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Reference Code:	2022/79/23
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Statement in Dáil by Min. on 2/6/99.

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STATEMENT BY MR. JOHN O'DONOGHUE, T.D., MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM

I am grateful to the House for this opportunity to make a statement on what is an important and difficult issue.

There are two points I want to make at the outset.

First of all, our thoughts are with the relatives of the victims at what is an enormously difficult time for them. We earnestly pray that their hopes, which were built up after years of appalling suffering, are not dashed.

Secondly, I want to place on the record of this House my appreciation, that of the Government and, indeed, I am sure all members of the House for the professional and sensitive way in which the Gardaí are carrying out the difficult duties they have been called on to undertake in the search for the remains of the victims. The Commissioner and members of the force can be rightly proud of the manner in which they have undertaken this onerous task. It is only right too to acknowledge the role played by the Commission for the Location of Victims' Remains and its staff in dealing with this matter.

The background to the search for the remains of the missing persons in question is as follows.

At its meeting on 29 March, 1999, the Government approved the issuing of a statement concerning an initiative to locate the graves of missing people from Northern Ireland. That statement said that the Government following, indications from Sinn Fein that a genuine effort was being made to locate the graves of missing people, was prepared to facilitate a process in relation to the locating of the remains through introducing legislation to the effect that evidence resulting from that process could not be used in

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the prosecution of offences. The British Government indicated that it would also introduce similar legislation. Very shortly afterwards the Provisional IRA issued a statement to the effect that it had succeeded in locating the remains of 9 victims.

Detailed discussions took place with the U.K . authorities with a view to putting in place a framework for the purposes of locating the remains of victims. This culminated in the signing of an Agreement between the two Governments on 27th April. The main purpose of the recently enacted Criminal Justice (Location of Victims' Remains) Act, 1999 was to provide for the independent international Commission, as established under the Agreement between the two Governments, to facilitate the location of the remains of victims of paramilitary violence killed prior to 10 April, 1998. The legislation provides that evidence resulting from the process of locating the remains of victims cannot be used on behalf of the prosecution in criminal cases. I want to acknowledge again the co-operation of all sides of the House in having that legislation enacted.

Subsequent to the enactment in this jurisdiction of the Criminal Justice (Location of Victims' Remains) Act, 1999 and equivalent legislation in the U.K., the Commission for the Location of Victims Remains was established following an exchange of notes between the British and Irish Governments on 28 May, 1999. The Governments appointed Sir. Kenneth Bloomfield, the Victims Commissioner in the North, and the former Tanaiste, Mr. John Wilson, who fulfils a similar role in relation to victims in this jurisdiction, to the Commission.

On 28 May, 1999, i.e. the same day on which the Commission had been established, Mr. John Wilson, with the consent of Sir. Kenneth Bloomfield, issued the following statement:

> "Intermediaries have contacted the Commission and indicated the location of certain graves. The Commission have given the knowledge of locations to the Garda Síochána. They will secure these sites and proceed with the exhumation. There will be a proper scientific presence. Relatives are being informed and will be treated with the utmost sensitivity. The remains will be transported to Dublin where suitable arrangements will be made for relatives".

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Again on 28 May, 1999 at approximately 7.30a.m. the Garda Síochána took possession of a coffin located at Old Faughart graveyard, stated to contain the remains of Mr. Eamonn Molloy who has been missing since 1975. In accordance with Section 11 of the legislation an Order was made directing the Coroner for Dublin County Borough to hold an inquest and the remains were then conveyed to the City Morgue, Store Street, Dublin 1.

I understand from the Coroner that steps to verify the identify of the remains are being taken and once that process has been competed it will be possible to release the remains to the family for burial and I can assure the House that no avoidable delay will occur.

Returning to the locations identified to the Commission, the Gardai, on 29/30 May, secured a further six locations, which are stated to contain the remains of a further eight missing persons. The six locations are as follows:

(1) Ballydonnel Brook, Ballynultagh, Blessington, Co. Wicklow.
(2) Kilmurray, Castleblaney, Co. Monaghan.
(3) Brogan, Carrickroe, Emyvale, Co. Monaghan
(4) Templeton Beach Car Park, Carlingford, Co. Louth
(5) Oristown Bog, Kells, Co. Meath
(6) Coghalstown, Wilkinstown, Navan, Co. Meath.

The topography of the locations mentioned present varying degrees of difficulty to the search teams involved. Details of locations are as followed:

(1) Ballydonnel Brook, Ballynultagh, Blessington, Co. Wicklow - This area is located five miles from Blessington in the Wicklow Mountains. It is a very remote area of bogland covered with gorse, heather and ferns. Work has commenced at this area and to-date a large area has been meticulously excavated down to the bedrock of the mountain without locating any remains. The terrain involved makes the task extremely difficult, painstaking and time consuming.

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The remains of Danny McIlhone, missing since 1978 are stated to be at this location

(2) Killmurray, Castleblaney, Co. Monaghan. This is a bowl-shaped area of bogland, which is extremely difficult to search due to the waterlogged nature of the area. Pumps are being used to drain the location and are pumping 20,000 gallons of water per hour. The meticulous excavation of the site is ongoing and will continue.

The remains of Brian McKinney and John McClory, missing since 1978 are stated to be at this location.

(3) Brogan, Carrickroe, Emyvale, Co. Monaghan. Again this area is a peat bog located in a mountainous area. The site is being drained using pumps and the Garda search operation is ongoing with the assistance of engineers.

The remains of Columba McVeigh, missing since 1975 are stated to be at this location.

(4) Templeton Beach Car Park, Carlingford, Co. Louth. This is a car park area located adjacent to Templeton beach, Carlingford, Co. Louth. An extensive area has been excavated without the remains indicated being located to-date. However, meticulous excavation work is continuing at the site.

The remains of Jean McConville, missing since 1972 are stated to be at this location.

(5) Oristown Bog, Kells, Co. Meath. This is a peat bog, a large area of which has been cut away for commercial purposes. Excavation of the site is ongoing.

The remains of Brendan Megraw, missing since 1978 are stated to be at this location.

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(6) Coghalstown, Wilkinstown, Navan, Co. Meath. This is a wooded area with dense undergrowth and wild trees and scrub in a wet and boggy area. This location is being assessed with a view to establishing the best approach to effectively deploying search teams.

The remains of Seamus Wright and Kevin McKee, missing since 1972 are stated to be at this location.

Work is ongoing by the Gardai at each of the six locations. The terrain at all the locations described above is proving to be a particularly difficult aspect of the search operation. Where possible, the Garda search operations commenced at the point identified as the most likely point where remains would be located. The search areas in these instances have since been extended. Gardaí have obtained the services of engineers where this is necessary and the technical expertise from the Garda Technical Bureau is on hand at each location. Specialised radar equipment has been used to assist in the location of the remains. All resources required to complete this operation successfully are being utilised. To-date no remains have been located at any of the six locations mentioned.

I can assure the House that the availability of resources is not an issue insofar as this operation, which is spread across four counties, is concerned. The Government is fully committed to doing everything possible to recover the remains of the missing persons and return them to their respective families.

Quite clearly, both myself and the Government have taken - and will continue to take - whatever steps are open to us to try to ensure that the remains are located as quickly as possible. I know that in doing this we have the support of all sides of the House.

However, the fact is that the level of success in locating the remains of the persons in question is dependent on the information which has been made available. While there is no reason to doubt that everyone participating in this process is acting in good faith, we are also very well aware of the distress and trauma being caused to

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the families and relatives of these persons arising from the prolonged searches. I can say that the Gardaí are maintaining close contact with families in all cases and keeping them informed of the situations.

I have said before in this House that the plight of the relatives of the victims is an especially harrowing one and there can be no doubt that the last few days have been particularly difficult. But the relatives never gave up hope over the years that the remains would be recovered and given a proper burial and, even though progress on this matter has not so far been as great as we all would have wished, it would be wrong to lose hope now.

I am also conscious of the pain and suffering being suffered by families of victims in respect of whom no information regarding the location of their remains has yet been furnished. I would urge anybody who has information about the secret burial places of other victims to make that information available to the Commission for the Location of Victims' Remains. The pain and suffering endured by all of these families has gone on far too long. The least they deserve is for the remains of their loved ones to be at long last returned to them for proper burial.

In conclusion, I can assure the House that the Gardaí will investigate any information given to them by the Independent Commission in an effort to bring this sorry affair to an end.

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