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Title: Copy Dublin Metropolitan District Court statement of evidence by Minister for Agriculture and Fisheries James Gibbons, in the case against Albert Luykx, John Kelly, James Kelly, Charles Haughey and Neil Blaney, accused of conspiring to illegally import arms and ammunition into Ireland.

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No. 216

AN CHÚIRT DÚICHE



THE DISTRICT COURT

Form 4—Rule 5

CRIMINAL PROCEDURE ACT, 1967

section 6 (1)(d)

STATEMENT OF EVIDENCE

~~DISTRICT COURT~~

DUBLIN METROPOLITAN

District ~~KIX~~

THE ATTORNEY GENERAL.....Prosecutor

ALBERT A. LUYKX, JOHN KELLY, JAMES J. KELLY,

CHARLES J. HAUGHEY and NEIL T. BLANEY,....Accused

Statement of the evidence that is to be given by James Gibbons, Minister for Agriculture and Fisheries,
Upper Merrion Street, Dublin (witness no. 26):-

From the 2nd day of July, 1969 to the 9th day of May, 1970, I was Minister for Defence. In the carrying out of my functions and duties as Minister for Defence, I received certain information concerning Captain James Kelly who was serving in the Intelligence Section of the Army. I had certain suspicions about Captain Kelly's activities from Colonel Hefferon. During the month of March and up to the 23rd April, 1970, at the request of Mr Neil Blaney who was then Minister for Agriculture and Fisheries and is another of the accused, I met Captain Kelly twice or three times, before the 23rd April, probably twice. Captain Kelly and I spoke on these occasions about his proposed resignation from the Army. He raised the question of his resignation and I was keen to facilitate him but I didn't want him to leave with a grievance. Captain Kelly told me when I first met him that he felt a moral commitment to the people of Northern Ireland. I asked Mr Charles Haughey who was then Minister for Finance and is another of the accused, to see whether some job could be found for Captain Kelly in the Government service with equivalent pay to that paid to him

in the Army. That took place sometime in March, before St. Patrick's Day. Shortly after St. Patrick's Day, Charles Haughey suggested to me that a job could be found for Captain Kelly as a pig-smuggling Prevention Officer. I later became aware that this job fell under the Department of Agriculture and I spoke to Neil Blaney about it and he was not very enthusiastic about getting Captain Kelly into it. I think Charles Haughey did not take my request very seriously either. Neil Blaney indicated to me at some stage that he did not think Captain Kelly should leave the Army at all. When I spoke to Neil Blaney about Captain Kelly's proposed resignation from the Army and mentioned the possibility of his being picked up in the North of Ireland by British or North of Ireland forces, Neil Blaney's attitude was "Let him be picked up. We can say 'Yes, he is our Intelligence Officer'". When Neil Blaney wanted me to meet Captain Kelly he would ring me on the phone and say, "Your wee man is here and would like to see you" or words to that effect. About early April it became apparent to me that some kind of gun-running project was under way. About this time I asked Charles Haughey if he knew anything about a gun-running project and he said that he didn't, that his own views were the same as mine and that any action would have to be taken by the Government collectively. About this time, also, i.e. early April, Neil Blaney had a conversation with me, generally on the subject of gun-running. I do not remember the exact words he used but, although he spoke somewhat obliquely, I clearly understood that what he was conveying was whether I knew that the Minister for Defence could authorise the Customs-free import of arms and if there were any circumstances in which I would consider issuing such an authority irregularly. I told him I would not consider it under any circumstances. He said "You wouldn't?" and I replied "No". He seemed angry and disappointed at my reply. Also about the same time, i.e. early April, Captain Kelly told me of an abortive effort to send in arms by sea. He said that a consignment of arms was to be met at Dublin Docks. I understood from Captain Kelly that this illegal consignment never left Belgium. Neil Blaney also mentioned this incident to me at about the same time. It was about this time too that Mr Blaney sounded me on my willingness to permit the

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District Court Area of

District No.

.....Prosecutor

.....Accused

Statement of the evidence that is to be given by

.....(witness no.):—

(Statement of James Gibbons, continued)

importation of arms by use of my office of Minister for Defence. On Monday, 20th April, I spoke to Charles Haughey on the phone and told him that a telephone call had come to the Department of Defence from Dublin Airport asking if the Army expected delivery of a consignment of arms, and of other calls to the Department of Transport and Power. He said "The dogs in the street are barking it". I asked Charles Haughey if he could stop the operation. He said "I will stop it for a month". I said "For God's sake stop it altogether". On 23rd April, 1970, I met Neil Blaney in his office at his request. Colonel Hefferon, who had then retired as Director of Military Intelligence, having reached the age limit, and Captain Kelly were present when I arrived. There was a conversation about the breakdown of a project to bring guns into Dublin Airport and the means by which the situation could best be handled. Neil Blaney did most of the talking. I find it difficult to remember much of the exact words used but Neil Blaney spoke to the effect that while the situation was serious, nothing could be done about it (presumably, by the authorities)

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since there had, in fact, been no delivery of arms. Some details of the mechanics of the operation were mentioned but I learned nothing concrete about how the plan was carried on or by whom except that either Neil Blaney or Captain Kelly said that John Kelly, who is another accused, had been mistaken for Captain Kelly at Dublin Airport. On the last day of April or the 1st day of May, 1970, Captain Kelly submitted his resignation from the Army. I sent for him and asked him had he any remarks to make and he said "No" so I signed his resignation. At no time did I issue an authority to any of the accused persons under sub-section (8) of Section 17 of the Firearms Act, 1925, nor did I undertake to do so.