannot remember if we met them on their own or whether it was in the course of meeting the families of the victims of the 1974 bombings. However, we did meet them on one occasion. I particularly remember one of them saying their mother was very upset and ill and that she would like some conclusion. Therefore, we did meet them in that sense. We did not meet them in any sense to get information as to what had happened because, with respect, they did not know. We were investigating the circumstances of particular offences. Rightly or wrongly, we did not think it necessary to go to them to tell them what we were doing. Perhaps we should have done so. I do not know. However, we did meet them at least once.

- 135) The Sub-Committee notes that in his report Mr. Justice Barron stated that *‘The Inquiry again received considerable assistance from Justice for the Forgotten. The information provided by them included government documentation released under the 30-year rule, both here and in Britain.’* The Sub-Committee acknowledges the hard work and professionalism of Mr. Justice Barron and his team. However, the Sub-Committee considers that it might have been useful and appropriate for Mr. Justice Barron to have met all the families and victims specifically in relation to the atrocities considered in his second report. However the Sub-Committee welcomes the fact that Mr. Justice Barron said *‘If we can assist the families in any way by further discussing the matter with them, I am perfectly happy to do so. There was no intention to ignore them in any way. They are the people for whom the Report is essentially written. If there are matters which they feel could be better explained to them, we will try to do so.’*

Chapter Eleven

PROGRESS ON THE REPORT OF THE JOINT COMMITTEE ON THE REPORT OF THE INDEPENDENT COMMISSION OF INQUIRY INTO THE DUBLIN AND MONAGHAN BOMBINGS OF 1974

- 136) The recommendations made in the report of the Joint Committee on the first Barron Report are attached in Appendix 8 to this Report. It appears to the Sub-Committee that whilst the Irish Government has responded appropriately to those recommendations, the British Government has not.
- 137) The seriousness with which the Irish Government responded to the Sub-Committee's examination of the first Barron Report into the 1974 Dublin and Monaghan bombings is illustrated by the fact that the Oireachtas has approved a draft order establishing a Commission of Investigation into certain aspects of the State's handling of the bombings. The draft terms of reference and a draft statement of costs are being prepared under the auspices of the Department of the Taoiseach for the approval of the Government in due course.
- 138) The Sub-Committee asks the Irish Government to continue to progress the recommendations that it made in the Report of the Joint Committee on the first Barron Report.
- 139) By letter dated the 10th January 2005 from Prime Minister Blair to An Taoiseach it was stated that:
- ‘The Government notes Mr. Justice Barron’s conclusions that, while allegations of collusion between British security forces and the perpetrators of the bombings were not fanciful, he had not seen any evidence to corroborate it and that it could not be inferred, even as a matter of probability. In the circumstances, the Government concludes that no further benefit to the public interest would accrue from the establishment of an inquiry, within the United Kingdom, to re-examine these allegations.’*
- 140) The Sub-Committee is very unhappy with this response. It again wishes to draw attention to the fact that under the heading *Reconciliation and Victims of Violence*, The Good Friday Agreement states that *‘The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation.’* It is difficult to reconcile the stance of the Prime Minister with this element of the Agreement.

Chapter Twelve

ANY FURTHER NECESSARY ACTION

- 141) The Sub-Committee deplors the fact that it has received no co-operation from the Northern Irish or British authorities. This report has previously pointed out that under the heading *Reconciliation and Victims of Violence*, The Good Friday Agreement states *“The participants believe that it is essential to acknowledge and address the suffering of the victims of violence as a necessary element of reconciliation.”* It seems impossible to reconcile the stance of the Northern Irish or British Authorities with this element of the Agreement.

The Sub-Committee also notes that the explanation by Mr. Paul Murphy, Secretary of State for Northern Ireland, that *“we were not able to begin the further major and time-consuming search through records of various departments which would be necessary to assemble the material”* was totally undermined by Mr. Seán Donlon, former Secretary General of the Department of Foreign Affairs, who explained that the documents from the time have already been sifted through and that the authorities have already released some documents from 1973 and 1974. This is a matter to which the Sub-Committee intends to return to in its subsequent reports. If necessary the Sub-Committee under the auspices of the Joint Committee will consider asking The Houses of the Oireachtas to permit it to re-convene to specifically address this issue.

- 142) The Sub-Committee is of the view that lessons should be learned from the lack of support that the victims and families received from the authorities at the time of and subsequent to the attacks. Steps should be taken to ensure that if there is ever a terrorist attack in this jurisdiction again that the victims and their families will receive full, timely and ongoing support.
- 143) When asked if he would consider a Victims’ Charter for all the victims of the troubles over the past 30 years, the Minister for Justice, Equality and Law Reform, Michael McDowell T. D., indicated that this was a constructive suggestion and he would explore it on a bilateral basis with the authorities in the U.K. He said that he saw a good deal of merit in refocusing efforts to ensure a more pro-active role in this matter and that victims, relatives and other interested parties should be individually sought out, rather than advertisements being placed in newspapers asking them to make contact with the authorities. The Sub-Committee welcomes this and recommends that the Minister raise the issue with the relevant Northern Irish and British Authorities, with a view to establishing a Victims’ Charter for all the victims of the Troubles, North and South over the last 35 years.
- 144) The Sub-Committee welcomes the announcement by the Minister for Justice, Equality and Law Reform, Michael McDowell T.D., of his intention to establish a committee of independent academics who will advise the Department on access to undisclosed files in the National Archive. The Sub-

Committee recommends that the Minister appoints this committee at the earliest possible opportunity.

- 145) The Sub-Committee recommends that in future all Garda investigation files should clearly indicate whether each line of inquiry was followed up and state the result of that follow-up exercise. In particular, it should be clear from all Garda files, whether an item sent for forensic testing ever produced anything of evidential value.
- 146) The Sub-Committee also recommends that any fresh avenues of investigation that emerge either from the work of Mr. Justice Barron or the work of this Sub-Committee or the interaction of Justice for the Forgotten with the Garda Liaison Officer or from any other source should be further pursued by the Gardaí. As stated earlier in this Report at paragraph number 92, Mr. Justice Barron, when asked if the Brid Carr case could be followed up 34 years later, stated that *"That is one of the problems. That nothing might emerge from following it up would not be a justification for not doing so."*
- 147) The Sub-Committee recommends that Minister McDowell consider extending the terms of reference of the order establishing a Commission of Investigation into the early termination of the Garda investigations and the missing Garda files in relation to the Dublin and Monaghan bombings of 1974, so as to include aspects of the Garda investigation into the Dublin bombings of 1972 and 1973 and the other atrocities in the State from 1970 to 1974, including the missing Clones investigation file, details of the Crinnion, Wyman and Littlejohn brothers cases, and the question of whether or not forensic evidence was properly followed up.
- 148) Justice for the Forgotten asked the Sub-Committee to consider whether it should extend an invitation to a broader range of victims than those persons who have been the subject of atrocities that were enquired into by the Independent Commission of Inquiry and whether there are others who need to be brought into this process in the absence of any other process. Justice for the Forgotten also asked the Sub-Committee to reflect generally, in relation to the Good Friday Agreement, on how victims' issues will finally be addressed and whether, on a larger scale, there is something both Governments and all parties need to do to address the needs of victims and to learn the truth of what occurred. The Sub-Committee acknowledges such suggestion and is of the view that one way of progressing this might be to establish a cross-border Commission consisting of Members of the Oireachtas and Members of the Legislative Assembly of Northern Ireland to hear from all interested parties. The Joint Committee will keep these particular issues under review in any further consideration of reports of the Independent Commission of Inquiry into the bombing of Kay's Bar, Dundalk and the shooting of Mr. Seamus Ludlow.
- 149) Justice for the Forgotten asked the Sub-Committee to consider how information in relation to past atrocities should be made available to the victims and their families or whether it always has to be done through a

process such as an Independent Commission of Inquiry. The Sub-Committee welcomes the suggestion by the Garda Commissioner that a Liaison Officer be appointed and recommends that he takes a pro-active role in implementing such a measure in a timely fashion.

150) Justice for the Forgotten stated that if there continued to be a lack of co-operation by the British Authorities, it was asking the Committee to reconvene later this year to consider all the evidence that has emerged from the Barron Reports. They indicated that they would be quite willing to return at a later stage to outline their understanding of all the information that emerges and to bring it all together in an integrated fashion. The Joint Committee will consider this proposal after any further consideration of reports of the Independent Commission of Inquiry on the bombings of Kay's Bar Dundalk and the shooting of Mr. Seamus Ludlow, and any other new information which comes to hand.

151) In conclusion the Sub-Committee acknowledges

- the continuing grief and distress of victims and relatives of victims,
- the sense of isolation and abandonment felt by the victims and their relatives.
- the need for victims and relatives to be better informed in matters relating to the atrocities.
- the overwhelming desire for justice and closure, and

the Sub-Committee commits itself to continuing its role in the process to achieve these ends.

Appendix 1: Biographical Details of the Deceased Victims.

DUBLIN BOMBINGS OF DECEMBER 1972

George Bradshaw (30): Bus driver, married, Sutton, Dublin and a native of Fethard, Co. Tipperary. Survived by his wife, Kathleen; daughter, Lynn; son Rory; his mother, Anastasia and twelve siblings. His father, William, had pre-deceased him in January 1972.

Tommy Duffy (24): Bus conductor, married, Artane, Dublin and a native of Castlebar, Co. Mayo. Survived by his wife, Monica; daughter, Caroline; his parents, Molly and Mike and seven siblings. Monica was five months pregnant when her husband was murdered and gave birth to a son, Thomas, the following April.

DUBLIN BOMBING OF JANUARY 1973

Tommy Douglas (21): Electrician and bus conductor, engaged to be married, Malahide Road, Dublin and a native of Stirling, Scotland. Survived by his parents, Catherine and Martin; his sister, Maureen and brothers, Martin, Joe and Andrew.

BELTURBET BOMBING OF DECEMBER 1972

Geraldine O'Reilly (15): Schoolgirl, from Drumacon, Staghall, Belturbet, Co. Cavan. Survived by her parents, Mary Kate and Joseph and seven siblings. Geraldine was the youngest of her family and had completed her Group Certificate examination the previous June, gaining six honours and intended taking up a career in nursing.

Patrick Stanley (16): Clara, Co. Offaly. Survived by his parents, Teresa and Joe and ten siblings. A keen hurler, Gaelic footballer and soccer player, Patrick had recently won an All-Star award for Gaelic football with his school, Árd Scoil Ciarán. He had applied for a cadetship in the Army and, at the time of his murder, was temporarily employed by local businessman, Pat Jennings.

MURDER OF BRÍD CARR ON THE LIFFORD-STRABANE ROAD, NOVEMBER 1971

Bríd Carr; (26): Fanad, Co. Donegal. She was survived by her mother who died twenty three years later at the age of ninety three, two brothers and one sister. She worked in the hotel in Lifford and returned to the family home every weekend.

MURDER OF BRÍD PORTER AND OLIVER BOYCE ON THE GLENN ROAD, BURNFOOT, JANUARY 1973

Bríd Porter (21): She was due to marry Oliver Boyce in August of 1973. She was the youngest of her family and worked in a shirt factory in Buncrana.

Oliver Boyce (25): Fiancé of Bríd Porter. He worked as a carpenter and was known as a brilliant craftsman. He had spent time working in England before returning to work in Ireland in 1970.

Appendix 2: The Orders of Reference of the Joint Committee.

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."

SCOPE AND CONTEXT OF COMMITTEE ACTIVITIES.

The scope and context of activities of Committees are set down in S.O. 80(2) [Dáil] and S.O.64(2) [Seanad]. The text of the Dáil Standing Order is reproduced below. The Seanad S.O. is similar.

- “(2) It shall be an instruction to each Select Committee that-
- (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;

and

 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil.”

Appendix 3: The Orders of Reference of the Sub-Committee.

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

Order establishing Sub-Committee on the Barron Report on the Dublin Bombings of 1972 and 1973.

- a) a Sub-Committee (to be called the Sub-Committee on the Barron Report on the Dublin Bombings of 1972 and 1973) be established to consider, including in public session, the Report of the Independent of Inquiry into the Dublin Bombings of 1972 and 1973, and to report back to the Joint Committee within three months concerning any further necessary action.

Provided that-

- the Sub-Committee and the Joint Committee, may accept, including in public session, submissions on the Report from interested persons and bodies:
 - a series of hearings will be held in public session, to commence in late January or early February 2005;and
 - 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 of Dáil Éireann and Seanad Éireann dated 16 and 17 November 2004, report back to the Houses within three months of 17 November 2004.
- b) The Sub-Committee shall consist of of 7 members of whom six shall be Members of Dáil Éireann and one shall be a Member of Seanad Éireann;
- c) The quorum of the Sub-Committee shall be three, of whom one at least shall be a Member of Dáil Éireann and one shall be a Member of Seanad Éireann;

and

- d) The Sub-Committee shall have all the powers of the main Committee, including those referred to in Standing Order 81(1), (2) and (4) to (9) (Dáil) and in Standing Order 65(1), (2) and (4) to (9) (Seanad) and the power referred to in Standing Order 91(2) Dáil and 81(2) Seanad; provided that the exercise of the powers to publish and print evidence and to travel and to engage consultants shall in each case be subject to the approval of the Joint Committee''.

Appendix 4: The text of the advertisement seeking submissions on the Barron Report.



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

**SUB-COMMITTEE ON THE BARRON REPORT ON THE
DUBLIN BOMBINGS OF 1972 AND 1973.**

REQUEST FOR SUBMISSIONS

By Resolutions of Dáil Éireann and Seanad Éireann on 16th and 17th November 2004, the Report of the Independent Commission of Inquiry into Bombings in Dublin, 1972-1973, which had been presented to the Government by Mr. Justice Henry Barron, was referred to the Joint Committee on Justice, Equality, Defence and Women's Rights, chaired by Sean Ardagh T.D. On 17th November 2004, the Joint Committee published the Report as part of its 'Interim Report on the Report of the Independent Commission of Inquiry into the Dublin Bombings of 1972 and 1973'. The Joint Committee has decided to establish a Sub-Committee, to be called the Sub-Committee on the Barron Report on the Dublin Bombings of 1972 and 1973, to consider, including in public session, the Report of the Independent Commission of Inquiry into the Dublin bombings of 1972 and 1973, which also makes reference to other incidents and bombings incidents in 1974*, and to report back to the Joint Committee concerning any further necessary action.

The Joint Committee has also decided:

- that submissions relevant to its Orders of Reference, 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 late January 2005; 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 Motions of Referral, report back to the Houses within three months.

The Members of the Sub-Committee are Deputies Seán Ardagh (*Chairperson*), Joe Costello, Máire Hctor, Finian McGrath, Gerard Murphy, Seán O Fearghaíl and Senator Tony Kett.

The Report is available for viewing on the Oireachtas website (www.oireachtas.ie) and hard copies are also available from the Committee Secretariat at the address indicated below.

As part of its consideration of the Report, the Sub-Committee intends to hold a series of hearings, starting in late January 2005, which various interested parties and bodies and some of those persons referred to in the report will be invited to attend. In order to assist the Sub-Committee in the hearing process, submissions relevant to its Orders of Reference are invited from interested parties and bodies and from members of the general public.

Submissions should be made in writing only to:

**Clerk to the Sub-Committee on the Barron Report on the Dublin Bombings of 1972 and 1973,
Kildare House,
Kildare Street,
Dublin 2.**

Or by e-mail at: barronreport1972-3@oireachtas.ie If possible, submissions should be sent electronically.

The closing date for receipt of submissions is
5.30 p.m. Friday 14th January, 2005.

*

- Murder of Bríd Carr.
- Murder of Oliver Boyce and Bríd Porter.
- Bombings of Clones, Belturbet and Pettigo.
- Other bombing incidents in the State, 1970-74.
 1. St. Johnston.
 2. Lifford.
 3. Carrigans.
 4. Bridgend.
 5. Clones.
 6. Cloughfin.
 7. Pettigo.

Appendix 5: The list of persons/bodies who made oral submissions to the Sub-Committee.

Tuesday 25th January 2005

Dublin Bombing 1st December 1972

Ms. Monica Duffy-Campbell	(widow of Mr. Tommy Duffy)
Mr. Tom Duffy	(son of Mr. Tommy Duffy)
Mr. Paddy Duffy	(brother of Mr. Tommy Duffy)
Ms. Lynn Cummins	(daughter of Mr. George Bradshaw)
Ms. Anna Bradshaw-Cooke	(sister of Mr. George Bradshaw)
Mr. Pat Bradshaw	(brother of Mr. George Bradshaw)
Ms. Angela Connery	(sister of Mr. George Bradshaw)
Ms. Rose Bradshaw-Brett	(sister of Mr. George Bradshaw)
Mr. Matthew Bradshaw	(brother of Mr. George Bradshaw)
Mr. Pat Morrissey	(survivor of the Bombings)

Dublin Bombings 20th January 1973

Mr. Martin Douglas	(brother of Mr. Tommy Douglas)
Mr. Joe Douglas	(brother of Mr. Tommy Douglas)
Ms. Maureen Douglas	(sister of Mr. Tommy Douglas)
Mr. Andrew Douglas	(brother of Mr. Tommy Douglas)
Ms. Carol Garvey	(wife of Mr. John Garvey, a survivor)

Wednesday 26th January 2005

Belturbet Bombing

Ms. Frances McCann	(sister of Ms. Geraldine O'Reilly)
Ms. Anthony O'Reilly	(brother of Ms. Geraldine O'Reilly)
Mrs. Marie O'Reilly	(wife of Mr. Anthony O'Reilly)
Ms. Gretta Farrell	(sister of Mr. Patrick Stanley)
Ms. Susan Stanley	(sister of Mr. Patrick Stanley)

Dublin Bombings 20th January 1973

Mr. Joe Douglas	(brother of Mr. Tommy Douglas)
<u>Murder of Bríd Carr</u>	
Father James Carr,	(brother of Ms Bríd Carr)

Thursday 27th January 2005

Mr. Michael McDowell T.D., Minister for Justice, Equality and Law Reform.

Mr. Seán Aylward, Secretary General, Department of Justice, Equality and Law Reform

Mr. Justice Henry Barron
Mr. Éanna Hickey B.L.

Mrs. Ann McDermott, sister of Ms. Bríd Porter (deceased)
Mr. Hugo Boyce, brother of Mr. Oliver Boyce (deceased)
Mr. Séan Boyce, brother of Mr. Oliver Boyce (deceased)

Tuesday 1st February 2005

Mr. Des O'Malley, former Minister for Justice

Dr. Garret FitzGerald, former Taoiseach and former Minister for Foreign Affairs

Mr. Seán Donlan, former Secretary General of the Department of Foreign Affairs

Thursday 3rd February 2005

Lieutenant General James Sreenan, Chief of Staff of the Defence Forces
Lieutenant Colonel Rory Kelleher, Army Ordnance Corps
Lieutenant Colonel Dermot Igoe

Mr. Noel Conroy - Garda Commissioner
Mr. M.F. Murphy – Deputy Commissioner
Mr. Martin Callinan – Detective Chief Superintendent

Mr. Eamon O'Fiacháin – Retired Detective Sergeant
Mr. Hubert Reynolds – Retired Detective Superintendent
Mr. Brian Garvey – Retired Chief Superintendent
Mr. Martin Hogan – Retired Detective Inspector
Mr. Sean Garland
Mr. Tomás Mac Giolla

Justice for the Forgotten

Margaret Urwin, Secretary for the Justice for the Forgotten
Mr. Greg O'Neill, Solicitor.
Mr. Cormac Ó Dúlacháin S.C.
Mr. Micheál O'Connor B.L

Appendix 6: The list of persons/bodies who made written submissions to the Sub-Committee.

Father James Carr

Mr. Neil Ferris, Solicitor

Justice for the Forgotten

Dr. Garret FitzGerald

Mr. Michael McDowell T.D., Minister for Justice, Equality and Law Reform

Commissioner of An Garda Síochána, Mr. Noel Conroy

Lieutenant General James Sreenan, Chief Staff of the Defences Forces

The Workers' Party

Irish National Congress

Appendix 7: The list of persons/bodies from whom correspondence was received by the Sub-Committee.

Ms. Gretta Stanley Farrell
Mr. Andrew J. Reid, Solicitor
Dr. Garret FitzGerald
Mr. Patrick Cooney, former Minister for Justice
Mr. Sean Donlon, former Secretary General, Department of Foreign Affairs
Chief Superintendent Martin Callanin
Detective Sergeant Thomas R. Croke
Lieutenant Colonel Dermot Igoe
Mr. Charles Dowling
Justice for the Forgotten
Mr. David Feeney, Private Secretary to the Taoiseach
Mrs. Joan Ann Hourigan
Rt Hon Paul Murphy MP
Ms. Zowie Calderwood, Private Office of the Secretary of State for Northern Ireland
Mr. Paul Leighton, Deputy Chief Constable, Police Service of Northern Ireland
Lord Merlyn-Rees PC

Appendix 8: Recommendations of the Joint-Committee contained in its ‘Final Report on the Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings’.

The Recommendations of the Sub-Committee on Whether there should be Further Investigations /Inquiry on the Identity of the Perpetrators and on the Issue of Collusion.

The Sub-Committee recommends as follows:

1. The Barron Report taken together with the oral and written submissions point to the following:
 - (i) That in all probability the planning of the bombings was carried out in Northern Ireland.
 - (ii) That in all probability most if not all of the perpetrators came from Northern Ireland.
 - (iii) That in all probability information which identifies and which concerns the perpetrators still exists in Northern Ireland and Great Britain.
 - (iv) That in all probability most of the information touching on collusion in relation to the Dublin and Monaghan bombings is in Northern Ireland and/or in Great Britain.
 - (v) That in all probability most if not all of the relevant witnesses in respect of perpetrators and collusion reside in Northern Ireland and Great Britain.
2. The Sub-Committee has given very careful consideration to the various forms of investigations and inquiries that might be undertaken to bring closure to these atrocities. They include:
 - (i) A public Tribunal of Inquiry with full statutory powers.
 - (ii) An investigation under the Commission of Investigations legislation, when enacted.

- (iii) An investigation based upon the Weston Park proposals.
 - (iv) A civil suit initiated in Great Britain and/or Northern Ireland by individual victims and/or relatives.
 - (v) A civil suit against the British Government initiated in the European Court of Human Rights in Strasbourg.
 - (vi) An inter/cross jurisdictional Inquiry
 - (vii) A Truth and Reconciliation Process.
3. The Sub-Committee considers that a public inquiry under the Tribunal of Inquiries Act 1921 in this jurisdiction would have represented the preferred form of inquiry. However, because the perpetrators, information and witnesses are outside of this jurisdiction, there are legal and procedural difficulties arising from an inquiry initiated in this jurisdiction as set out previously.
 4. The Sub-Committee considers that a Public Tribunal of Inquiry in Northern Ireland and/or Great Britain is required and represents the best opportunity to be successful.
 5. Before any Inquiry would proceed the Sub-Committee is of the view that what is required in the first instance, is an investigation based upon the Weston Park proposals. The terms of reference should be agreed between the two Governments and should be based upon the terms agreed at Weston Park, in particular paragraph No. 19. The letter of instruction to Mr. Justice Peter Cory and the relevant portion of the Weston Park protocol is at Appendix II. The Sub-Committee recommends that such an investigation be conducted on the following basis:
 - (i) That the judge conducting the investigation be of international stature.
 - (ii) That the investigation would have the power to direct witnesses for interview, the power to compel the delivery of documentation and to inspect premises.

- (iii) That there should be time limits agreed for the commencement, duration and conclusion of the investigation.
 - (iv) That the judge conducting the investigation could recommend further action including whether a public inquiry in either jurisdiction should be held or not.
 - (v) The relevant government would be obliged to implement any recommendation within a defined time limit
6. In the event of the aforementioned process failing as a consequence of a lack of co-operation from the Government or authorities in Great Britain or Northern Ireland, the Sub-Committee recommends that the Irish Government should consider instituting proceedings in the European Court of Human Rights in Strasbourg, pursuant to the European Convention on Human Rights, seeking appropriate declaratory relief against the UK, requiring it to put in place an appropriate investigation.

The Sub-Committee recommends that a resolution of both Houses of the Oireachtas be passed endorsing this Report and its recommendations, and would invite the UK Parliament in Westminster to pass a similar resolution.

Appendix 9: List of Member of the Joint Committee on Justice, Equality, Defence and Women's Rights.

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

List of Members

Deputies Seán Ardagh (FF) (Chairperson)
Joe Costello (LAB)
Máire Hctor (FF) (Government Convenor)
Finian McGrath (Independent/ Technical Group)
Breeda Moynihan-Cronin (LAB) (Opposition Convenor)
Gerard Murphy (FG)¹ (Vice-Chairperson)
Charlie O'Connor (FF)
Denis O'Donovan (FF)
Seán O'Fearghaíl (FF)
Jim O'Keeffe (FG)²
Peter Power (FF)

Senators Maurice Cummins (FG)³
Tony Kett (FF)
Joanna Tuffy (LAB)
Jim Walsh (FF).

- 1 Deputy Gerard Murphy replaced Deputy Paul McGrath by Order of Dál Éireann on 20th October, 2004 and was elected as Vice-Chairperson on 9th November, 2004.*
- 2 Deputy Jim O'Keeffe replaced Deputy Dinny McGinley by Order of Dál Éireann on 20th October, 2004.*
- 3 Senator Maurice Cummins replaced Senator Sheila Terry by Order of Sínad Éireann on 20th October, 2004.*

