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MacEntee defends Garda investigation

[Elaine Edwards](#)

It would be "unfair and unjust" to suggest that the Garda Siochána was solely responsible for the shortcomings identified in the Dublin and Monaghan bombing investigation of 1974, according to the MacEntee commission report.

Senior counsel Patrick MacEntee says in the 250-page report there is "no evidence" to establish any connection between alleged collusion and the "winding down" of the Garda investigations in 1974.

The commission considers that it would be unfair and unjust to suggest that the Garda Siochana were solely responsible for the shortcomings that are identified in this investigation
MacEntee commission

"The commission considers that it would be unfair and unjust to suggest that the Garda Siochana were solely responsible for the shortcomings that are identified in this investigation," the report states.

"The State had, and has, continuing constitutional and human rights obligations to the victims of these bombings, which were, and are, material to this investigation. The State also had, and still has, a duty to support and to be accountable for the discharge by the Garda Síochána of its policing functions."

The report says it would be "especially unfair and unjust" to suggest that any shortcomings that are identified in this investigation are solely within the area of 'operational' discretion and responsibility of the Garda and not matters properly of concern to the wider State.

"The Garda Síochána then and now operate in an administrative structure that was and is known to the State, in a constitutional and statutory context defined by the State, and within financial and other resource limits fixed by the State."

The report says decisions taken by the Garda investigation team in relation to the three supposedly unfollowed investigation leads specified in the commission's terms of reference should not be viewed in isolation.

"These were not the only lines of inquiry being pursued at the time; nor were the Dublin / Monaghan bombings the only crime being investigated by An Garda Síochána in May 1974," he said.

Mr MacEntee noted that time, personnel and resources available to the Garda to conduct investigations were not unlimited. "This is not to minimise the human and political significance of the Dublin/Monaghan bombings: the calculated savagery of the attacks or the appalling cost to the victims. It is important nonetheless that any retrospective analysis of Garda actions take account of the circumstances as they then were, not as one might wish them to have been."

In his conclusions on the Garda investigation, Mr MacEntee says he identified only one 'lead' in which a "significant number" of enquiries could have been carried out in the Republic but were not.

"This 'lead' concerns the alleged sighting by an unknown informant of a lorry and three men near the border on the evening of the bombings.

The reasons why enquiries identified by the commission were not carried out (assuming they were not in fact carried out) could not be established".

He notes that in attempting to assess whether the Garda investigation teams took "all reasonable steps" to pursue all appropriate lines of inquiry, the commission was hampered by "inadequate information".

This resulted from the loss or destruction of "an unquantifiable" amount of Garda documentation relating to the bombings.

There was also a practice in the Garda in 1974 and thereafter of "not committing decisions made in the course of an investigation to writing".

Mr MacEntee also cited the fact that many of the key Garda personnel involved in the investigations have died or have been unable to assist his commission due to old age, illness or failing memory.

He also cited the "unreliability of memory, due to the passage of more than thirty years since the bombings took place".

On the level of cooperation between the Garda and the RUC investigation teams, Mr MacEntee says the full extent of communication and cooperation could not be established "because of the inadequacy of the Garda record".

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