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Oifig an Taoisigh
Office of the Taoiseach

14 April, 2000.

Mr. David Trimble, M.P. MLA
Northern Ireland Assembly,
Parliament Buildings,
Belfast BT4 3XX

Dear David,

Thank you for your recent letter concerning allegations of Garda collusion which were raised in a newspaper article and the recent publication of a book by a journalist, Toby Harnden.

Arising from these allegations my colleague, the Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue, T.D. has been in contact with the Garda authorities.

As a result of these inquiries, I have been informed that no tangible evidence of any collusion was uncovered in the investigations into the incidents in question and I do not believe, therefore, that the basis exists for a public inquiry. However, the allegations do raise issues of the utmost seriousness, and give rise to understandable concern. I believe that every effort must be made to reassure the public and all with an interest in the matter that they have been thoroughly investigated. The Garda Commissioner has appointed a senior officer to re-examine files and to investigate all the allegations contained in the Irish Times article.

With best wishes,

Yours sincerely,

Taoiseach.

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ROINN AN TAOISIGH

Uimhir.....

To: Brendan Ward

From: Paul McGarry

I endorse draft letter.
14-4-2000

Across is a draft reply to a recent letter from David Trimble. The reply is based on a letter received by the Taoiseach yesterday from the Minister for Justice, Equality and Law Reform.

A transcript of the Minister's response to priority questions on the matter yesterday is underneath.

Paul McGarry
14 April, 2000.

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OFFICE OF THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM
OIFIG AN AIRE DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

Mr Bertie Ahern TD
Taoiseach
Government Buildings
Dublin 2

13 April, 2000

Dear Taoiseach,

I refer to David Trimble's letter of 25 March regarding alleged Garda collusion in a number of terrorist incidents in the border area.

The allegations arise from an Irish Times article of 10 March which may well have been prompted by the recent publication of a book 'Bandit Country' by a journalist, Toby Harnden. Similar allegations have been made in the past, and indeed Mr. Trimble's predecessor, Mr. Molyneaux, specifically raised these concerns in relation to the murder of Lord Justice Gibson and his wife in the immediate aftermath of the killings in April 1987.

No tangible evidence of any collusion was uncovered in the investigations into the incidents in question and I do not believe, therefore, that the basis exists for the public inquiry requested by Mr. Trimble. However, the allegations do raise issues of the utmost seriousness, and their recent repetition in the media has caused understandable concern. I believe that every effort must be made to re-assure the public that they have been thoroughly investigated. I intend, therefore, in answering parliamentary questions on this matter this afternoon, to inform the House that the Garda Commissioner has appointed a senior officer to re-examine files and to investigate all the allegations contained in the Irish Times article.

Yours sincerely,

John O'Donoghue TD
MINISTER FOR JUSTICE, EQUALITY
AND LAW REFORM

Regular as received on 13/4 and [illegible] give to [illegible]

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OFFICE OF THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM
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Yours sincerely,

John O'Donoghue TD
MINISTER FOR JUSTICE, EQUALITY
AND LAW REFORM

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This is the 'EDITED' version of the transcript.

N.B. Corrections which Members desire to suggest should be clearly marked on a print-out and the copy containing the corrections forwarded to the Editor immediately.

Take Number: Z
Next Take Number: AA

DÁIL ÉIREANN

14:30

13 April 2000

^ CEISTEANNA - QUESTIONS. ^

^ Priority Questions. ^

^^ Garda Investigations. ^^

1. **Mr. Higgins** *(Mayo)* asked the Minister for Justice, Equality and Law Reform the reason there has been no follow-up action or arrest following a newspaper article (details supplied) which alleges that a then serving but now retired member of the Garda Síochána passed Garda intelligence to the IRA which led to the deaths of four members of the RUC, a Lord Justice and his wife, four members of a family and a County Louth farmer; and if he will make a statement on the matter. [11047/00]

5. **Mr. Flanagan** asked the Minister for Justice, Equality and Law Reform if he will order an appropriate investigation into allegations of Garda collusion with proscribed republican terrorist groups along the Border area in the 1980s and 1990s which may have been responsible for multiple atrocities causing death. [11343/00]

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Minister for Justice, Equality and Law Reform (Mr. O'Donoghue): I propose to take Questions Nos. 1 and 5 together.

I am aware of the allegations raised in the newspaper article referred to by Deputy Higgins. Indeed, similar allegations have been made in the past and given coverage in the media. The murders referred to in the article were of course the subject of intensive investigations, both by the RUC in relation to those incidents which occurred in Northern Ireland and by the Garda Síochána in relation to incidents which occurred in this jurisdiction.

The two forces co-operated fully with each other in these investigations. I am advised by the Garda authorities that during the course of the investigations in question, and indeed other investigations into terrorist incidents in the Border area throughout the 1980s and 1990s, no tangible evidence was uncovered to show that information was passed by a Garda informant to the Provisional IRA.

There is no doubt, however, that the allegations raise issues of the utmost seriousness and that their recent repetition in the media has caused understandable concern. Even though there is no evidence to substantiate the allegations, every effort must be made to assure and reassure the public that they have been thoroughly investigated. The Garda Commissioner has appointed a senior officer to re-examine the files and to investigate the allegations raised.

Mr. Higgins *(Mayo)*: I thank the Minister for his reply and welcome the fact that a senior Garda officer has been appointed to investigate the allegations. I am at a loss to know why the allegations have remained uninvestigated and unexplored for so long. Does the Minister accept that rank and file gardaí could name the two

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people involved, one a uniformed member of the Garda and the other a plain clothes member? Even the dogs in the street know the names of the people involved. Were the individuals - we know who we are talking about - arrested, questioned or interrogated in relation to their alleged involvement in these cases?

Mr. O'Donoghue: Deputy Higgins will be well aware that operational matters are a matter for the Garda Commissioner. I have already explained that investigations were carried out in relation to the allegations. I again stress that what dogs or anyone else in the street know is a matter of little relevance unless one can bring forward hard evidence to a court of law or, alternatively, to anybody else who is in a position of authority and can implement some sanction or discipline. There is an old saying that everybody's business is nobody's business, and what everybody knows does not apply in the context of evidence against an individual where his or her job or liberty is concerned or where he or she may be placed at a disadvantage. Deputy Higgins is aware that one requires hard evidence.

This matter, which stretches back many years, was investigated at the time. I cannot go into the minute detail of what precisely occurred at that time other than to say that I am advised on the best authority that the allegations were investigated and as a consequence no charges were preferred.

Mr. Flanagan: I put it to the Minister that the investigations, if any, which have taken place to date were minimalist in nature and that that is not good enough having regard to the most serious allegations which have been made. Is the Minister aware that the allegations were published by a journalist of considerable reputation; that they concern the direct involvement by a member or members of the

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Garda Síochána in what amounts to 12 deaths in Northern Ireland between 1987 and 1995, including six members of the RUC, two of whom were officers of very senior rank; that this matter was raised before; and that the investigations to date have been wholly inadequate? If the Minister was satisfied with the investigations why is a new investigation being initiated? Has the Minister met the Garda Commissioner on this matter and, if not, is he prepared to do so as a matter or urgency?

Mr. O'Donoghue: These matters were investigated and no tangible evidence was forthcoming to support the allegations. The RUC co-operated with the Garda Síochána in terms of the investigations. If there is further evidence to which the Deputies can point, that will very definitely be examined. The reality as of now is that the Garda Commissioner has asked a senior officer to again look at the files for the reason that the matter has been raised again in the media and the House. I have pointed out that it is of considerable importance that the public is assured and reassured in relation to this matter. These are the simple facts of the case. It is not possible and would be wholly wrong and downright unjust for a person to try to manufacture evidence on the basis of rumour. That cannot be done. Hard evidence has to be collected and collated and no tangible evidence has come forward to date. However, in deference to what the Deputies have said and to reports in the media, a senior officer has been appointed by the Garda Commissioner to again look at the files. I cannot, nor can any predecessor of mine, say anything beyond that.

Mr. Higgins *(Mayo)*: Is it not a fact that we are talking about a series of instances? We are talking about four young members of the RUC, including a 21 year old

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woman police officer, Lord Chief Justice Gibson and his wife, Cecily, who were blown up, the entire Hanna family - Robert, aged 45, Maureen, aged 44, and David, aged seven - who were blown up on the side of the road, RUC Chief Superintendent, Harry Breen, and Superintendent Bob Buchanan who were assassinated and Tom Oliver, a farmer from County Louth who was abducted, tortured and murdered. This is a series of separate incidences. Is the Minister telling the House that there was absolutely no evidence to associate the two individuals, members of the Garda Síochána, with these incidences?

Will the Minister acknowledge that following the murder of Tom Oliver the RUC discovered the identity of the mole and made it known to members of the Garda Síochána at senior level and that instead of being dealt with, the individual in question was posted to a relatively quiet station and now lives out his life in happy retirement? Is the Minister saying that this person, who has been involved in the assassination of innocent people north and south of the Border, should not be the subject of a detailed inquiry and that it was not possible to establish a direct link between him and the incidences I have mentioned?

The Minister might throw cold water on the common expression "the dogs in the street knew", but everybody, including people in the Garda Síochána, knew the identity of this individual, but for some reason he was shielded and protected and now lives a life of relative calm on a State pension.

Mr. O'Donoghue: The Deputy will be aware that in the past I have referred to Paul Simon's song about misinformation following me like a plague.

Section to follow:

Section AA follows.

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This is the 'UNEDITED' version of the transcript (also known as the 'Blacks').

DÁIL ÉIREANN

14:40

13 April 2000

[Mr. O'Donoghue]

It is quite clear that either Deputy Higgins is not listening or he is trying to be mischievous. I said no tangible evidence was uncovered to show that information was passed by a Garda informant to the PIRA, I did not say "no evidence was uncovered". That has been the position under my predecessors and it remains so. If we follow through on the logic of what the Deputy is saying, it appears that he is suggesting that evidence may be available to the Garda which it is not utilising in order to charge or convict a Garda informant.

Mr. Higgins *(Mayo)*: There was.

Mr. O'Donoghue: That is a serious allegation to make. If the Deputy is stating that there was collusion within the Garda in order to subvert evidence in regard to this matter, he should make that clear.

Mr. Higgins *(Mayo)*: I will give the Minister the names of the gardaí if he wishes.

Mr. Flanagan: Where does the Minister stand on this issue? Is he telling the House that he accepts that what he has been put to him is mere rumour without

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foundation? I refer him to my earlier question, which he side-stepped and did not reply to, regarding his relationship with the Garda Commissioner on this issue. Has he discussed the matter with the Garda Commissioner since the revelations were published in a daily newspaper some four weeks ago? If not, why not? Does he propose, as guardian of the public interest, to order an official inquiry at the highest level into these allegations of the utmost seriousness?

Mr. O'Donoghue: Let us not get carried away.

Mr. Flanagan: It is a most serious matter. Is the Minister saying that it is being exaggerated?

Mr. O'Donoghue: The reality is that I must give the facts as they are presented to me, which I outlined in response to Deputy Higgins's question, and I have more to add in that respect. What I believe or do not believe is of little relevance in terms of whether there is a sufficiency of evidence to charge any individual in regard to this matter. I am outlining to the House what I was told by the Garda authorities and I must accept what they tell me. I have stated categorically that it is a matter of the utmost seriousness and nobody is suggesting for one moment that it is not. That is why, with a view to reassuring the public, the Garda Commissioner has appointed a senior officer to examine the files again. However, that is entirely different to saying there is a sufficiency of evidence to charge a person.

Deputy Higgins seems to suggest that he has evidence which will be sufficient to charge an individual and that he can name names. My strong advice is that he should take that matter up with the Garda authorities, make a statement, and allow it

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to be investigated. That is the responsible action to take, not become involved in megaphone diplomacy across the floor of the House in relation to the matter.

Mr. Higgins *(Mayo)*: I will give the Minister the names.

Mr. Flanagan: Has the Minister spoken to the Garda Commissioner?

^^ **Reception and Integration Agency.** ^^

2. **Ms O'Sullivan** asked the Minister for Justice, Equality and Law Reform if he will make a statement on the proposed establishment of a new agency to deal with the reception of asylum seekers and the integration of refugees; its terms of reference; if it will be independent of his Department; if it will have its own budget; and if he will make a statement on the matter. [11172/00]

Mr. O'Donoghue: On 28 March, 2000 the Government agreed with my recommendations for a statutory agency, under the aegis of my Department, to be called the reception and integration agency. Pending the enactment of legislation, the agency will operate on a non-statutory basis.

This decision follows an earlier decision of the Government that the recommendations in the report of the interdepartmental working group on the integration of refugees in Ireland should form the framework for integration policy and be implemented. The establishment of a single organisational structure, within the overall framework of structures for asylum and immigration, for co-ordinating and implementing integration policy is one of the key recommendations of the working

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Oifig an Taoisigh
Office of the Taoiseach

4 April, 2000.

Private Secretary,
Minister for Justice, Equality and Law Reform.

Dear Private Secretary,

I have been asked by the Taoiseach to refer to an article in The Irish Times of 10 March 2000 by Kevin Myers, which contained allegations of direct Gárda collusion in the murders of a number of people. The Taoiseach has also asked me to send you, for the attention of your Minister, the enclosed copy of a letter of 25 March 2000 about the Myers allegations sent to him by Mr. David Trimble MP, MLA..

The allegations made are clearly very serious and the Taoiseach has asked that the Minister arrange urgently for the supply of the observations of your Department and of the Gárda Síochana on the allegations, together with advice as to the lines of a reply to Mr. David Trimble.

Yours sincerely,

Billy Keane,
Assistant Private Secretary
to the Taoiseach.

1. Secretary General
To see, please
Note shown to secretary General. 10.4.2000

2 Taoiseach.
I spoke upon this and other cases on which material is awaited. We might fix to Mr Ken O'Leary next Monday.
Assistant Secretary, Dept of Justice today. Their Minister has a Cabinet on this case for Thursday. They hope to give us advice at that time. 10/4/2000

Oifig an Taoisigh, Tithe an Rialtais, Baile Átha Cliath 2.
Office of the Taoiseach, Government Buildings, Dublin 2.

Northern Ireland
Assembly

Parliament Buildings
Belfast BT4 3XX

Mr Bertie Ahern TD
Office of the Taoiseach
Government Buildings
Dublin 2
Republic of Ireland

25th March 2000

Dear Bertie,

Over the last months and years your Government has supported inquiries into allegations of collusion between the British security forces and loyalist paramilitaries in the deaths of Rosemary Nelson and Patrick Finucane. I know, therefore, that you will be as concerned as me at reports of collusion between the Provisional IRA and the Garda Siochana. It would appear anachronistic in the context of the Belfast Agreement if Irish citizens were to receive a lower standard of human rights protection than that which people in Northern Ireland enjoy.

In particular, I would refer you to the article in The Irish Times of 10th March 2000 by Kevin Myers. His allegations of direct Garda collusion in the IRA's murders of six RUC officers, Robert, Maureen and David Hanna, and Tom Oliver are extremely serious. Furthermore, it seems likely that the IRA could not have murdered Lord Justice Gibson and his wife if there had not been Garda collusion. The allegations are also rehearsed in Toby Harnden's book 'Bandit Country'.

The IRA mole who would appear to be responsible has never appeared before a court and was not even reprimanded. Instead, when his identity was uncovered - by the RUC - he was merely posted to another Garda station. He now lives contentedly on a Garda pension in the Republic of Ireland.

Given that your Government has taken a great interest in establishing RUC complicity with loyalist terrorism, I hope, in the spirit of parity of esteem, that you will now accede to a similar public inquiry into the allegations I mention. I know you will want to avoid any accusations of operating double standards.

I am confident that an inquiry will find that the Gardai - like the RUC - has, as an institution, proved itself to be a world class organisation in the forefront of the fight against European terrorism.

Yours sincerely,

David Trimble

The Rt. Hon. David Trimble MP MLA

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