

09:45:07 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON**

2 **TUESDAY 18TH DECEMBER 2007, AT 10: 00:**

09:45:07 5 CHAIRMAN: Good morning, Ms. Dillon.

7 MS. DILLON: Good morning, Sir. Mr. Dunlop, please.

10:13:56 10 **MR. FRANK DUNLOP, HAVING BEEN SWORN,**

11 **WAS QUESTIONED BY MS. DILLON AS FOLLOWS:**

14 CHAIRMAN: Good morning, Mr. Dunlop. And welcome back to the Tribunal.

10:14:11 15 A. Thank you, Chairman. Thank you.

17 MS. DILLON: Good morning, Mr. Dunlop.

19 Q. 1 On the last occasion when you were giving evidence to the Tribunal we were  
10:14:18 20 looking at certain entries in your diary. And we had been doing a comparison  
21 between the diaries as finally provided by you to the Tribunal and the diaries  
22 as originally provided by you to the Tribunal. Do you remember that evidence?

23 A. Yes, yes, Ms. Dillon.

24 Q. 2 And in particular we had been dealing with a series of entries in your diaries  
10:14:37 25 where when you had provided redacted diaries to the Tribunal you had left in  
26 references to Owen O'Callaghan using OOC, do you remember those?

27 A. Yes.

28 Q. 3 But you had deleted or removed references to something described as 'big one,'  
29 do you remember those entries?

10:14:52 30 A. Yes, I do.

- 10:14:54 1 Q. 4 Now, between the 27th of January 1993 and the 1st of June 1993 there are seven  
2 entries in your diaries relating to 'big one' on different dates?  
3 A. Yes.
- 4 Q. 5 And all of those had been redacted. Right. Now, before I go into looking at  
10:15:12 5 the diaries again, Mr. Dunlop, I want you to explain to the Tribunal what your  
6 agreement with Mr. O'Callaghan was about 'big one'?  
7 A. My agreement with Mr. O'Callaghan related to a success fee in relation to  
8 Quarryvale. The issue in particular related to the removal of a cap on the  
9 square footage that was, Mr. O'Callaghan had been imposed on him in  
10:15:58 10 circumstances which I think I have explained previously that that was never  
11 envisaged that that would stay, and that an effort would be made to have that  
12 removed.
- 13 Q. 6 That would mean that by the time the first entry appears in your diary with  
14 reference to 'big one' you have already made an agreement with Mr. O'Callaghan,  
10:16:21 15 is that correct?  
16 A. Yes.
- 17 Q. 7 All right. So the first entry that's recorded in your diary in relation to  
18 'big one' is on the 27th of January 1991. 9133, please.  
19
- 10:16:31 20 Now. Sorry. This is 1993.  
21 A. 1993.
- 22 Q. 8 Yes, now, this diary entry is 1993, January 1993?  
23 A. Yes.
- 24 Q. 9 The Development Plan was made when, Mr. Dunlop?  
10:16:52 25 A. When you say "made" do you mean finalised?  
26 Q. 10 Finalised.  
27 A. Yes, it was finalised in December of 1993.
- 28 Q. 11 So up until the finalisation of the plan the situation in relation to  
29 Quarryvale hadn't crystallised, isn't that correct?  
10:17:07 30 A. That's correct.

- 10:17:07 1 Q. 12 And in fact in October 1993 there was an application before Dublin County  
2 Council in relation to the maps on Quarryvale the changes being confirmed,  
3 isn't that right?  
4 A. That's correct.
- 10:17:18 5 Q. 13 And in November 1993 there was an application to the Council in relation to the  
6 Written Statement, isn't that correct?  
7 A. Yes, that is also correct.
- 8 Q. 14 So that by January of 1993 other than there having been a meeting in December  
9 1992 which dealt with changes to the Quarryvale, the situation in relation to  
10 Quarryvale wasn't fixed, isn't that right?  
11 A. Correct.
- 12 Q. 15 So how were you in a position to make an arrangement with Mr. O'Callaghan about  
13 a success fee in January of 1993?  
14 A. Well, Mr. O'Callaghan and I discussed on an ongoing basis the, from the May  
10:17:58 15 vote in 1991 at which he had been capped at 250,000 square feet, reluctantly,  
16 and that was a subject of ongoing discussion between not only with me but I'm  
17 only talking about myself, with me. And that he never envisaged that that  
18 would stay or be allowed to stay.
- 19 Q. 16 Yes.  
10:18:28 20 A. And that we had a discussion in relation to efforts being made by everybody,  
21 including myself, to have that removed ultimately.
- 22 Q. 17 The 250,000 square feet cap was imposed in December 1992, isn't that right?  
23 A. It was imposed on the vote, correct, yes, on the second vote.
- 24 Q. 18 Yes. It wasn't imposed as you've just told the Tribunal in May?  
10:18:51 25 A. Sorry not May 1991, no. On the occasion when, as I've explained to the  
26 Tribunal previously, there was some doubt on the part of some people as to the  
27 support for 500,000 square feet.
- 28 Q. 19 But if as you've told the Tribunal your arrangement or agreement with Mr.  
29 O'Callaghan about 'big one' related to lifting the cap?  
10:19:12 30 A. Uh-huh.

- 10:19:12 1 Q. 20 When you were having those discussions with Mr. O'Callaghan as early as January  
2 of 1993?
- 3 A. Yes, I would say, yes.
- 4 Q. 21 Yes. And Mr. O'Callaghan I think is of the view in his statement that in fact  
10:19:29 5 it was after the imposition of the cap that he had those discussions with you?
- 6 A. Well, I can't account for --
- 7 Q. 22 Right.
- 8 A. -- what Mr. O'Callaghan, I have seen what he has said obviously.
- 9 Q. 23 Uh-huh.
- 10:19:34 10 A. But the relationship that I had with Mr. O'Callaghan in relation to a success  
11 fee was particularised in relation to the removal of the cap.
- 12 Q. 24 Now, you've already given evidence, Mr. Dunlop, in Carrickmines I Module in  
13 relation to the work that you did for the removal of the cap?
- 14 A. Yes.
- 10:19:58 15 Q. 25 And in fact if I understand your evidence correctly on that occasion, you told  
16 Mr. Michael O'Higgins, Counsel for Mr. Liam Cosgrave, that in fact you did  
17 little or nothing towards the removal of the cap, isn't that right?
- 18 A. Yes, I didn't do -- I lobbied nobody. I did speak to a number of councillors  
19 from time to time about the issue and on the basis of the concern that it was  
10:20:21 20 to Mr. O'Callaghan. But I certainly did not indulge in any of the type of  
21 lobbying that I would have done in relation to garnering the votes for May '91  
22 and December '92.
- 23 Q. 26 So that in effect what you told the Tribunal was that you had an agreement with  
24 Mr. O'Callaghan in relation to a success fee but that you did little or no work  
10:20:40 25 in connection with lifting the cap, isn't that right?
- 26 A. Correct.
- 27 Q. 27 Now, I'll come back to deal with the actual lifting of the cap in December  
28 1992. I want to try and stay with the diaries if possible. According to the  
29 entries in your diaries, Mr. Dunlop, you were discussing throughout 1993 'big  
10:20:57 30 one' with Mr. O'Callaghan?

- 10:20:58 1 A. Yes.
- 2 Q. 28 Now, what exactly was your arrangement or agreement with Mr. O'Callaghan?
- 3 A. You mean a financial terms?
- 4 Q. 29 Yes, what was 'big one' because you haven't actually told the Tribunal yet what
- 10:21:10 5 your agreement with Mr. O'Callaghan was?
- 6 A. Well, it never actually became finally particularised in a particular sum but
- 7 that there would be a success fee, that would be discussed ultimately, but that
- 8 it would be large, it would be a matter of negotiation, but it would be large.
- 9 Q. 30 And when you say it would be large, what are you talking about, Mr. Dunlop?
- 10:21:37 10 A. Well, I envisaged at the time that we would be talking about something of the
- 11 order of half a million as a success fee.
- 12 Q. 31 And this is a success fee for lifting the cap?
- 13 A. Yes.
- 14 Q. 32 Right. Did you actually make a final agreement with Mr. O'Callaghan as to what
- 10:22:00 15 the amount of this success fee would be?
- 16 A. No, I never did.
- 17 Q. 33 To this day have you made a final agreement with Mr. O'Callaghan?
- 18 A. No.
- 19 Q. 34 Now, since you were here last, Mr. Dunlop, the Tribunal took the opportunity of
- 10:22:17 20 having your diary entries that were over written forensically examined so I'm
- 21 going to take you through those diary entries, some of which you've already
- 22 given evidence about, and see if it's possible that we can shed some light on
- 23 the entries. So I want to show you a number of entries about which you haven't
- 24 dealt with.
- 10:22:39 25
- 26 Could I have 4391, please.
- 27
- 28 And you see this entry which is is dated the 9th of October 1991?
- 29 A. Yes.
- 10:22:50 30 Q. 35 And you will see there that there is an entry 8:30 Davy's D S, I presume that's

10:22:57 1 David Shubotham, is that right?

2 A. Yes.

3 Q. 36 And then it says B H, who is that?

4 A. Brendan Hickey.

10:23:02 5 Q. 37 Brendan Hickey. LL?

6 A. Liam Lawlor.

7 Q. 38 Yes. And self, renew lands?

8 A. Yes.

9 Q. 39 What's underneath that, Mr. Dunlop?

10:23:10 10 A. All I can make out is the first word which is something like 'agreed.'

11 Q. 40 'Agreed.' If I can show you page 25045.

12

13 Now, this is the forensic analysis of what's underneath what you have written,

14 Mr. Dunlop. And it reads as follows. "Agreed schedule of payments with D S."

10:23:35 15 A. Uh-huh.

16 Q. 41 Five down. 20 following 10 before Christmas?"

17 A. Uh-huh.

18 Q. 42 Do you see that?

19 A. Uh-huh.

10:23:42 20 Q. 43 Now, do you accept first of all that is an entry that appears to have been made

21 in your own handwriting?

22 A. That is my handwriting.

23 Q. 44 Do you agree also now that the entry was obliterated before the diary was given

24 to the Tribunal?

10:23:55 25 A. Well, it was obliterated, I cannot tell you exactly when it was obliterated,

26 but certainly it was, yes.

27 Q. 45 And it was obliterated before you gave the diary to the Tribunal, isn't that

28 right?

29 A. Yes.

10:24:03 30 Q. 46 And it's also relates to a financial arrangement, isn't that right?

10:24:07 1 A. Yes.

2 Q. 47 And it's a financial arrangement in relation to Citywest, isn't that right?

3 A. Correct.

4 Q. 48 And that is not a financial arrangement that you had disclosed to the Tribunal,

10:24:23 5 isn't that right?

6 A. Correct.

7 Q. 49 All right. And although you did give some evidence in relation to Citywest in

8 the course of another Module, isn't that right?

9 A. That's correct.

10:24:24 10 Q. 50 All right. But this information that you had made an arrangement on the 9th of

11 October of this sort is not something that had been disclosed to the Tribunal,

12 isn't that right?

13 A. Correct.

14 Q. 51 But what it does establish is that at least on this occasion you made a record

10:24:37 15 of an agreement that you had made with Mr. Shubotham and you recorded it in

16 writing in your diary, isn't that the position?

17 A. Yes.

18 Q. 52 All right. Now, if I can show you page 4591, please. Now, this is another

19 entry dated the 1st of February 1991 from your diary and it records a meeting 8

10:25:00 20 o'clock Davy's, do you see that?

21 A. Yes.

22 Q. 53 And beneath that there is an entry that again has been over written or

23 obliterated, isn't that right?

24 A. Yes.

10:25:09 25 Q. 54 Do you know what that entry relates to?

26 A. As of now, no.

27 Q. 55 Again, if I can show you the forensic analysis.

28

29 Could I have the next page in sequence on the ... 25047 I think. 25045.

10:25:29 30

10:25:29 1 JUDGE FAHERTY: 46 I make it.  
2  
3 JUDGE KEYS: 46.  
4  
10:25:34 5 MS. DILLON: Yes, that's it.  
6 Q. 56 Now, this entry, this is the examination of the under writing underneath the  
7 entry I've just shown you, Mr. Dunlop, on the 1st of February. And it reads as  
8 follows "9 o'clock John, Ken Paul" you see that?  
9 A. Yes.  
10:25:57 10 Q. 57 Beneath that "75,000 Pounds clause or close" do you see that?  
11 A. Yes.  
12 Q. 58 Beneath that "50,000 Pounds with development/build?"  
13 A. Yes.  
14 Q. 59 And beneath that "5,000 if nothing happens" you see that?  
10:26:16 15 A. Yes.  
16 Q. 60 Have you disclosed the existence of this record of this agreement to the  
17 Tribunal prior to now, Mr. Dunlop?  
18 A. No.  
19 Q. 61 Okay. Now, first of all John, Ken and Paul, are they people who to your  
10:26:31 20 knowledge have been involved with the Tribunal to date?  
21 A. Not to my knowledge.  
22 Q. 62 All right. Well, in that case I don't want you to deal with who John, Ken and  
23 Paul are other than to acknowledge that the record is there, isn't that right?  
24 A. Can I just pause there for a second?  
10:26:45 25 Q. 63 Yes.  
26 A. Could you read out that top line again?  
27 Q. 64 "John, Ken Paul".  
28  
29 CHAIRMAN: Well, I think it says 9 o'clock.  
10:26:55 30 A. I don't think so.



10:26:56 1 Q. 65 Fine, if you have better information then, Mr. Dunlop, then by all means tell  
2 the Tribunal.  
3 A. I think that's Kevin not Ken.  
4 Q. 66 All right.  
10:27:12 5 A. Um.  
6 Q. 67 Does this relate to a development, Mr. Dunlop?  
7 A. Just pause for a moment and I will just get my thoughts on this gentleman.  
8 Yes. I think this gentleman was somebody who was proposing some type of  
9 development and this was an arrangement that never went ahead. I don't think  
10:27:53 10 it came -- it ever came to anything. If it is relating to the name I suspect.  
11 Q. 68 Right. What it is is a record in your diary --  
12 A. Yes.  
13 Q. 69 -- of a financial agreement that you made with an individual or individuals,  
14 isn't that right?  
10:28:09 15 A. Yes.  
16 Q. 70 It related to a proposed development, is that right?  
17 A. Even as I sit here, I can't specifically, if the reading that you made of it is  
18 correct with a view to build, it would seem to relate to a development, yes.  
19 Q. 71 Yes?  
10:28:26 20 A. What that was I don't know and don't recollect.  
21 Q. 72 Yes. But it does appear to relate to a development and it records a financial  
22 arrangement or agreement that you made, isn't that right?  
23 A. Yes.  
24 Q. 73 Right. But it also is obliterated in the diary that's provided to the  
10:28:39 25 Tribunal, isn't that right?  
26 A. Correct, yes.  
27 Q. 74 So these are two separate financial transactions. They are unconnected with  
28 each other. One is Citywest and one is it this other development or this other  
29 individual, and you have obliterated the record you had in your diary in  
10:28:54 30 relation to both, isn't that right?

10:28:55 1 A. Yes.

2 Q. 75 Why did you do that, Mr. Dunlop?

3 A. I don't believe they are relevant. They weren't relevant.

4 Q. 76 So did you do these obliterations before you gave the diaries to the Tribunal?

10:29:10 5 A. In the period prior to April/May 2000 when I wasn't acknowledging my role in  
6 any of this, there were certain elements of the diaries that I did not give to  
7 the Tribunal. I can't say specifically when I deleted either of those and my  
8 bottom line is they're not relevant. I mean, as far as I'm concerned they're  
9 not a relevant issue.

10:29:52 10 Q. 77 Are you saying --

11 A. There's nothing whatsoever to do with Quarryvale.

12 Q. 78 Are you saying that when you considered your diaries for relevance to  
13 Quarryvale for the purpose of disclosing your diaries to the Tribunal you at  
14 that stage obliterated entries that you considered not to be relevant to  
10:30:07 15 Quarryvale?

16 A. I cannot specifically say to you when I did it but, yes, I may well have done.

17 Q. 79 But you would accept that in both of these cases they relate to financial  
18 transactions and they are your record of agreements that you have made at  
19 particular times?

10:30:19 20 A. Correct, yes.

21 Q. 80 Now, if I show you page 4971. And you -- I want to you to look particularly at  
22 the entry beneath "Tommy Band you have given evidence about this entry, Mr.  
23 Dunlop already?

24 A. Yes.

10:30:44 25 Q. 81 And just to refresh you in relation to it. On the previous day you see there  
26 is an entry in your diary for Tom Gilmartin and Owen O'Callaghan, isn't that  
27 right?

28 A. Yes.

29 Q. 82 On the 25th of April?

10:30:55 30 A. Yes.

10:30:56 1 Q. 83 And on the following day the 26th there is an entry 'Tommy B' which is Tommy  
2 Boland, beneath that something obliterated, and beneath that Owen (Buswells)?  
3 A. Yes.  
4

10:31:06 5 CHAIRMAN: What year is this?  
6  
7 MS. DILLON: This is 1991.  
8 A. Yes.

9 Q. 84 And you will remember that one of the issues that arose, Mr. Dunlop, between  
10:31:16 10 yourself and Mr. Gilmartin is when you were retained and when Mr. Gilmartin had  
11 his meeting with you in your offices at which Mr. O'Callaghan was present?  
12 A. Yes.

13 Q. 85 Now, the -- Mr. Gilmartin told the Tribunal that and Mr. O'Callaghan has said  
14 in his statement that on the day following the meeting he had a separate  
10:31:39 15 meeting with you alone at which he agreed fees, isn't that right?  
16 A. Yes.

17 Q. 86 And I had asked you on the previous occasion when we were considering this  
18 diary entry what it was that was obliterated and you can't assist, isn't that  
19 right?  
10:31:52 20 A. Correct.

21 Q. 87 But you did concede that it might be connected with Mr. O'Callaghan, isn't that  
22 right?  
23 A. Correct, yes.

24 Q. 88 And if I show you 25047. And in fact if you look at 25048, which is probably  
10:32:09 25 better. Now, Mr. Dunlop, does that assist you at identifying the name that's  
26 written there above Buswells Hotel?  
27 A. Yeah, yes, it does. It looks to be Tom Gilmartin.

28 Q. 89 Yes. And that would mean, would it not, Mr. Dunlop, that you initially put an  
29 entry in your diary for a second meeting with Mr. Gilmartin for the 26th and  
10:32:48 30 that you deleted Mr. Gilmartin and had a separate single meeting with Mr.

10:32:53 1 O'Callaghan on the 26th of April, isn't that right?

2 A. That is possible, yes.

3 Q. 90 Now, how is it that you weren't in a position on the last occasion to assist

4 the Tribunal in relation to this matter by showing that you had made such an

10:33:06 5 arrangement to meet with Mr. O'Callaghan and Mr. Gilmartin on the 26th?

6 A. I have no recollection of making any arrangement to meet Mr. Gilmartin and Mr.

7 O'Callaghan at Buswells Hotel on that day. I did concede to you on the last

8 occasion that it was probably likely that the meeting, even though Mr.

9 O'Callaghan doesn't spell his name that way, Eoin, he spells it O W E N, that

10:33:33 10 that related to a meeting with Mr. O'Callaghan. I have no recollection of ever

11 having a meeting or arranging to have a meeting with Mr. O'Callaghan and Mr.

12 Gilmartin on the following day. I only met Mr. Gilmartin in my office with

13 Mr. Lawlor and Mr. O'Callaghan, on the previous day I met Mr. Gilmartin in the

14 Royal Dublin Hotel in circumstances that I already gave evidence about and on

10:34:06 15 possibly one other occasion I think is what I said.

16

17 CHAIRMAN: But, Mr. Dunlop --

18 A. Sorry.

19

10:34:10 20 CHAIRMAN: Why obliterate it?

21 A. I don't know.

22

23 CHAIRMAN: I mean, would you accept that this is not just a casual crossing

24 out of a name because somebody is there by mistake or doesn't turn up or

10:34:26 25 whatever?

26 A. Yes.

27

28 CHAIRMAN: It's an attempt by you to ensure that nobody ever sees what's

29 there. It's, that's why I use the word "obliterate"?

10:34:41 30 A. Yeah well I, I accept what you're saying, Chairman. I did not have a meeting

10:34:48 1 with Tom Gilmartin and Owen O'Callaghan in Buswells Hotel on the day following.  
2  
3 MS. DILLON: Yes, that's not the point with respect, Mr. Dunlop. What we're  
4 discussing here are the circumstances under which you came to make the  
10:34:58 5 obliteration. Right. So what this establishes is in the first place Mr.  
6 Gilmartin's name was in your diary for the day after the first meeting, isn't  
7 that right?  
8 A. Yes, correct.  
9 Q. 91 Now at some stage prior to your giving your diary to the Tribunal that name was  
10:35:22 10 obliterated, isn't that right?  
11 A. Correct.  
12 Q. 92 And you on the last occasion when this diary entry was drawn to your attention  
13 you were unable to recollect that the entry that was obliterated was Tom  
14 Gilmartin's, isn't that right?  
10:35:23 15 A. Correct.  
16 Q. 93 You now with the assistance of the forensic analysis accept that it's Tom  
17 Gilmartin, isn't that right?  
18 A. Yes.  
19 Q. 94 And the Chairman has asked you and you might like to now answer, why it was  
10:35:32 20 that you felt the necessity to obliterate the entry in relation to Mr. Tom  
21 Gilmartin?  
22 A. Presumably on the basis that I did not meet him. I did not have a meeting with  
23 Tom Gilmartin and Owen O'Callaghan in Buswells Hotel on the day following the  
24 meeting that I had with them and Liam Lawlor.  
10:35:48 25 Q. 95 Yes. If I could just show you 4971, and if I could have the original diary for  
26 the 26th of April 1991, please. If you just hand the original to the Chairman,  
27 Mr. Kavanagh?  
28  
29 Now, looking at that, Mr. Dunlop. That is not indicative of cancelling a  
10:36:07 30 meeting. That is an obliteration of the entire of the entry. I think to the

- 10:36:13 1 Chairman, Mr. Kavanagh. Now, and if you look at your original diary you can  
2 confirm that the entry is entirely obliterated, isn't that right?
- 3 A. Yes, correct.
- 4 Q. 96 It's not a question of cancelling a meeting with Mr. Gilmartin or putting a  
10:36:31 5 line through it. It's completely and utterly removed?
- 6 A. Yes.
- 7 Q. 97 Why?
- 8 A. I didn't have a meeting.
- 9 Q. 98 I see. And is it the case then that in all other cases in your diary where a  
10:36:40 10 meeting is cancelled the Tribunal will find the entries similarly obliterated?
- 11 A. I would prefer to deal with each issue in relation to entries in the diary or  
12 their deletion therefrom on their merits on each individual case. I never met  
13 Tom Gilmartin in Buswells Hotel ever.
- 14 Q. 99 But you had arranged to meeting him, isn't that right?
- 10:37:04 15 A. That is probably an arrangement that arose with Mr. O'Callaghan before we,  
16 before he left the following day or on the subject of the phone call. I can't  
17 recollect. But certainly, yes, it would indicate that there was an intention  
18 to meet.
- 19 Q. 100 And would you ever have deliberately altered anything in your diaries, Mr.  
10:37:23 20 Dunlop, other than this type of over writing or obliteration?
- 21 A. Not that I can immediately recollect but I may well have done from time to  
22 time. I can't say yes or no definitively on you on that.
- 23 Q. 101 Can you think of any circumstances in which you would have actually altered  
24 something that's in your diary as opposed to just scratching it out?
- 10:37:44 25 A. Well I ... it's a hypothetical question. But I mean if I wanted to change  
26 something or indicate that the meeting didn't take place or it was the wrong  
27 person or the wrong time or whatever, I'm at a loss unless you, if you give me  
28 a specific. But I mean there are deletions in the diary.
- 29 Q. 102 I'm talking about an actual alteration now?
- 10:38:12 30 A. Offhand I cannot say yes.

10:38:14 1 Q. 103 Can you think of any circumstances in which you would have wanted to change an  
2 entry so that it would provide different information to the information that  
3 was already there?  
4 A. Offhand, no.

10:38:26 5 Q. 104 Okay. Can I show you 7352. You see the entry at the top of the page on the  
6 3rd of June 1992?  
7 A. Yes.

8 Q. 105 You see there it says 11:30 Ambrose K, and then it says F?  
9 A. Yeah.

10:38:44 10 Q. 106 And then it says OOC?  
11 A. Yeah.

12 Q. 107 Okay. Who is the F?  
13 A. That I cannot say. That I cannot say. It's hardly myself, I wouldn't be  
14 putting in an entry for myself. That I cannot tell you.

10:39:07 15 Q. 108 Can I show you 25049, Mr. Dunlop. And you will see that the F was originally  
16 an L?  
17 A. Yes.

18 Q. 109 And over written now to F, isn't that right?  
19 A. Yeah.

10:39:24 20 Q. 110 And the L, I suggest to you, is probably the late Mr. Liam Lawlor?  
21 A. Normally LL, but it's possible, yes.

22 Q. 111 All right. But it's not F?  
23 A. No, it's not F.

24 Q. 112 Okay. Now did you want to explain to the Tribunal the circumstances in which  
10:39:39 25 you came to make that alteration?  
26 A. I have no idea.

27 Q. 113 There must have been some reason why you did it, Mr. Dunlop, isn't that right?  
28 A. Sorry. Calm down, Frank. I have no idea. There are voluminous entries in my  
29 diaries over a ten-year period, or an eight year period, of which the Tribunal  
10:40:06 30 has possession. I cannot give an explanation as to each individual item. I

- 10:40:11 1 will do my best but I can't give you an explanation as to every one.
- 2 Q. 114 I'm asking you do you accept first of all that the original information that
- 3 was recorded in your diary was Ambrose K, L and OOC?
- 4 A. Yes.
- 10:40:36 5 Q. 115 Yes. And the information that was finally provided to the Tribunal was Ambrose
- 6 K, F and OOC?
- 7 A. Yes.
- 8 Q. 116 And therefore, what one is changes is the L to an F?
- 9 A. Yes.
- 10:40:38 10 Q. 117 And therefore, if one is trying to conceal the involvement of Mr. Lawlor for
- 11 example in relation to a matter, one could do it in that way, isn't that right?
- 12 A. But why?
- 13
- 14 CHAIRMAN: Well --
- 10:40:48 15 A. I have no idea why I would want to change an L to an F in the context of my
- 16 relationship with Liam Lawlor which is, his name is throughout the diary.
- 17
- 18 MS. DILLON: But it's in the context of Ambrose K, L and OOC. Is it that for
- 19 example you didn't want Mr. Ambrose Kelly to be seen to have an association
- 10:41:13 20 with Mr. Lawlor?
- 21 A. Well, if you forgive me for saying so, Ms. Dillon, that would be inordinately
- 22 stupid. I mean, Ambrose Kelly, Mr. O'Callaghan, myself and Liam Lawlor plus
- 23 others met on a regular basis and were known to meet on a regular basis.
- 24 Q. 118 Well, can you think of any reason as to why you would have made this
- 10:41:37 25 alteration, Mr. Dunlop?
- 26 A. I have no idea.
- 27 Q. 119 Can I show you an entry at 10344. This is November the 10th, 1993. And in the
- 28 top of November the 10th, 1993 you will see 9:30 Owen O C to 1 o'clock, do you
- 29 see that?
- 10:42:00 30 A. Yes.



- 10:42:01 1 Q. 120 And then you'll see written in the corner G H and what appears to be a  
2 telephone number 5924668?  
3 A. Yes.  
4 Q. 121 Right. What was that entry about?  
10:42:12 5 A. I have no idea.  
6 Q. 122 Well, that entry overwrites an entry I think, 25060. Now, this is what this  
7 entry originally looked like, Mr. Dunlop. And it's LL one and a half. Do you  
8 see that?  
9 A. Yes.  
10:42:47 10 Q. 123 Beneath that "one ready". Do you see that?  
11 A. Yes.  
12 Q. 124 An beneath that "half check CHQ" what does that mean first of all?  
13 A. That means, I presume, like on many other occasions I gave Liam Lawlor one and  
14 a half, thousand, one in cash, and one in cash and half in a cheque. 500 in a  
10:43:13 15 cheque.  
16 Q. 125 All right. Now, if we go back to 10344. And can you explain how that original  
17 entry transformed itself into G H and a telephone number?  
18 A. Obviously I have no idea. I did it obviously but I don't know why or when.  
19 Q. 126 Well, the subject matter of the entry that has been altered is Mr. Lawlor,  
10:43:38 20 isn't that right?  
21 A. Correct, yes.  
22 Q. 127 And it is recording an apparent agreement to pay money to Mr. Lawlor?  
23 A. Either an agreement to pay or an actual payment.  
24 Q. 128 And why would you want to alter that, Mr. Dunlop?  
10:43:54 25 A. Presumably that, and this is speculation on my part, because I'm just and I  
26 should not speculate at all but obviously, obviously the alteration is in my  
27 handwriting and the purpose was that the original would not be known.  
28 Q. 129 Yes, but not known to who, Mr. Dunlop?  
29 A. I can't say that.  
10:44:31 30 Q. 130 Who are the only parties who have ever asked to see your diaries?

- 10:44:34 1 A. The Tribunal.
- 2 Q. 131 So apart from yourself, since you made these entries. The only body that has  
3 ever sought to see your diaries are the Tribunal, isn't that right?
- 4 A. Correct.
- 10:44:46 5 Q. 132 And if the diary was going to remain with you and remain private there would be  
6 no need to alter anything or obliterate anything, isn't that right?
- 7 A. Well, that's not necessarily true but I mean there could be other reasons,  
8 private or otherwise, for altering or obliterating material in a diary.
- 9 Q. 133 Yes. In your 1998 diaries you have two entries recording what you say were  
10:45:11 10 payments you made to the late Mr. Liam Lawlor, isn't that right?
- 11 A. Yes.
- 12 Q. 134 In August 1998 you record a payment of 8,000 Pounds and in September 1998 you  
13 record a payment of 5,000 Pounds, isn't that right?
- 14 A. Yes.
- 10:45:21 15 Q. 135 All right. And you gave that information to the Tribunal, isn't that the  
16 position?
- 17 A. Yes.
- 18 Q. 136 So it's not a question that you have a difficulty?
- 19 A. No.
- 10:45:28 20 Q. 137 About recording the payments to Mr. Lawlor. And I'll come to deal with those  
21 in time. So bearing in mind that at a later stage in '98 you have left in  
22 entries apparently recording payments to Mr. Lawlor. I want you to explain to  
23 the Tribunal why you altered this record of payments to Mr. Lawlor?
- 24 A. Well, I cannot give you an explanation other than in fact that the alteration  
10:45:53 25 was made.
- 26 Q. 138 Can I suggest to you, Mr. Dunlop?
- 27 A. Uh-huh.
- 28 Q. 139 And it is only a suggestion?
- 29 A. Good.
- 10:45:59 30 Q. 140 That unlike the later two entries in 1998 this entry is transposed or is in the

- 10:46:06 1 centre of a meeting that involves Mr. Owen O'Callaghan?
- 2 A. Uh-huh.
- 3 Q. 141 Do you see that?
- 4 A. Yes.
- 10:46:19 5 Q. 142 And that in fact what you are doing is you are distancing Mr. O'Callaghan from  
6 any involvement with Mr. Lawlor prior to you providing the diaries to the  
7 Tribunal?
- 8 A. No, I would refute that suggestion.
- 9 Q. 143 Okay. Well, can I ask you first of all what the meeting on the 10th of  
10:46:26 10 November was about?
- 11 A. Well, obviously it related to Quarryvale or associated matters relating to  
12 Quarryvale. This is 1990?
- 13 Q. 144 1993?
- 14 A. '93, yes. It obviously related to Quarryvale all matters relating, associated  
10:46:45 15 with Quarryvale, and there is nobody else listed in relation to a meeting with  
16 me in my diary except Owen O'Callaghan and this was quite normal for Mr.  
17 O'Callaghan to come to town on the Tuesday or Wednesday, with Tuesday or  
18 Wednesday. Sometimes on a Monday, and stay for a variety of days. I would put  
19 it in my diary when he was going to be there.
- 10:47:11 20 Q. 145 Yes. What the diary also originally recorded, Mr. Dunlop, before you altered  
21 it was that you either Mr. Lawlor or entered into an arrangement with  
22 Mr. Lawlor at around the same time on the 10th of November to pay him one and a  
23 half thousand pounds?
- 24 A. Yes.
- 10:47:24 25 Q. 146 And that entry was in your diary right beside the name of Owen O'Callaghan,  
26 isn't that right?
- 27 A. Beneath it.
- 28 Q. 147 Beneath it, yes.
- 29 A. Yes, is the answer, yes.
- 10:47:33 30 Q. 148 Does that mean that Mr. Lawlor was at the meeting?

- 10:47:36 1 A. Not necessarily. But I would not discount the fact that it's possible that  
2 Mr. Lawlor was at the meeting because he was at many meetings with Mr. Owen  
3 O'Callaghan. But certainly he would not be at a meeting lasting from 9:30  
4 until one.
- 10:47:51 5 Q. 149 But certainly your diary in its original format, Mr. Dunlop, recorded the fact  
6 of a meeting between 9:30 and 1 o'clock with Owen O'Callaghan and within that  
7 time period it also recorded an apparent record of an agreement to pay or a  
8 payment actually made to Mr. Lawlor, isn't that right?
- 9 A. Yes, that's correct.
- 10:48:06 10 Q. 150 And you have left in records of payments to Mr. Lawlor in later parts of your  
11 diary, isn't that right?
- 12 A. Yes.
- 13 Q. 151 Yes. But on this occasion you deleted and over wrote the entries. So in fact  
14 you concealed and hid what was originally there, isn't that right?
- 10:48:22 15 A. Yes.
- 16 Q. 152 And now there must have been some reason, Mr. Dunlop, as to why you did so. I  
17 have suggested one, you don't agree with it. So you might now tell the  
18 Tribunal why it was that you felt obliged to conceal the entry recording the  
19 agreement with Mr. Lawlor?
- 10:48:39 20 A. Well, I have refuted the suggestion that you made on the very valid grounds  
21 that if it was, if the suggestion contained that I was making a payment to  
22 Mr. Lawlor either on behalf of Mr. O'Callaghan or in the presence of Mr.  
23 O'Callaghan or with the knowledge of Mr. O'Callaghan, that is incorrect.
- 24 Q. 153 I didn't suggest that, Mr. Dunlop?
- 10:49:01 25 A. For completeness sake, Ms. Dillon, I am just closing the circle. Why I deleted  
26 that particular reference, I cannot absolutely, obviously, I did not want it to  
27 be seen that I had given, or had arranged with Mr. Lawlor that I would give him  
28 one and a half in that formulation at that time. That's the -- I cannot give  
29 you a specific concise explanation as to why I did it.
- 10:49:31 30 Q. 154 But there has to have been a reason, Mr. Dunlop, isn't that right?

10:49:35 1 A. Yes.

2 Q. 155 And we know from the 1998 diaries which I'm just going to show you in a moment

3 or two, that you left in other records of payments to Mr. Lawlor, isn't that

4 right?

10:49:44 5 A. Correct, yes.

6 Q. 156 But that you deleted this one?

7 A. Yes.

8 Q. 157 And it's not just a question of deleting it, you altered it, isn't that right?

9 A. Yes.

10:49:52 10 Q. 158 All right. And I am suggesting to you that one possible reason as to why you

11 might have done this was to distance Mr. O'Callaghan from a recorded payment to

12 Mr. Lawlor. In other words, that your diary had Mr. O'Callaghan's name in it

13 and in close proximity was a note recording a payment to Mr. Lawlor?

14 A. Yes. Well, to revert to the suggestion that you made, I see no, I had no

10:50:18 15 reason to say that that was the reason why I made any such deletion or

16 alteration because there would be no such reason.

17 Q. 159 Now, the meeting --

18 A. There was no basis for such a reason.

19 Q. 160 Now, the meeting was supposed to take place between 9:30 and 1 o'clock, isn't

10:50:34 20 that right?

21 A. Yes.

22 Q. 161 So it's obviously some kind of a strategy meeting, isn't that right?

23 A. Yes. It doesn't necessarily mean that it took place from 9:30 until 1 o'clock.

24 Other matters could have intervened but certainly that was the intention when

10:50:53 25 the entry was made in the diary that Owen O'Callaghan would be in my office

26 from 9:30 until 1.

27 Q. 162 And by the 10th of November, Mr. Dunlop, on the 19th of October 1993 the

28 Quarryvale map changes had been confirmed by Dublin County Council, isn't that

29 right?

10:51:05 30 A. Yes.

- 10:51:06 1 Q. 163 And the Written Statement was coming up on the 16th of November 1993 for  
2 consideration, isn't that right?
- 3 A. Correct, yes.
- 4 Q. 164 So does that assist you in recollecting why you would have needed to meet Mr.  
10:51:17 5 O'Callaghan for a number of hours on the 10th of November 1993?
- 6 A. Yes, it is likely that as you say that it was a strategy meeting in relation to  
7 the ongoing issue of the Quarryvale maps.
- 8 Q. 165 Did you have any discussion with Mr. O'Callaghan about payments at this  
9 meeting?
- 10:51:35 10 A. I can't recall.
- 11 Q. 166 Did Mr. O'Callaghan discuss with you the fact that he had paid 20,000 Pounds to  
12 Colm McGrath the previous day?
- 13 A. I -- no, no, he did not, no.
- 14 Q. 167 On the 9th of November 1993, Mr. O'Callaghan paid 20,000 Pounds --  
10:51:58 15
- 16 CHAIRMAN: Sorry, just before you get to that. Do you see the entry above Mr.  
17 O'Callaghan?
- 18
- 19 JUDGE FAHERTY: 8:30.
- 10:52:06 20
- 21 CHAIRMAN: What's --
- 22 A. Nimari.
- 23
- 24 CHAIRMAN: What's that?
- 10:52:09 25 A. That's a company. It's a global name in relation to a transport company that  
26 was a client of Frank Dunlop & Associates.
- 27
- 28 CHAIRMAN: In what sort of business?
- 29 A. They were in they are in, well, I don't know whether they are still in  
10:52:29 30 existence or not, but they were in the marine haulage business.

10:52:33 1  
2 CHAIRMAN: All right.

3 A. That's a global term, Chairman. I mean, they were involved in lots of other  
4 things but that's, mainly was their business. They were down in the port.

10:52:42 5  
6 CHAIRMAN: All right. Sorry, Ms. Dillon.  
7

8 MS. DILLON: Not at all.

9 Q. 168 Were you aware that on the 9th of November Mr. O'Callaghan had written two  
10 cheques one for 5,000 Pounds to Mr. John O'Halloran who was then a Councillor,  
11 isn't that right?

12 A. Yes.

13 Q. 169 And one --

14 A. A Councillor, yes. I am just pausing there because you asked me the question  
10:53:04 15 was I aware that Mr. O'Callaghan had written a cheque. I'm not so sure I was  
16 aware.

17 Q. 170 And on the 9th of November 1993 Mr. O'Callaghan wrote a cheque through Riga to  
18 Mr. Colm McGrath for 20,000 Pounds. Now, were you aware of either of those  
19 events occurring?

10:53:26 20 A. In relation to Mr. McGrath, if I can if I could deal with him first. I became  
21 aware that there had been a payment made to Mr. McGrath by Mr. O'Callaghan at  
22 some stage and I think I have given evidence to this effect already, via a  
23 newspaper reporter. In relation to the 5,000 Pounds to Mr. John O'Halloran, I  
24 am aware, I was aware that Mr. O'Halloran had asked for money. This is 1993.  
10:54:07 25 1992.

26 Q. 171 1993.

27 A. Sorry, 1993, yes. I was aware that Mr. O'Halloran had asked for support for an  
28 election but there was no election in 1993. And that it was agreed that he  
29 would get, I would give him for two and a half thousand pounds and Mr.  
10:54:28 30 O'Callaghan would give him 2,500 pounds.

- 10:54:30 1 Q. 172 That happens in 1996?
- 2 A. Exactly.
- 3 Q. 173 So we'll stay away from 1996 because it can't be relevant to a 1993 payment?
- 4 A. Ms. Dillon, Ms. Dillon. I am doing my best to assist you.
- 10:54:42 5 Q. 174 Yes.
- 6 A. If you don't mind, if we could take it at my pace.
- 7 Q. 175 Of course. On the 10th of November, Mr. Dunlop, what I am trying to establish
- 8 here is whether at your extensive meeting on the 10th of November you had any
- 9 discussion with Mr. O'Callaghan about two payments he had made the previous
- 10:54:58 10 day, one of 5,000 Pounds to John O'Halloran and one of 20,000 Pounds to Colm
- 11 McGrath?
- 12 A. Not that I recollect, and I have given you an outline as to how I knew about
- 13 the payment to Colm McGrath. I am slightly in difficulty in relation to any
- 14 payment to John O'Halloran and that's why I went into the explanation in
- 10:55:18 15 relation to my knowledge of payments to John O'Halloran. I don't believe that
- 16 Mr. O'Callaghan is certainly not at that meeting. In fact if he had told me I
- 17 think I would recollect it, that he made a payment to John O'Halloran.
- 18 Q. 176 So you believe that it's unlikely that you had any discussion with Mr.
- 19 O'Callaghan on the 10th of November in relation to two cheques Mr. O'Callaghan
- 10:55:41 20 had written through Riga on the 9th of November, one to Mr. John O'Halloran and
- 21 one to Mr. Colm McGrath?
- 22 A. Yes.
- 23 Q. 177 Is that the position? And do you believe, Mr. Dunlop, that if you had been
- 24 told the 20,000 Pounds had been paid to Colm McGrath and you were told that on
- 10:56:02 25 the 10th of November that it's something that you might have remembered?
- 26 A. I know I was told that he was paid 20,000 Pounds at some stage, I cannot
- 27 recollect exactly when I was told. I do recollect this being the subject of
- 28 discussion between Mr. O'Callaghan and myself as a result of either a
- 29 journalist asking me or asking Mr. O'Callaghan himself.
- 10:56:20 30 Q. 178 Yes. And ask I can I show you 13239. And you will see there on the 3rd of



- 10:56:29 1 August 1998 an entry in your diary A K LA L?
- 2 A. Yes.
- 3 Q. 179 And you say and I think the late Mr. Lawlor disputed this with you, that that
- 4 records a payment of 8,000 Pounds that you made to Mr. Lawlor, isn't that
- 10:56:45 5 right?
- 6 A. Yes.
- 7 Q. 180 And if I show you 13238. On the 28th of August 1998 there is an entry 5 K LA L
- 8 and two exclamation marks?
- 9 A. Yes.
- 10:57:02 10 Q. 181 And you say that records a payment of 5,000 Pounds to Mr. Lawlor?
- 11 A. Yes.
- 12 Q. 182 Neither of those entries have been altered or obliterated in any way, isn't
- 13 that right?
- 14 A. That's correct.
- 10:57:13 15 Q. 183 Mr. Lawlor in his letters to the Tribunal prior to his death had suggested that
- 16 they were entries you made in order to provide -- they were entries that you
- 17 made after the event and that no such payments in fact were ever made to him.
- 18 You will have seen that correspondence in the brief, Mr. Dunlop?
- 19 A. Yes.
- 10:57:32 20 Q. 184 What I want to ask you is, why didn't you obliterate those entries in relation
- 21 to the payments to Mr. Lawlor?
- 22 A. I can't give you an explanation as to that. But I mean Mr. Lawlor appears in
- 23 my diary on many, many occasions and I obviously didn't see any need or make
- 24 any, have any requirement to make any change in the diary or to delete it.
- 10:57:56 25 Q. 185 Yes. I mean that would seem to follow that there was, for whatever reason, and
- 26 you are the person making the alterations and deletions?
- 27 A. Uh-huh.
- 28 Q. 186 There was no necessity to remove those two entries in relation to Mr. Lawlor,
- 29 isn't that right?
- 10:58:09 30 A. Yes.

- 10:58:09 1 Q. 187 And they are effectively stand alone entries, isn't that right?
- 2 A. Yes.
- 3 Q. 188 But if you go back then to consider the entry that you did alter in relation to
- 4 Mr. Lawlor. At 10344.
- 10:58:20 5
- 6 It's not a stand alone entry, isn't that right?
- 7 A. Correct, no.
- 8 Q. 189 Yes. It is an entry that has originally been put in in the midst of a meeting
- 9 that you had with Mr. O'Callaghan at least, isn't that right?
- 10:58:33 10 A. Yes, it's to the side of the diary, yes.
- 11 Q. 190 And is it likely first of all that Mr. Lawlor was also at that strategy
- 12 meeting?
- 13 A. Well, that I cannot, I would consider it likely that Mr. Lawlor did appear at
- 14 some stage during the course of the meeting because he was at many, many
- 10:58:51 15 meetings in relation to the Quarryvale project. I cannot say. He is not
- 16 listed. It doesn't necessarily mean that he has to be listed every time there
- 17 is a meeting because he had a habit of turning up unannounced. But I wouldn't
- 18 discount the possibility that he was there, yes.
- 19 Q. 191 Now having looked at the previous two entries which you left unaltered in
- 10:59:11 20 relation to payments you say to you made to Mr. Lawlor, and now looking at this
- 21 entry that you did alter in relation to a payment to Mr. Lawlor. Does any of
- 22 that assist you in assisting the Tribunal as to why it was you felt the
- 23 necessity to alter this entry in relation to Mr. Lawlor?
- 24 A. No.
- 10:59:28 25 Q. 192 But there was some reason, isn't that right, Mr. Dunlop?
- 26 A. If, and I use the word advisedly, if the diary has been altered and it has been
- 27 altered and it has been altered in my hand, I cannot give you an explanation as
- 28 to why I altered it or when I altered it. But the fact of the matter is that
- 29 it is altered.
- 10:59:51 30 Q. 193 The only people who are ever going to see this diary in the normal course of

10:59:56 1 events would have been yourself, Mr. Dunlop, isn't that right?

2 A. Correct.

3 Q. 194 After the Tribunal was established and after the Tribunal had got in contact

4 with you and entered into correspondence with you and started seeking

11:00:06 5 information about Quarryvale. It became clear to you that you were going to

6 have to produce certain extracts from your diary as indeed you did, isn't that

7 right?

8 A. Yes.

9 Q. 195 So that exercise to comply with the first Order Of Discovery that the Tribunal

11:00:22 10 made would have required you to consider your diary, isn't that right?

11 A. Yes.

12 Q. 196 And to extract from it all references relevant to Quarryvale, isn't that right?

13 A. Yes.

14 Q. 197 And in the first attempt at compliance with the Tribunal Order you furnished

11:00:39 15 the redacted version of your diaries, isn't that right?

16 A. Yes.

17 Q. 198 And from those you have removed references to 'big one' and we've gone through

18 some of those, isn't that right?

19 A. Yes.

11:00:43 20 Q. 199 And also it now appears from the forensic examination that was carried out in

21 your diaries, you made alterations also, isn't that right?

22 A. Yes.

23 Q. 200 And these alterations, I suggest to you, would only have been made when you

24 were going through your diary to consider your diary for the purposes of

11:01:00 25 complying with the Tribunal's Order For Discovery?

26 A. Well, that is the suggestion you are making.

27 Q. 201 I am making that suggestion now, Mr. Dunlop, because it is logical, isn't that

28 right?

29 A. Well, there is a certain logic to it. But I cannot say to you definitively

11:01:13 30 when any alteration was taking place on any individual basis on any individual

- 11:01:18 1 item. But certainly in the period prior to the diaries being submitted you are  
2 correct in saying that I would have gone through the diary and looked at each  
3 item.
- 4 Q. 202 And you would have considered your diaries in their totality, isn't that right?
- 11:01:38 5 A. Yes.
- 6 Q. 203 Yes. And you would have looked at the Davy's entries and the other entries  
7 that we saw earlier this morning, isn't that right?
- 8 A. Yes.
- 9 Q. 204 And they were recording financial transactions, isn't that right?
- 11:01:48 10 A. Yes, but not relevant to the Quarryvale or the Tribunal.
- 11 Q. 205 In your view, isn't that right?
- 12 A. Yes, yeah.
- 13 Q. 206 Yes. And this entry recording a payment to Mr. Lawlor would have been an entry  
14 that was relevant to the Tribunal, isn't that right?
- 11:02:04 15 A. Yes.
- 16 Q. 207 Yes. And therefore, it is something you would have considered when you came to  
17 look at it in the first instance, isn't that right?
- 18 A. More than likely, yes.
- 19 Q. 208 And I suggest to you that until the Tribunal asked for extracts from your  
11:02:21 20 diaries you would have this had no reason to go back and make this alteration,  
21 isn't that right?
- 22 A. Probably not, no.
- 23 Q. 209 So that the Tribunal may take it that when you first came to consider your  
24 diaries for the purpose of complying with the Order For Discovery, this entry  
11:02:35 25 was as it originally appeared in your diary?
- 26 A. Likely.
- 27 Q. 210 Yes. And you then decided to alter that entry to change the information it  
28 contained on its face, isn't that right?
- 29 A. Likely, yes.
- 11:02:46 30 Q. 211 And what you were concealing on that page, Mr. Dunlop, was a record of a

- 11:02:50 1 payment or an agreement to pay Mr. Liam Lawlor, isn't that right?
- 2 A. An agreement or an actual payment.
- 3 Q. 212 Or an actual payment one or the other, isn't that right?
- 4 A. Yes.
- 11:03:00 5 Q. 213 And yet you left in in the later diaries two records of apparent payments to
- 6 Mr. Lawlor, isn't that right?
- 7 A. Yes.
- 8 Q. 214 But what is significant here, I suggest to you, is that that apparent agreement
- 9 is recorded during a period where the diary records you having a meeting with
- 11:03:15 10 Mr. Owen O'Callaghan, isn't that right?
- 11 A. Yes.
- 12 Q. 215 All right. And that therefore, one reason that you could have considered it
- 13 safer from Mr. O'Callaghan's point of view would be to alter the entry so that
- 14 it would not provide any information about Mr. Lawlor at all, isn't that right?
- 11:03:30 15 A. Yeah, I appreciate the point you're making but can I go back to the answer I
- 16 gave you previously. That is, that there is no connection whatever now in my
- 17 mind or then in relation to whatever arrangement I arrived at with Liam Lawlor
- 18 between my giving or agreement to give money to Liam Lawlor and Owen
- 19 O'Callaghan, it never arose.
- 11:03:56 20 Q. 216 What we're looking at here now, Mr. Dunlop, is the information you decided to
- 21 the Tribunal?
- 22 A. Yes.
- 23 Q. 217 And I think we have established that you would have made this alteration after
- 24 the Tribunal had sought your diaries and prior to you providing these diaries
- 11:04:10 25 to the Tribunal, isn't that right?
- 26 A. Yes.
- 27 Q. 218 And this particular diary entry I think you've greed when you went to consider
- 28 it first to comply with the Tribunal's Order would have been in its original
- 29 format?
- 11:04:20 30 A. Probably, yes.

11:04:21 1 Q. 219 And that therefore, prior to giving the entry, the diary, to the Tribunal you  
2 altered it, isn't that right?  
3 A. Likely, yes.  
4 Q. 220 Yes. And the information that it provides is misleading, isn't that right?  
11:04:33 5 A. Yes.  
6 Q. 221 And it completely hides and conceals what's written beneath it?  
7 A. Yes.  
8 Q. 222 Which is a record of an agreement to pay Mr. Lawlor?  
9 A. Correct.  
11:04:41 10 Q. 223 Or else a record --  
11 A. Of an actual.  
12 Q. 224 Of an actual payment. And what I am suggesting to you, Mr. Dunlop, although  
13 you appear reluctant to agree with me, is that the only reason you altered this  
14 entry in relation to this payment to Mr. Lawlor is, it is cheek by jowl with an  
11:05:00 15 entry in your diary for Mr. Owen O'Callaghan?  
16 A. Well, it's not that I appear reluctant. I am telling you definitively that  
17 whatever the motivation in relation to changing anything in that particular, on  
18 that particular day in relation to that particular interview, was not in any  
19 way motivated by the fact that Mr. O'Callaghan had a meeting with me at 9:30  
11:05:22 20 because it just simply doesn't arise. It didn't arise and it doesn't arise.  
21 Q. 225 Well, then you'd better I think, Mr. Dunlop, tell the Tribunal the reason why  
22 you altered the entry if you are absolutely satisfied in your own mind it had  
23 nothing to do Mr. O'Callaghan?  
24 A. No.  
11:05:37 25 Q. 226 As I am suggesting to you?  
26 A. Uh-huh.  
27 Q. 227 Then there must have been some good reason as to why you falsified that  
28 information prior to providing it to the Tribunal?  
29 A. Yes, I accept the point that you are making but I cannot definitively say to  
11:05:51 30 you other than in the circumstances that we have already outlined, I have

- 11:05:54 1 already outlined in answer to your questions is that it is altered. The  
2 likelihood is it was altered at a specific period with the view to concealing  
3 the fact that I had an arrangement to pay Mr. Liam Lawlor or had actually paid  
4 Liam Lawlor one and a half thousand pounds. And that is it.
- 11:06:14 5 Q. 228 Yes, but you haven't given any assistance to the Tribunal, Mr. Dunlop, as to  
6 what was the reason for that?  
7 A. Well, obviously as I think I've said earlier on, that I did not want it known  
8 that I had given Liam Lawlor or agreed to give Liam Lawlor one and a half  
9 thousand pounds at that particular time.
- 11:06:39 10 Q. 229 Well, is it the timing that's relevant being the 10th November 1993? Is that  
11 the timing you're talking about, that you didn't want it known that you'd paid  
12 Mr. Lawlor on the 10th of November 1993 but you had no difficulty with the  
13 Tribunal knowing that you'd given him 8,000 Pounds in August 1998?  
14 A. No, and I had no difficulty of telling the Tribunal of the large amounts of  
11:07:01 15 money that I had given Mr. Lawlor on an ongoing basis.
- 16 Q. 230 Indeed from the time that you started considering your position before the  
17 Tribunal, Mr. Dunlop, in April of 2000 you have given detailed information to  
18 the Tribunal about the payments you say you made Mr. Lawlor, isn't that right?  
19 A. Correct, yes.
- 11:07:15 20 Q. 231 And I think that originally you had given extensive evidence albeit by way of  
21 notes and matters such as that to the Tribunal about the payments you made to  
22 Mr. Lawlor?  
23 A. Yes.
- 24 Q. 232 Isn't that right? So you had no difficulty in disclosing payments made to  
11:07:29 25 Mr. Lawlor to the Tribunal, isn't that the position?  
26 A. Correct, yes.
- 27 Q. 233 So again, I suggest to you, that that makes this entry particularly  
28 significant. That there had to be some particular reason why you felt the  
29 necessity to falsify this entry before giving it to the Tribunal?  
11:07:47 30 A. Well I, I think I can only reprise what I said already. And that is yes, it is

- 11:07:55 1 altered. It's altered in my handwriting. It's altered with the purpose,  
2 obviously, of concealing the fact that I had made an arrangement with Liam  
3 Lawlor to pay him one and a half, or had given him one and a half. And why in  
4 the particular circumstances that that alteration was made, I just cannot tell  
11:08:16 5 you. But I can tell you definitively if it is as you have suggested, because  
6 of its inclusion on that particular day and in relation to a meeting that was  
7 taking place with Owen O'Callaghan, that that is not the case, now, and was not  
8 then.
- 9 Q. 234 Is there any possibility, Mr. Dunlop, that's what's recorded at page 25060, is  
11:08:56 10 an agreement to pay a much greater sum of money?  
11 A. No, I don't think so.
- 12 Q. 235 Is it possible that it might be recording an entry to pay Mr. Lawlor 150,000  
13 Pounds?  
14 A. No, definitely not. No, I don't think so.
- 11:09:19 15 Q. 236 1.5 million?  
16 A. No.
- 17 Q. 237 It's an entry relating to one and a half thousand pounds?  
18 A. As I look at it now, yes, I cannot ... I am pausing to think about what was the  
19 largest sum I ever gave Mr. Lawlor. But, no, it is not in relation to one and  
11:09:51 20 a half million or 150,000.
- 21 Q. 238 The largest sum you have told the Tribunal that you paid Mr. Lawlor was 40,000  
22 Pounds, isn't that right?  
23 A. Yes, in cash, yes.
- 24 Q. 239 Yes. Now, you yourself had by this stage in November, by November of that  
11:10:17 25 year, '93, entered into discussions with Mr. O'Callaghan about 'big one,' isn't  
26 that right?  
27 A. Yes, yeah.
- 28 Q. 240 And about the payment of a success fee which you thought was of the order of  
29 half a million Pounds?  
11:10:26 30 A. Well, yes, I would have said that in any discussions that I had with Mr.



- 11:10:34 1 O'Callaghan, I can't recollect that a particular figure was finally decided on.  
2 But I would have had the, not the impression, but I would have had in my mind  
3 at the time something of the order of half a million or more. That as I said  
4 to you earlier on, but I ... I ... yeah, no, I can't ...
- 11:11:16 5 Q. 241 Did Mr. Lawlor ever look for a success fee?  
6 A. He never looked for -- he never asked me for a success fee. I do recollect  
7 that there was some discussion between Ambrose Kelly and himself at some stage  
8 about, not in terms of a success fee, but of, in terms of a payment or money.  
9 And that Mr. Kelly at some stage had some discussion with Mr. O'Callaghan about  
11:12:05 10 that.
- 11 Q. 242 And are you clear now in your own mind, Mr. Dunlop, that that doesn't record  
12 anything other than an apparent agreement by you to pay money to Mr. Lawlor and  
13 it didn't involve Mr. O'Callaghan at all?  
14 A. No, I am absolutely clear in my mind that the suggestion that you are making in  
11:12:25 15 relation to the entry in the diary on that particular day of that item which  
16 has been altered has nothing whatsoever to do with a meeting that took place  
17 with Mr. O'Callaghan.
- 18 Q. 243 And this agreement that's recorded in the diary involves only yourself and  
19 Mr. Lawlor and did not involve any agreement on the part of Mr. O'Callaghan, is  
11:12:47 20 that the position?
- 21 A. Correct, yeah.
- 22 Q. 244 So that Mr. O'Callaghan is not a party to whatever agreement you made with  
23 Mr. Lawlor that's recorded there?  
24 A. On that particular day, yes.
- 11:12:56 25 Q. 245 All right. And you can't offer any explanation to the Tribunal why you decided  
26 to falsify this entry before giving it to the Tribunal having left in other  
27 entries in relation to payments to Mr. Lawlor, isn't that right?  
28 A. No.
- 29 Q. 246 Can I show you the entry at 8031. Now, this is an entry that you've agreed I  
11:13:22 30 think, Mr. Dunlop, on day 783 that the entry that's obliterated is probably

- 11:13:30 1 connected with Mr. O'Callaghan, but you were unable to say what the entry was?
- 2 A. Correct.
- 3 Q. 247 Right. Now, the forensic documents examiners were unable to get beneath your  
4 obliteration on this occasion, Mr. Dunlop. So there is no further information  
11:13:43 5 in relation to that. But I can going to suggest to you that it's likely to  
6 have been some kind of a financial matter that you obliterated?
- 7 A. Yeah. Well, in fairness to you, Ms. Dillon, you did, this is not the first  
8 time that you made that suggestion. You did make that suggestion heretofore.  
9 I am not going -- I do not have a recollection as to what the actual content of  
11:14:07 10 that obliterated item is. I did, I do think I did say to you that, yes, I  
11 agreed that it is likely that it was a matter relating to Owen O'Callaghan  
12 6789. And yes, it is possible, though I cannot tell you what is obliterated  
13 there, it is possible that it has something to do with finance.
- 14 Q. 248 Something to do with?
- 11:14:27 15 A. Money.
- 16 Q. 249 Yes. And can I show 9990. And you will see at the top of the 25th of August  
17 there is an entry OOC and beneath that there's something obliterated with an  
18 arrow going to one side and an arrow going down, isn't that right?
- 19 A. Yes.
- 11:14:53 20 Q. 250 And then there is a note "discuss fees with OOC and agreed 2,500 pounds per  
21 month until the end of December total 10,000 Pounds?"
- 22 A. Yes. What year is this now again?
- 23 Q. 251 1993. And this is the start of your retainer, isn't that right?
- 24 A. Correct yes.
- 11:15:07 25 Q. 252 And from this date or shortly after this you go on to a retainer which  
26 increases over the years, isn't that light?
- 27 A. That's correct.
- 28 Q. 253 On the first day of your evidence we went through all of those retainers, isn't  
29 that right?
- 11:15:19 30 A. Yes.

- 11:15:20 1 Q. 254 And we'll come back to them briefly. What I want to ask you about, Mr. Dunlop,  
2 is what might be written beneath OOC and before the note in relation to your  
3 retainer with Mr. O'Callaghan?  
4 A. Yes, can you blow it up a little bit?
- 11:15:38 5 Q. 255 Yes.  
6 A. I think we went through this on the previous occasion but if you blow it up a  
7 little bit.  
8 Q. 256 Yes. And you said on that occasion that it's something from 10 o'clock I  
9 think. I think it has something to do with OOC. I can't be specific. No, I  
11:15:52 10 can't, I can't decipher that. And that was your evidence on the last occasion?  
11 A. Yes.  
12 Q. 257 And if I show you the document examination at 25056. And if you can just  
13 increase this. And I am suggesting to you that the entry reads "10:00, LL  
14 OOC". Do you agree with that Mr. Dunlop?  
11:16:27 15 A. It's very difficult to make it out, Ms. Dillon. I certainly would agree it's  
16 10 o'clock. Yes, it certainly it's likely it's LL, yes. The rest of it I'm  
17 not absolutely certain but there seems to be an exclamation mark at the end as  
18 well. The first L it looks like an L but ...  
19 Q. 258 Can I have the original diaries, Mr. Kavanagh, please, for the 25th of August  
11:17:02 20 1993?  
21 A. Well, actually it seems to be clearer in the original diary than it does in any  
22 forensic extraction. Certainly it's 10 o'clock. And if you go backwards, yes,  
23 I do think it is something to do with OOC.  
24 Q. 259 And LL?  
11:17:44 25 A. Yes.  
26 Q. 260 All right.  
27 A. Well I mean, it's not the LL is not as clear in the original as it appears to  
28 be in this forensic, forensic examination. But I'm at a loss that if Mr.  
29 O'Callaghan is in the, in my office at 9:30 and he is there until 2:30 or that  
11:18:14 30 there is a special entry for Liam Lawlor coming in at 10 o'clock because that

- 11:18:19 1 wouldn't normally be. I mean, Mr. Lawlor would attend either invited or  
2 uninvented if he knew Mr. O'Callaghan was there.
- 3 Q. 261 This entry if it records a meeting between yourself, Mr. O'Callaghan and  
4 Mr. Lawlor, what has been obliterated is the fact that Mr. Lawlor was there  
11:18:38 5 with Mr. O'Callaghan, isn't that right?
- 6 A. Yes, it would appear so.
- 7 Q. 262 Yes. And what is also discussed at this meeting is your retainer or your fees  
8 as can be seen at 9990, isn't that right?
- 9 A. Yes.
- 11:18:50 10 Q. 263 This is the meeting at which you agree your retainer?
- 11 A. Yes.
- 12 Q. 264 You still have had no payment of the 'big one', you have had no success fee  
13 although you are having discussions with Mr. O'Callaghan on an ongoing basis,  
14 isn't that right?
- 11:19:03 15 A. Yes.
- 16 Q. 265 This is the commencement of the retainer of Frank Dunlop & Associates, isn't  
17 that right that?
- 18 A. Is the import of that entry, yes.
- 19 Q. 266 Yes. And again, what's obliterated here is the fact that Mr. Lawlor is at this  
11:19:17 20 meeting, isn't that right?
- 21 A. Yes.
- 22 Q. 267 You were not, you have no reason to hide the fact that Mr. O'Callaghan was  
23 there, Mr. Dunlop, because you've left him in for 9:30, isn't that right?
- 24 A. Yes.
- 11:19:27 25 Q. 268 And you have left in the record of what you discussed with Mr. O'Callaghan?
- 26 A. Yes.
- 27 Q. 269 Yes. So what is in effect being concealed is the fact that Mr. Lawlor is there  
28 also, isn't that right?
- 29 A. If that is Mr. Lawlor being there. As I said to you, I don't see any reason  
11:19:42 30 why Mr. Lawlor's name should be deleted.

11:19:44 1 Q. 270 But it would be the third entry in relation to Mr. Lawlor that's been deleted,  
2 isn't that right, or changed?  
3 A. Yes.  
4 Q. 271 Isn't that right? And again, this entry, if it is Mr. Lawlor, puts Mr. Lawlor  
11:20:01 5 at a meeting with Mr. O'Callaghan, isn't that right?  
6 A. Yes.  
7 Q. 272 Now, if I could show you 11949, Mr. Dunlop. You will recollect that on the  
8 last occasion on which you gave evidence we discussed the entry of the 15th of  
9 September 1995?  
11:20:37 10 A. Yes.  
11 Q. 273 And what might be the subject matter of the obliteration?  
12 A. Yes.  
13 Q. 274 That has taken place?  
14 A. Uh-huh.  
11:20:43 15 Q. 275 And I think you had agreed with me that it was likely to be something in  
16 connection Mr. O'Callaghan?  
17 A. Yes.  
18 Q. 276 Because Mr. O'Callaghan was recorded as having been spoken to by you at 6  
19 o'clock, isn't that right?  
11:20:54 20 A. Yes.  
21 Q. 277 But you weren't able to say whether it was related to any financial matter or  
22 not, isn't that right?  
23 A. No. Yes, exactly. That's what I said, yes.  
24 Q. 278 Yes. That's what you said previously?  
11:21:05 25 A. Yes.  
26 Q. 279 Now, I think if we look at 25061. Now, this is the best that the forensic  
27 analysis can do, Mr. Dunlop, in relation to it. And this relates to the  
28 obliteration. Does any of that that's there assist you in any way?  
29 Mr. Kavanagh, I think you have a copy of the, in colour? Perhaps if you give  
11:21:51 30 Mr. Dunlop the entry for the 15th of September 1995. Start at the bottom, Mr.

11:22:27 1 Dunlop?

2 A. Yeah, yeah.

3 Q. 280 And I suggest to you that the last two words in it are "no problem". Bottom

4 line?

11:22:36 5 A. I don't know, Ms. Dillon. I can make out what I think is an L but ...

6 Q. 281 And do you see immediately above that, do you see the word "fulfilling" on the

7 third line down?

8 A. Just above -- what you say is "no problem." Thanks, thanks. Yes, yeah.

9 Q. 282 Do you see the word and do you agree it's "fulfilling?"

11:23:24 10 A. It looks like fulfilling, yes.

11 Q. 283 And do you see the next word beside that is "his?"

12 A. Um. I don't know that I can say that that is his, no.

13 Q. 284 And the word beside that is "obligations?"

14 A. Yes, that could be made out as obligations. Well, it's certainly O B

11:23:54 15 something.

16 Q. 285 Yes?

17 A. Yes, it is possible that word is obligation, yes.

18 Q. 286 So part of the subject matter of your conversation with Mr. O'Callaghan was

19 something to do with him fulfilling his obligations?

11:24:09 20 A. If that is the ... if that is the content of that note.

21 Q. 287 And if you go then to the line immediately above that which is the second line

22 and would you agree with me that the first word there is likely to be the word

23 "assurances?"

24 A. I'm afraid either your eyesight is better than mine, Ms. Dillon, or ...

11:24:49 25 Q. 288 I might make it --

26 A. I think if you went backwards on that line I would have said that the -- well,

27 no. The last word there is "his."

28 Q. 289 Yes.

29 A. I'm not quite. But after that I'm, I certainly couldn't, not that I don't want

11:25:13 30 to disagree with you. But I certainly couldn't on my own initiative come up

- 11:25:17 1 with the word "assurances."
- 2 Q. 290 Let me put to you, Mr. Dunlop?
- 3 A. Yes.
- 4 Q. 291 What I think it is and you can disagree with me if you wish or you can put
- 11:25:25 5 forward your own view as to what you think this document that you originally
- 6 wrote and then obliterated. I suggest to you, that it reads as follows
- 7 "discussion re his assurances of fulfilling his obligations to me re Q V in
- 8 full, no problem?"
- 9 A. It could well be, yes. It could well be.
- 11:25:49 10 Q. 292 And I want to know if you agree that at a minimum the word "obligations"
- 11 appear, "fulfilling his obligations" on the third line?
- 12 A. Certainly "fulfilling" I certainly don't have any difficulty with it on this
- 13 document. I do have it on the screen a difficulty with it. And yes, "his".
- 14 And certainly that the next word begins with O B and likely an L, yes.
- 11:26:20 15 Q. 293 Now, what were Mr. O'Callaghan's obligations at this time which is September
- 16 1995?
- 17 A. The only obligations I ever had with Mr. O'Callaghan was in relation to ongoing
- 18 fee payments or paying invoices and success fees.
- 19 Q. 294 Yeah. What is being discussed in the document are his obligations. Not your
- 11:26:50 20 obligations?
- 21 A. Correct, yes, yeah.
- 22 Q. 295 So your discussion with Mr. O'Callaghan --
- 23 A. If that word is "his" yes.
- 24 Q. 296 It's his obligations. So what you are discussing with Mr. O'Callaghan on the
- 11:27:01 25 telephone on the 15th of September 1995 is how, I suggest to you, Mr.
- 26 O'Callaghan can fulfil his obligations to you?
- 27 A. Yes.
- 28 Q. 297 That was the subject matter of your conversation?
- 29 A. If that is the, if that is the phraseology that you are suggesting is contained
- 11:27:20 30 in that, that is likely, yes.

- 11:27:21 1 Q. 298 Yes. And by this stage in September 1995 you have not been paid any success  
2 fee. You are in on a retainer at this stage. A significant retainer but a  
3 retainer, is that right?
- 4 A. Correct. I delete the word significant but retainer, yes.
- 11:27:39 5 Q. 299 Yes. I think you were paid a substantial sum of money in 1995, isn't that  
6 right?
- 7 A. Yes.
- 8 Q. 300 Yes. Why would you have needed to obliterate that entry prior to giving the  
9 diary to the Tribunal?
- 11:27:50 10 A. I have no, I have no, I can't answer that. I have stated that my relationship  
11 with Mr. O'Callaghan was such that he paid fees on foot of invoices and that  
12 there was an arrangement for a success fee. So if one was to say that this  
13 related to his obligations to pay a success fee, if we accept that is the word  
14 that you have outlined.
- 11:28:23 15 Q. 301 I haven't said that, Mr. Dunlop?
- 16 A. No, no.
- 17 Q. 302 I have said to you that the words I am identifying for you are "fulfilling his  
18 obligations?"
- 19 A. I have said to you that I would agree with you in relation to "fulfilling his"  
11:28:37 20 and the next word is beginning with an O B and probably an L. After that it's  
21 indecipherable as far as I can make out.
- 22 Q. 303 Certainly the subject matter of your discussions with Mr. O'Callaghan related,  
23 if this document, if my interpretation of this document is correct?
- 24 A. Uh-huh.
- 11:29:01 25 Q. 304 Concerned what you described as Mr. O'Callaghan's obligations, isn't that  
26 right?
- 27 A. Uh-huh.
- 28 Q. 305 Right. And what I would like you to tell the Tribunal is, in September 1995  
29 what were Mr. O'Callaghan's obligations to you?
- 11:29:08 30 A. The only obligations Mr. O'Callaghan had to me is to continue paying fees and



- 11:29:16 1 to, as per any agreement, tentative or otherwise, that we had in relation to a  
2 success fee.
- 3 Q. 306 And by this stage you didn't have any payment of by way of a success fee, isn't  
4 that right?
- 11:29:35 5 A. This is --
- 6 Q. 307 In September 1995?
- 7 A. No.
- 8 Q. 308 So you are still looking for your money and you are still talking to Mr.  
9 O'Callaghan and you are still recording those conversations in your diary,  
11:29:46 10 isn't that right?
- 11 A. Yes, if that is, if that entry in the diary is as you say it is.
- 12 Q. 309 Well, the entry is clearly connected to Mr. O'Callaghan, isn't that right?
- 13 A. Absolutely, that is incontestable.
- 14 Q. 310 Already established. Really what we are discussing now it is what was  
11:30:00 15 originally written that you that obliterated, isn't that right?
- 16 A. Yes.
- 17 Q. 311 And I am suggesting to you in line with the other obliterations that we've  
18 seen, is this discussion related in some way to a financial matter passing  
19 between yourself and Mr. O'Callaghan?
- 11:30:12 20 A. Yes, and my answer to that is straight forwardly I would not discount that.  
21 And if the words that you have said you can, "fulfilling his" and the next word  
22 is "obligation." The only explanation that I have give you in relation to the  
23 word "obligation," if that is what it is, in answer to the question that you  
24 asked, as to what his obligations to me were, was that the continuing payment  
11:30:36 25 of fees and a success fee.
- 26 Q. 312 And if I could show you, Mr. Dunlop, 13152. And you will remember on the last  
27 occasion when we discussed this obliterated entry which is dated the, in the  
28 23rd of May 1998, but in fact you told the Tribunal related to the entry in  
29 connection with Eamonn Duignan, isn't that right?
- 11:31:08 30 A. Yes, I said if I recollect correctly in relation to the evidence that day was

11:31:14 1 that the arrow goes straight across from the box containing the reference to  
2 Eamonn Duignan.

3 Q. 313 Yes. What you actually said so that we're clear about it is, it is absolutely  
4 clear from the original that the item in a box relating to Eamonn Duignan is  
11:31:30 5 the subject of two subsequent entries in the diary, one at the very bottom of  
6 the page relating to the cheque, and the other going straight across to the  
7 23rd overshooting the note relating to Owen O'Callaghan at Citywest."

8 A. Yes. And that's what the arrows indicated -- indicate.

9 Q. 314 Yes. And if we look at the forensic analysis of that entry at page ... at page  
11:31:58 10 25062. First of all at the very bottom, do you see F D?  
11 A. Yes.

12 Q. 315 And do you see a date just above that?  
13 A. Yes.

14 Q. 316 And can you read that date, Mr. Dunlop?  
11:32:26 15 A. Well, going backwards which I think is probably better, is '98.

16 Q. 317 Uh-huh.  
17 A. That could be a four or a nine. The previous one looks to me like a one.

18 Q. 318 Right. So what's recorded there is probably the 1st of September '98, isn't  
19 that right?  
11:32:57 20 A. Yes.

21 Q. 319 And --  
22 A. If that is a nine.

23 Q. 320 If that is a nine. And the date that this entry is made is at 13152. Is the  
24 20th, 22nd, 22nd of May, isn't that right? 20th of May.

11:33:20 25 A. Sorry, I've lost you there.

26 Q. 321 22nd of May.  
27  
28 JUDGE FAHERTY: 22nd of May.  
29

11:33:24 30 MS. DILLON: The entry is made on the 22nd of May.

- 11:33:27 1 A. Well, the month is not given on this diary so that's why I'm ...
- 2 Q. 322 On the 22nd of May at 13156 you issued this invoice, isn't that right?
- 3 A. Uh-huh.
- 4 Q. 323 And that's an invoice for 100,000 Pounds to Riga Limited?
- 11:33:45 5 A. Yes.
- 6 Q. 324 All right. And that's the same date as the meeting is recorded in your diary,
- 7 isn't that right?
- 8 A. Yes.
- 9 Q. 325 And you have told the Tribunal that you only ever drew up invoices by prior
- 11:33:57 10 agreement with Mr. O'Callaghan, isn't that right?
- 11 A. Correct.
- 12 Q. 326 And that was paid I think some short time thereafter that, isn't that right?
- 13 A. Yes, it was.
- 14 Q. 327 And I'll come back to deal with that. And on the 1st of September, 1998, Mr.
- 11:34:17 15 Dunlop, can I show you 13239. And if you look at the entry for the 1st of
- 16 September 1998 bearing in mind that was the date that was under the obliterated
- 17 entry that we just looked at?
- 18 A. Yes.
- 19 Q. 328 And this is now the entry in your diary for the 1st of September '98?
- 11:34:42 20 A. Yes.
- 21 Q. 329 And what does it say, Mr. Dunlop?
- 22 A. On Monday the 1st.
- 23 Q. 330 Yeah.
- 24 A. Ring OOC re discussion of Friday the 22nd of the 5th '98. Re remainder.
- 11:34:56 25 Q. 331 All right. You can stop there?
- 26 A. Yeah.
- 27 Q. 332 Now, that, I suggest to you, confirms that you had a discussion about money or
- 28 finance with Mr. O'Callaghan on the 22nd of May 1998?
- 29 A. Yes, yes.
- 11:35:09 30 Q. 333 And I suggest to you that what is recorded at 13152 and subsequently

- 11:35:16 1 obliterated by you is a record of that agreement with Mr. O'Callaghan, isn't  
2 that right?
- 3 A. Yes, it's possible, yes.
- 4 Q. 334 Well, I'm going to suggest to you now, Mr. Dunlop, that it's more than possible  
11:35:29 5 because I'm going to go through the entry as best we can decipher it. But what  
6 you told the Tribunal on the last occasion you were here is that that entry  
7 that's obliterated related to Eamonn Duignan and didn't relate to Mr.  
8 O'Callaghan?
- 9 A. Yes, on the basis of the entry in the diary. That the arrows from the entry to  
11:35:48 10 Eamonn Duignan related over to what was obliterated.
- 11 Q. 335 If someone was laying a false trail, Mr. Dunlop, it would be no hard thing to  
12 draw that line between Eamonn Duignan's entry and the entry on the following  
13 day, isn't that right?
- 14 A. Well.
- 11:36:02 15 Q. 336 If somebody wanted to mislead, for example?
- 16 A. Yes, I would agree that if somebody wanted to do so, yes.
- 17 Q. 337 All right. And if we look at the entry then that was obliterated at 25062. If  
18 we can blow this up a little bit, please. Now, do you agree with me that the  
19 word that can be clearly seen on the first line is "issue" it's the last word?  
11:36:40 20 It's being underlined at the moment with the cursor, Mr. Dunlop?
- 21 A. Yes. Yes, it looks like 1999 something to me. But it's possible that it is  
22 "issue," yes.
- 23 Q. 338 And then beneath that there is the word "for" and a figure is given, isn't that  
24 right?
- 11:37:01 25 A. Yes.
- 26 Q. 339 And that figure, I suggest to you, is either 600 K or 100 K, isn't that right?
- 27 A. Yes, it is one or the other, yes.
- 28 Q. 340 It's either 600 K or 100 K?
- 29 A. Yes.
- 11:37:18 30 Q. 341 Did you ever have any arrangement or agreement with Mr. Duignan to receive 600

- 11:37:23 1 or 1,000 pounds from him?
- 2 A. I can't suggest to you that I had a meeting -- I had an arrangement with
- 3 Mr. Duignan to get specific, either of those specific sums. But I did have
- 4 some lengthy discussions with Mr. Duignan in relation to the payments of
- 11:37:41 5 monies, yes.
- 6 Q. 342 And those are recorded in your diary and they are normally of the order of
- 7 5,000 Pounds there, isn't that correct?
- 8 A. Yes.
- 9 Q. 343 So I just can you again then. Did you ever have any arrangement or agreement
- 11:37:53 10 for the payment of the sum of 100,000 Pounds or 600,000 Pounds by Mr. Duignan
- 11 to you?
- 12 A. No.
- 13 Q. 344 All right. And would you have had any discussion do you believe in May of 1998
- 14 with Mr. Duignan that would have resulted in a record of an agreement in
- 11:38:08 15 relation to either 100,000 Pounds or 600,000 Pounds?
- 16 A. Well, can I suggest to you now, Ms. Duignan, -- Ms. Dillon, that you go back to
- 17 the entry in the diary for a moment.
- 18 Q. 345 In fact if you look at that you will see what the agreement was, 13152.
- 19 A. Yes, Mr. Duignan owed me money and the arrangement arrived at was that this
- 11:38:43 20 matter was to be finalised and agreed upon by Jack and Jack was Mr. Duignan's
- 21 solicitor.
- 22 Q. 346 And if you go back, can we just have the full page of 13152 just so that there
- 23 is no lack of clarity about it. And if you consider the contents of the entry
- 24 on the 20th, you will see there the record of your discussion on that day with
- 11:39:04 25 Mr. Duignan in relation to the payment of 10,000 Pounds on Friday and 4,000
- 26 pounds later after you he returns from holiday. And then the other entry on
- 27 the 22nd records the 10,000 Pounds from Mr. Duignan's solicitor, isn't that
- 28 right?
- 29 A. Correct.
- 11:39:17 30 Q. 347 There is no suggestion in any of those annotations of any agreement with

11:39:21 1 Mr. Duignan involving either 600,000 Pounds or 100,000 Pounds, isn't that  
2 correct?  
3 A. That's correct.  
4 Q. 348 So if we go back then to try and consider the contents of the document at  
11:39:33 5 25062. And if we go on down to the next line we see the word "be" isn't that  
6 right? B E beneath the 600,000 or 100,000, isn't that right?  
7 A. Well, again I was going to say that I would decipher that for you and I thought  
8 that was i.e. id est.  
9 Q. 349 Okay.  
11:40:01 10 A. On first reading, I'm looking at it, I was trying to make out what words. Now  
11 I'm looking at the screen, which I think is deceptive and I am now looking at  
12 the document that Mr. Kavanagh gave me, and, yes, I would agree that it is  
13 "be." On the screen it is unclear. On the document I would say that it is  
14 probably "be."  
11:40:23 15 Q. 350 And beneath that is the date that I think you've agreed is probably the 1st of  
16 September 1998, and when we look at the diary entry for the 1st of September  
17 1998 we see a reference to the agreement or discussion that you had with Mr.  
18 O'Callaghan on the 22nd of May 1998?  
19 A. Yes.  
11:40:38 20 Q. 351 And there is to be a discussion on the 1st of September 1998 about remainder,  
21 isn't that right?  
22 A. Correct about remainder, yes.  
23 Q. 352 And then the next word, can you make out the next word that's beneath that, Mr.  
24 Dunlop?  
11:40:52 25 A. Beneath which?  
26 Q. 353 Beneath the date the 1st of the 9th '98?  
27 A. Sorry now. Beginning with F or and ending in ING.  
28 Q. 354 Is it possible that that it might be beginning with P?  
29 A. It is ... well, it's unclear on either. It's unclear to me on either the  
11:41:33 30 screen or, it's unclear on both of them as far as I'm concerned because it is

- 11:41:39 1 possible that it could an P. I would have said it was an F.
- 2 Q. 355 Well, what do you think the word is, Mr. Dunlop being the being the author of
- 3 it?
- 4 A. Well, if there is a word beginning with P, on your suggestion, P.
- 11:41:56 5
- 6 CHAIRMAN: Sorry, Mr. Dunlop, you must know what this is all about. It's only
- 7 eight or nine years ago. It's your handwriting. It's clearly something to do
- 8 with two substantial payments. It shouldn't be necessary to extract this
- 9 information at a snail's pace, such as is happening now. You have to know.
- 11:42:25 10 You should be, you must be in a position to assist the Tribunal, and you should
- 11 be in a position to identify what's there and explain it?
- 12 A. Yes, Chairman, I have agreed with Ms. Dillon that it more than likely is a
- 13 record of a conversation.
- 14
- 11:42:41 15 CHAIRMAN: No, but you're --
- 16 A. Sorry.
- 17
- 18 CHAIRMAN: But you are arguing whether about be is i.e. and whether the P,
- 19 which is clearly P, is an F.
- 11:42:52 20 A. With respect Chairman, I'm not. I'm answering each question that Ms. Dillon
- 21 asks me. She asked me what did I think the first letter was. So I think
- 22 that's important that that point be made. No, I have said to Ms. Dillon, the
- 23 likelihood is that this is a note made by me, because it does contain my, the
- 24 initials of my name at the bottom, of a conversation that I had with Mr.
- 11:43:17 25 O'Callaghan in relation to some payment. And one, the possibility is that one
- 26 of the figures mentioned is 100,000 or 600,000. And if you go further down
- 27 there is something of the order of 30 or 300 and then this indecipherable word.
- 28 Q. 356 All right. What does the whole entry mean Mr, Dunlop?
- 29
- 11:43:41 30 CHAIRMAN: But surely you know ... surely you know, Mr. Dunlop, as this is

11:43:47 1 your own entry?

2 A. Yes.

3

4 CHAIRMAN: Surely you know whether what the figures are?

11:43:51 5 A. No. I have, as I said to Ms. Dillon at the outset of this examination this

6 morning, that I had a discussion on numerous occasions with Mr. O'Callaghan in

7 relation to a success fee. That I could not absolutely definitively say that

8 there was a final figure ever agreed but that I did agree that what was in my

9 mind at that time, which I couldn't discount and won't discount, was something

11:44:21 10 of the order of half a million or more. But I never got a half a million or

11 more from Mr. O'Callaghan.

12 Q. 357 Well, with respect, Mr. Dunlop, you did?

13 A. Well, not in a success fee.

14 Q. 358 Yes. You got 100,000 Pounds in January 1997?

11:44:36 15 A. Yes.

16 Q. 359 You got 100,000 Pounds in May of 1998. And you got 300,000 Pounds in October

17 of 1998?

18 A. Yes.

19 Q. 360 Isn't that right?

11:44:44 20 A. Yes, in specific circumstances.

21 Q. 361 Yes?

22 A. Yes.

23 Q. 362 And I am going to take you through those payments?

24 A. Yes.

11:44:50 25 Q. 363 But what you must explain to the Tribunal, Mr. Dunlop, is what was originally

26 on this entry?

27 A. Well I've -- in endeavouring to answer the Chairman and now you, what I have

28 said is, it is obvious that I had a conversation with Mr. O'Callaghan in

29 relation to a payment and I have already conceded, not conceded, I have already

11:45:24 30 given evidence to the effect that I had many conversations with Mr. O'Callaghan



- 11:45:24 1 in relation to payments, including a success fee. And that this is obviously  
2 on one of those occasions.
- 3 Q. 364 All right. What's also clear, Mr. Dunlop, is that you obliterated this entry,  
4 isn't that right?
- 11:45:29 5 A. Yes.
- 6 Q. 365 The only reason you could have had for obliterating this entry is in line with  
7 the earlier entries is you wanted to conceal it from the Tribunal?
- 8 A. That is likely, yes.
- 9 Q. 366 What is it about this entry, Mr. Dunlop, looking at the bones of it now as we  
11:45:40 10 do, that you would have wanted to conceal from the Tribunal?
- 11 A. Well, as I look at it now, there is no reason why in fact it should be  
12 obliterated in the context of what I have always said, that I had discussions  
13 with Mr. O'Callaghan in relation to a success fee.
- 14 Q. 367 Well, let me see can I make a suggestion to you, Mr. Dunlop?
- 11:46:01 15 A. Uh-huh.
- 16 Q. 368 And see whether you agree that this logically might comprise the statement that  
17 you had originally recorded and that it might read as the following "clearance  
18 to issue at once for 600,000 or 100,000" depending on which it is, isn't that  
19 right?
- 11:46:22 20 A. Yeah.
- 21 Q. 369 Beneath that "remainder to be discussed on the 1st of the 9th '98. 300,000  
22 remaining or 300,000 on planning" does any of that assist you, Mr. Dunlop, in  
23 remembering with you originally put there?
- 24 A. No.
- 11:46:38 25 Q. 370 No?
- 26 A. In fairness, and in total transparency, no it doesn't. Other than to say that  
27 it is obvious that I had a discussion with Mr. O'Callaghan and this is a note  
28 either recording the agreement, if such be the case, or a note to myself in  
29 relation to the substance of a conversation that I had with Mr. O'Callaghan.
- 11:46:58 30 Q. 371 Okay. If we just look at what I say or suggest to you the first entry might be

- 11:47:03 1 which is either cheque or clearance to issue now for 600 or 100,000. We know  
2 now that this is not an entry in relation to Eamonn Duignan, isn't that right?
- 3 A. Yes.
- 4 Q. 372 We know now contrary to what you told the Tribunal on the last occasion it's an  
11:47:19 5 entry in relation to Mr. Owen O'Callaghan?
- 6 A. Yes.
- 7 Q. 373 We know now that it's an entry in relation to a financial transaction?
- 8 A. Yes, likely to be a record of a conversation that I had with Mr. O'Callaghan.
- 9 Q. 374 On the 22nd of May 1998, isn't that right?
- 11:47:32 10 A. Yes.
- 11 Q. 375 And on the 22nd of May 1998 at 13156 you issued an invoice for 100,000 Pounds?
- 12 A. Yes.
- 13 Q. 376 To Mr. O'Callaghan, isn't that right?
- 14 A. Uh-huh.
- 11:47:42 15 Q. 377 And that was paid if you look at 13185, by the 4th of June?
- 16 A. Uh-huh.
- 17 Q. 378 Paid within two weeks. And you will see there a note in your diary received O  
18 O C cheque 100 K?
- 19 A. Uh-huh.
- 11:47:57 20 Q. 379 Do you see that entry?
- 21 A. Uh-huh.
- 22 Q. 380 Now, I suggest to you that that confirms that the original entry that you had  
23 put in your diary which you obliterated and if we could have 25062, please.  
24 That when you consider, Mr. Dunlop, that on the 22nd of May you issued an  
11:48:19 25 invoice for 100,000 Pounds which was paid by the 4th of June 1998 that as a  
26 matter of logic the first part of that reads "clearance or cheque to issue now  
27 for 100,000 Pounds" do you agree with that now?
- 28 A. Well I ... I do not recollect. And I want to address the Chairman on this  
29 point as well. I do not recollect making this note. Obviously, it has been  
11:48:47 30 made. I do not recollect having a conversation with Owen O'Callaghan saying,

- 11:48:51 1 you know, you will issue a, I will issue an invoice for 100 grand and you will  
2 pay it, as I have said heretofore, no invoices were ever issued by me to Mr.  
3 O'Callaghan except by prior discussion. So the fact that an invoice of 100,000  
4 Pounds issued in May was by discussion with Mr. O'Callaghan. And if that is  
11:49:12 5 the note relating to it, so be it. Why I would be making a note in relation to  
6 the issuing of an invoice in my diary in relation to the issuing of an invoice  
7 given that I had issued significant amounts of invoices to Mr. O'Callaghan.  
8 Why I would particularise this one in a note in my diary I cannot say why.
- 9 Q. 381 You misunderstand me, Mr. Dunlop. I never suggested to you that you had  
11:49:37 10 recorded in your diary the issuing of an invoice. I suggested what you had  
11 recorded in your diary was an agreement that a cheque would issue for 100,000  
12 Pounds?
- 13 A. But the same point obtains, in my view why would I make an entry in my diary in  
14 relation to the issuing of 100,000 Pounds, if I had made an agreement with Mr.  
11:49:54 15 O'Callaghan and he had, I had, I would have had no reason ever if he made an  
16 agreement to make a payment large or small that he did not make it.
- 17 Q. 382 And in relation to the second line. I suggest to you that that reads  
18 "remainder to be discussed on the 1st of September '98"?
- 19 A. Well I, I cannot but admire your forensic eyesight. But, I mean, I have agreed  
11:50:23 20 to you that the word is "be". It is likely that the next word is "discussed".  
21 I'm not going to enter into a forensic examination.
- 22 Q. 383 And if we look on this issue, Mr. Dunlop, it would be helpful if you look at  
23 13239?
- 24 A. Yes.
- 11:50:38 25 Q. 384 And you will see here on the 1st of September, and you have already seen it  
26 today?
- 27 A. Uh-huh.
- 28 Q. 385 Your note to remind yourself to ring Owen O'Callaghan re discussion of Friday  
29 the 22nd of May '98 re remainder?
- 11:50:52 30 A. Yes.

- 11:50:53 1 Q. 386 And I say that when you take that diary entry together with what you've  
2 apparently obliterated on the diary entry of the 23rd of May '98 that it is  
3 likely that the entry read remainder to be discussed on the 1st of the 9th '98?  
4 A. It is likely, yes.
- 11:51:09 5 Q. 387 Isn't that right?  
6 A. Yes, it is likely.
- 7 Q. 388 And what is so difficult, Mr. Dunlop, about telling the Tribunal that?  
8 A. There is nothing difficult about it at all. You proceeded on the basis that we  
9 were looking at forensic examinations of the entries in the diary. I don't  
11:51:23 10 have any difficulty in saying that I obviously had a discussion with Mr.  
11 O'Callaghan recorded this on the 1st of September about a discussion that was  
12 to take place subsequent to a discussion that had taken place on the 22nd of  
13 May.  
14 Q. 389 So if we go back then to the original diary entry at 25062. And we see now in  
11:51:46 15 relation to the first two component parts of that that you agree that the first  
16 is likely to relate to the 100,000 Pounds cheque that was issued and paid by  
17 the 4th of June, and you agree now that the second part of that records an  
18 entry that you are to discuss the remainder with Mr. O'Callaghan on the 1st of  
19 September '98?  
11:52:07 20 A. It is likely. The second part of the entry as far as I'm concerned, the vast  
21 majority of it is indecipherable. And if it is, if the first entry is 100  
22 rather than 600, which I can absolutely assure you is not the case. Well then,  
23 yes, it is likely to a reference to a discussion that I had with Owen  
24 O'Callaghan about the payment of 100,000 Pounds.
- 11:52:29 25 Q. 390 When you say it is likely to be a reference to a discussion that which had Mr.  
26 Dunlop. Do you mean the Tribunal to understand that it is in fact a reference  
27 to a discussion that I had with Mr. O'Callaghan?  
28 A. No, you are putting material to me and I am looking at this material and I, to  
29 the best of my ability, I am giving the answers that if in all of the  
11:52:50 30 circumstances, as you outline them, that that is the likelihood, yes.

- 11:52:53 1 Q. 391 Yes. Do you agree, Mr. Dunlop, that this diary entry relates to a telephone  
2 conversation you had with Mr. O'Callaghan?  
3 A. Probably, yes.
- 4 Q. 392 Okay. Do you agree that it relates to a payment by Mr. O'Callaghan to you?  
11:53:15 5 A. I agree that it is probable that it is a reference to a payment to be made by  
6 Mr. O'Callaghan.  
7 Q. 393 And do you agree that it records that you are to have further discussions with  
8 Mr. O'Callaghan in September of '98?  
9 A. If that is your interpretation of the words, yes.
- 11:53:34 10 Q. 394 No, no, no, either you agree, Mr. Dunlop, or you don't agree?  
11 A. Well, in reference to the diary entry in relation to September 1993, which  
12 reverts back to --  
13 Q. 395 September 1998?  
14 A. Sorry, I beg your pardon. Which reverts back to the discussion in May. Yes,  
11:53:54 15 probably, yes.  
16 Q. 396 All right. And therefore, the final entry, whatever it is, must also relate to  
17 Mr. O'Callaghan, isn't that right?  
18 A. Yes, I would ... that couldn't be discounted.
- 19 Q. 397 Now, you don't know or you can't assist the Tribunal as to what that final  
11:54:11 20 entry is, is that right?  
21 A. No, but in furtherance of the Chairman's wishes to expedite matters, I did say  
22 that it either looks like 30 or 300 and the Chairman says it's obvious that it  
23 is the word is beginning with a P. And if it is the likelihood is that it was  
24 planning.
- 11:54:34 25  
26 CHAIRMAN: Well --  
27 A. But it's -- I couldn't -- if I was asked straight forwardly to decipher that  
28 and it is my handwriting, though I think it is a little bit disingenuous to be  
29 asking people, it could be plumbing or something. Unless, unless, unless I can  
11:54:52 30 see this in actuality I cannot tell you that it is planning.

11:54:57 1  
2 CHAIRMAN: Mr. Dunlop, you know it's not plumbing.  
3 A. Chairman.  
4  
11:55:01 5 CHAIRMAN: That is a ridiculous suggestion. You wrote this in 1998. You know  
6 it's not plumbing! And you know, if you look at that screen up there it's  
7 clearly 300 K?  
8 A. Yes, I have said that it is --  
9  
11:55:15 10 CHAIRMAN: Yes. But you are saying things like, I don't know whether it could  
11 be 30 or it could be 300 K. You must know?  
12 A. No.  
13  
14 CHAIRMAN: If you wrote that. No, forget about that. This, surely this  
11:55:27 15 prompts your memory. We're only talking about eight or nine years ago?  
16 A. Only!  
17  
18 CHAIRMAN: Yes.  
19 A. Only!  
20  
11:55:34 21 CHAIRMAN: Yes. But you are talking about 300,000?  
22 A. Yes. Chairman --  
23  
24 CHAIRMAN: It's the size of the figures that is --  
25  
11:55:41 25 A. Yes.  
26  
27 CHAIRMAN: -- that is of huge relevance. You know it's not -- you know it's  
28 300,000. You know it's not plumbing!  
29 A. I never had an agreement with Mr. O'Callaghan to, for him to pay me 300,000  
11:55:54 30 Pounds on planning. Never!

11:55:55 1  
2 CHAIRMAN: And nor on plumbing, I presume?  
3 A. Well, the reason this has come up is because of your enjoyment to me to  
4 expedite matters. I am just saying that you said that the word begins with P.  
11:56:11 5 I cannot say that it is the word planning, but you have said that it's obvious  
6 that it is.  
7  
8 CHAIRMAN: Well, what do you think it is?  
9 A. Well, I don't know. I never had an agreement with Mr. O'Callaghan for him to  
11:56:19 10 pay me 300,000 Pounds on planning. Planning of what?  
11  
12 CHAIRMAN: Well, I don't know. You are here to explain. But it's clearly 300  
13 K. And then it has to be planning?  
14 A. It has to be planning?  
11:56:33 15  
16 CHAIRMAN: It has to be planning or plumbing?  
17  
18 MS. DILLON: Or remaining.  
19  
11:56:39 20 CHAIRMAN: Or remaining.  
21 A. So now we're back -- we now have another word?  
22  
23 CHAIRMAN: Mr. Dunlop, this is your diary and you can't -- it surely can't be  
24 the case that in 1998 you would write these words. They are now, you are now  
11:56:57 25 clearly reminded of them or most of them, and you are suggesting that you are  
26 completely bewildered as to why you would have written down the 1st of  
27 September 1998 300 K, and whether it's planning, plumbing or remaining?  
28 A. I --  
29  
11:57:14 30 CHAIRMAN: And you can't be serious, I suggest, to be then going on to say

11:57:20 1 that you still can't, you have no idea as to what this is about. You have no  
2 recollection as to any discussion about 300 K for any purpose whatsoever.  
3 That's your evidence that you really have no idea as to what this is about?

4 A. I have already answered Ms. Dillon's questions in relation to the items. A  
11:57:41 5 discussion with Mr. O'Callaghan in relation to obviously some payment. I never  
6 had an agreement with Mr. O'Callaghan to pay me 300,000 Pounds on planning!

7  
8 CHAIRMAN: Well, okay. But can you tell us then --

9 A. Never.

11:57:57 10  
11 CHAIRMAN: What the reference to 300 K is all about? You must know what the  
12 reference was, whether it was a suggestion you were making or a possibility for  
13 an agreement in the future or ... surely you can assist the Tribunal in  
14 indicating what you think that reference to 300 K is?

11:58:14 15 A. As I sit here, all I can say to you is that the likelihood is, it's in relation  
16 to success fee but because -- but I've had many discussions with Mr.  
17 O'Callaghan about money and about payments and about success fee. It is, I've  
18 already given evidence to the effect that I never issued an invoice to  
19 Mr. O'Callaghan without an invoice -- without discussing it in advance with  
11:58:38 20 him, which is obvious in this particular instance if that is the 100,000 that's  
21 been eluded to. I never had an agreement with Mr. O'Callaghan for a payment of  
22 300,000 Pounds on planning.

23  
24 JUDGE FAHERTY: Well, Mr. Dunlop, just if you look at the very last word there  
11:58:53 25 that's on the forensic, what is revealed by the forensic analysis. Doing the  
26 best you can, it's your handwriting. You made the entry. And if you marry the  
27 fact that you made the entry with knowledge of your own handwriting, what do  
28 you say the word says?

29 A. Thank you, Judge. Well, as I look at it both on the screen and here in the  
11:59:30 30 transcript of it, yes, it could be planning. It could ... not to enter into a



11:59:32 1 difference of opinion with Ms. Dillon, it could be remaining rather than  
2 remainder. It's possible that it could be 300 K remaining. But I cannot say  
3 definitively to you that is the case. But I can absolutely say definitively  
4 that I never had a discussion or an agreement with Mr. O'Callaghan in relation  
11:59:56 5 to 300 K for planning.

6

7

JUDGE KEYS: Well, could it be planning success?

8

A. Sorry, Chairman?

9

12:00:05 10 JUDGE KEYS: Planning success, and you just put planning down instead of  
11 success. You refer to a success fee?

12

A. Yes.

13

14 JUDGE KEYS: Well, a success fee should be relating to obtaining planning you  
12:00:15 15 know?

16

A. No, I don't think so, Judge. In fairness, I don't think so.

17

18 JUDGE KEYS: Well, do you have any recollection of ever talking to Mr.  
19 O'Callaghan about 300,000? A huge sum of money in 1998, not alone now but  
12:00:29 20 however. I mean, obviously you must have discussed 300,000 K. Would you not  
21 agree with that if you noted it down in your diary?

22

A. I am just pausing for a moment to not lose my temper.

23

24 JUDGE KEYS: Certainly.

12:00:48 25 A. Yes, it is obvious that it is either 30,000 as I said first of all, 300 K. I  
26 have no recollection of entering into any agreement with Mr. O'Callaghan in  
27 relation to 300,000 on planning or remaining.

28

29 JUDGE KEYS: All right. Leave planning out. Just 300,000 K.

12:01:05 30

A. Remaining.

12:01:06 1  
2 JUDGE KEYS: Do you ever remember discussing 300,000 K with Mr. O'Callaghan?  
3 A. Sorry, Chairman or Judge. I remember having a discussion with Mr. O'Callaghan  
4 in relation to an amount of the order of 300 K subsequently. But I do not have  
12:01:23 5 any recollection of discussing with Mr. O'Callaghan the issuing of an invoice  
6 for 100,000 and that there would be 300,000 remaining, or in relation to  
7 planning. But certainly that there would be 300,000 remaining.  
8  
9 CHAIRMAN: All right.  
12:01:40 10 A. I have already said, I have already said and I want to reiterate this. That  
11 when Ms. Dillon asked me the question in relation to discussions about money  
12 with Mr. O'Callaghan in relation to a success fee, that I had in my mind the  
13 order of 500,000 or more. But certainly 500,000.  
14  
12:02:01 15 CHAIRMAN: All right. We'll just take a ten minute break.  
16  
17 MS. DILLON: Yes.  
18  
19 CHAIRMAN: Ten minutes break.  
12:02:06 20  
21  
22 MS. DILLON: Yes.  
23  
24  
12:02:07 25 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**  
26 **AND RESUMED AS FOLLOWS:**  
27  
28  
29 MS. DILLON: Mr. Dunlop, please.  
12:19:07 30

12:19:07 1  
2 CHAIRMAN: All right.  
3  
4 MS. DILLON: Thank you, Sir.

12:19:22 5 Q. 398 Mr. Dunlop, on this particular day, which is the 22nd of May 1998, the Tribunal  
6 had been established in November 1997, isn't that right?  
7 A. Yes.

8 Q. 399 And I am going to take you through now in a few moments the, how matters  
9 unfolded at between yourself and the Tribunal insofar as 1997 and 1998 is  
12:19:47 10 concerned. But at this time when you made this entry the Tribunal was already  
11 in existence, isn't that right?  
12 A. Yes.

13 Q. 400 Okay. And on that particular day, Mr. Dunlop, at 13152. Does any of this  
14 assist you at having a clearer recollection of the events or your agreement  
12:20:10 15 with Mr. O'Callaghan on, that you made on the 22nd of May. You will see there  
16 that in the morning you meet Mr. O'Callaghan at Citywest, isn't that right?  
17 A. Yes.

18 Q. 401 And then you have an entry which is an undated entry in relation to  
19 Mr. Duignan, isn't that right?  
12:20:28 20 A. Correct.

21 Q. 402 And on the last occasion when you were here you referred to the fact that the  
22 asterisk beside the Duignan entry goes all the way over into Saturday the 23rd  
23 as being the reason you believed that the entry on the 23rd related to  
24 Mr. Duignan, isn't that right?  
12:20:44 25 A. That's as I believed, yes.

26 Q. 403 And indeed it is clear from looking at your diary that the entry, the arrow is  
27 drawn from the entry beside Mr. Duignan over on to the 23rd, isn't that right?  
28 A. Yes.

29 Q. 404 And that now that we know the entry has nothing to do with Mr. Duignan, it has  
12:21:00 30 to do with Mr. O'Callaghan, is something that could have been done by you to

- 12:21:04 1 conceal the true purpose of the entry, isn't that right?
- 2 A. It could have been, yes.
- 3 Q. 405 I am suggesting to you, Mr. Dunlop, in the light of what we now know about your
- 4 entries, it is likely that you deliberately drew that arrow across so as to
- 12:21:17 5 mislead any subsequent reader of the diary?
- 6 A. I can't say whether that is the case or not, but I mean when I gave evidence
- 7 the last day the arrow across to the other side to my, in my view related to
- 8 the entry in relation to Duignan.
- 9 Q. 406 And that was completely wrong?
- 12:21:41 10 A. Yes, it is wrong and I could not tell you on that day what was contained under
- 11 the obliterated item.
- 12 Q. 407 Yes. And you haven't been able to tell us today what's underneath the
- 13 obliterated entry, isn't that right?
- 14 A. No.
- 12:21:51 15 Q. 408 We will go down through the events that happened on the 22nd of May. You then
- 16 had a meeting which appears to be cancelled with Mr. Ted O'Neill?
- 17 A. Yes, that relates to the company that the Chairman asked me about Nimari.
- 18 Q. 409 Yes. Then at half ten there's a meeting with Mr. Tom Roche at National Toll
- 19 Roads?
- 12:22:06 20 A. Yes.
- 21 Q. 410 And then at 11 o'clock a meeting with the Taoiseach?
- 22 A. Yes, correct.
- 23 Q. 411 Was that Mr. Bertie Ahern?
- 24 A. If Mr. Ahern was the Taoiseach in 1998, yes, it was.
- 12:22:17 25 Q. 412 And what was the purpose of that meeting?
- 26 A. That I cannot tell you. I had many meetings with the Taoiseach. The current
- 27 Taoiseach and previous Taoiseaigh on any given day. I can't specifically tell
- 28 you what the item was.
- 29 Q. 413 Yes.
- 12:22:38 30 A. It was either at my request or his.

- 12:22:40 1 Q. 414 Why would the Taoiseach have requested to meet you, Mr. Dunlop?
- 2 A. I may have sought a meeting with him and his secretary arranged it or the
- 3 Taoiseach might have asked me to come and talk to him about something.
- 4 Q. 415 Yes.
- 12:22:56 5 A. It has happened in the past.
- 6 Q. 416 Okay. And do you know whether Mr. O'Callaghan went to that meeting?
- 7 A. Let me answer this, that question by saying this, Mr. O'Callaghan and I went to
- 8 one meeting with Mr. Bertie Ahern. When Mr. Ahern was Minister for Finance
- 9 subject to correction, as to the specific date, but I do believe it was when he
- 12:23:24 10 was Minister for Finance, in relation to a National Stadium. I do not believe
- 11 that I ever brought Mr. O'Callaghan or accompanied Mr. O'Callaghan to a meeting
- 12 with Mr. Ahern as Taoiseach.
- 13 Q. 417 Uh-huh. Can I show you 13173, please. This is the following Monday. You make
- 14 the entry on the Friday. And on the following Monday in your diary on the 25th
- 12:23:54 15 of May 1998?
- 16 A. Yes.
- 17 Q. 418 You see there, there is an entry?
- 18 A. Yes.
- 19 Q. 419 St. Luke's, what does that refer to?
- 12:24:01 20 A. That refers to Mr. Bertie Ahern's constituency office.
- 21 Q. 420 And beside that there's OOC?
- 22 A. Yes.
- 23 Q. 421 Is that Mr. O'Callaghan?
- 24 A. Yes.
- 12:24:08 25 Q. 422 And then it says "re Wimbledon"?
- 26 A. Yes.
- 27 Q. 423 Is that at the time when there was an attempt to move the Wimbledon Football
- 28 Club from London to Dublin, to the stadium?
- 29 A. Yes, I believe so. In fact I don't believe so. It is the case.
- 12:24:23 30 Q. 424 Did you set up that meeting?

- 12:24:24 1 A. It is likely that I did.
- 2 Q. 425 Did you go to that meeting?
- 3 A. I cannot say that I went to that particular meeting. I don't recall. I do
- 4 recall obviously being in St. Luke's. I do not recall accompanying Mr.
- 12:24:41 5 O'Callaghan to St. Luke's in relation to Wimbledon. But I do recall having a
- 6 meeting with Mr. Ahern either as Minister for Finance or as Taoiseach with Mr.
- 7 O'Callaghan in relation to the stadium.
- 8 Q. 426 And at around this time, Mr. Dunlop, can you recollect whether you had any
- 9 other contact with Mr. Bertie Ahern who was then the Taoiseach?
- 12:25:11 10 A. Well, at this particular time.
- 11 Q. 427 Around May of 1998?
- 12 A. Yes, the likelihood is that I had. There was ... I had ongoing contact with
- 13 Mr. Ahern when he was Minister for Finance and when he was the Taoiseach about
- 14 a variety of issues, the vast majority of which related to clients of mine.
- 12:25:36 15 Q. 428 And at 13152, which is your diary entry. Again, on the day that you made the
- 16 obliterated entry. You will then see that at 12.30 after the meeting at 11
- 17 o'clock with the Taoiseach, Mr. Bertie Ahern, you have an entry for L Donald
- 18 and F D to Des R, is that Des Richardson?
- 19 A. The likelihood is that it is, I don't know any other Des R.
- 12:26:01 20 Q. 429 That means that it is Mr. Richardson, isn't that right?
- 21 A. Yes.
- 22 Q. 430 What business did you have with Mr. Richardson on that occasion?
- 23 A. I cannot specifically tell you other than in the context of the other name
- 24 which is a man who has, whose name has not been mentioned before in the
- 12:26:23 25 Tribunal and to my knowledge has nothing to do with the Tribunal, but the only
- 26 man that I know of that name was either the public relations officer or the
- 27 communications officer of a semi State entity.
- 28 Q. 431 Yes. And had you around this time sought that Mr. Bertie Ahern would open
- 29 Quarryvale?
- 12:26:44 30 A. Yeah. I cannot give you the specific date but certainly, yes, I had made a

12:27:01 1 request on behalf of Mr. O'Callaghan and the Duke of Westminster to, for  
2 Mr. Ahern to conduct the official opening of Quarryvale.

3 Q. 432 And obviously --  
4 A. Of Liffey Valley.

12:27:02 5 Q. 433 And obviously, Mr. Dunlop, when you are in a position as you've told the  
6 Tribunal that you would have had quite a bit of contact with Mr. Ahern?  
7 A. Yeah.

8 Q. 434 Both for clients, Mr. Ahern to you and you to Mr. Ahern, there wouldn't be any  
9 reason why you wouldn't deal with Mr. Ahern directly on that matter, isn't that  
12:27:19 10 right?  
11 A. Correct.

12 Q. 435 Can I show you then 22002, please. And I just want to ask you about this  
13 document in the 13th of May 1998. And this is your request for Mr. Ahern to  
14 open Quarryvale. And I want to draw to your attention that you are not sending  
12:27:41 15 that request to Mr. Ahern, you are sending it to Mr. Des Richardson, isn't that  
16 right?  
17 A. Correct.

18 Q. 436 All right. And in that you say "Dear Des, you will recall I spoke to you some  
19 time recently regarding an invitation to An Taoiseach, Mr. Bertie Ahern to  
12:27:54 20 perform the official opening of the Liffey Valley Shopping Centre at Quarryvale  
21 at 11 a.m. on Wednesday the 14th of October. You asked me to write to you on  
22 the matter and I hereby do so. I would be very grateful if you could give an  
23 early indication of the Taoiseach's availability for this prestigious  
24 function".

12:28:11 25  
26 What role or function did Mr. Richardson have as appointment secretary for the  
27 then Taoiseach, Mr. Bertie Ahern?  
28 A. None.

29 Q. 437 Okay. Why were you routing this request indirectly to Mr. Ahern?  
12:28:22 30 A. Because I had made a request to the Taoiseach's office either by telephone or

12:28:31 1 in writing, I cannot specifically say to you which, but probably by telephone.  
2 The normal was that you would telephone a specific person in the Taoiseach's  
3 office and follow it up with a letter and a note as to the particulars of the  
4 request and I was not getting a reply. And I mentioned this to Des Richardson  
12:28:56 5 and Des said if he could be of help, write him a letter and I did. In the  
6 event neither his overtures nor mine were successful. Mr. Ahern decided that  
7 it was not appropriate for him to, as he saw it, to open Quarryvale.  
8 Q. 438 Yes. Well, if you look initially, Mr. Dunlop, at the note that's made within  
9 the Taoiseach's office that's recorded at the top of the page that's on screen?  
12:29:24 10 A. Uh-huh.  
11 Q. 439 Dated the 14th of May '98 "following receipt of your letter per Olive,  
12 Taoiseach has agreed to do this."  
13 A. Uh-huh.  
14 Q. 440 Isn't that right? So in fact certainly at the start of the operation the  
12:29:36 15 Taoiseach had agreed to open Quarryvale according to the record provided to the  
16 Tribunal by the Taoiseach, isn't that right?  
17 A. Correct, yes.  
18 Q. 441 All right. And I think the date that's ahead of that, the 19th of October 11  
19 a.m., there was a change in the actual date, isn't that right?  
12:29:52 20 A. Yes, there was, yes.  
21 Q. 442 The date that you record. If I can just take you back now to you routing this  
22 request?  
23 A. Uh-huh.  
24 Q. 443 Through Mr. Richardson?  
12:30:00 25 A. Uh-huh.  
26 Q. 444 Was Mr. Richardson regarded as a person who had ready access to Mr. Ahern?  
27 A. Yes.  
28 Q. 445 All right. And you yourself have indicated earlier today to the Tribunal that  
29 you knew Mr. Ahern well and that he contacted you and you contacted him?  
12:30:14 30 A. Correct.



- 12:30:14 1 Q. 446 Now you've seen the documentation that's been provided to the Tribunal by  
2 Mr. Ahern in relation to this matter and the first correspondence that was  
3 received by Mr. Ahern's office is this document that's presently on screen,  
4 isn't that right?
- 12:30:27 5 A. Yes.
- 6 Q. 447 So that would suggest, Mr. Dunlop, that no previous letter at a minimum had  
7 been certainty by you to the Taoiseach's office, isn't that right?
- 8 A. I said either telephone call or followed up with a letter, yes.
- 9 Q. 448 So it would appear that the first written confirmation of the request emanated  
10 from your office and was sent in to the Taoiseach through Mr. Des Richardson?
- 11 A. Yes.
- 12 Q. 449 Right. And you earlier said to the Tribunal a few moments ago that the  
13 Taoiseach ultimately decided it wasn't appropriate that he would open  
14 Quarryvale, isn't that right?
- 12:30:56 15 A. Yes.
- 16 Q. 450 What did you mean by that?
- 17 A. What I meant by that was that eventually I got a notification, I can't recall  
18 exactly whether I got the message back through Des Richardson or through the  
19 Taoiseach's office itself, that the answer was no.
- 12:31:25 20 Q. 451 But why?
- 21 A. I don't think that the ... that it is necessary, it's necessarily explicable  
22 why the, any exact words used. But it was obvious to me at the time and still  
23 is in recollection, that the Taoiseach, the then Taoiseach and the current  
24 Taoiseach, had decided that it would not be appropriate for him to be seen  
25 opening Quarryvale.
- 12:32:00 26 Q. 452 Why? Why do you hold that view, Mr. Dunlop?
- 27 A. I hold that view because in normal circumstances arising out of what I said to  
28 you about my relationship with Mr. Ahern as both Minister for Labour, Minister  
29 for Finance and Taoiseach, was very straight forward and friendly,  
12:32:28 30 co-operative, on both sides, and that Bertie would go out of his way on some

12:32:36 1 occasions to facilitate any request that I made to him. As I said to you, this  
2 was not evident on this occasion and that is the reason for the entry of Des  
3 Richardson into the frame.

4 Q. 453 Are you saying -- are you telling the Tribunal then that in May of 1998  
12:32:53 5 notwithstanding the fact that you go, apparently, to see the Taoiseach on the  
6 20th of May 1998 yourself, and that you may have attended a meeting the  
7 following Monday with Mr. Owen O'Callaghan with the Taoiseach, that you were  
8 unable to directly request the Taoiseach to open Quarryvale?

9 A. Yeah, well, if I had already made the request by telephone --

12:33:11 10 Q. 454 Uh-huh?

11 A. -- there are certain proprieties that are observed. You don't start when you  
12 go in to see the Taoiseach of the day, you don't start reminding him of all of  
13 the requests that you've made of him and what you'd like him to do. Obviously  
14 when you go to see the Taoiseach there is a purpose and you stick to the  
12:33:30 15 agenda. But there is absolutely no doubt in my mind the reason for the entry  
16 of Des Richardson into this scenario is because indications were being given  
17 that the Taoiseach mightn't consider this appropriate. Notwithstanding  
18 anything that's on the screen in relation to the Taoiseach has agreed to this.  
19 That is correct in fact. The Taoiseach did initially agree and then we were  
12:33:56 20 told it wasn't on.

21 Q. 455 Yes. I think the dates changed but I'll go through that in detail?

22 A. Yes.

23 Q. 456 I want you to explain to the Tribunal what you mean by "indications were given  
24 that it wasn't appropriate that he would open Quarryvale"?

12:34:10 25 A. I think the indications given to me and that's why I specifically phrased my  
26 response to you that it doesn't necessarily follow that people specifically say  
27 to you, Frank, the Taoiseach is not doing this, he doesn't want to do it and  
28 don't ask him again. That is not the way these things work. Sometimes you  
29 don't get a reply and you have to call again. And if you have to call a third  
12:34:36 30 time you begin to understand that there may well be a difficulty here.

- 12:34:39 1 Q. 457 Right. Well, let's try and establish the facts of this then. Who gave you the  
2 indications?
- 3 A. Well, the only contact that I would have had from the word go in relation to  
4 this is as per the request of Mr. O'Callaghan and the Duke of Westminster to  
12:34:56 5 have the Taoiseach, or in and the Duke's words the Prime Minister of Ireland,  
6 open this prestigious development. I obviously made a telephone call to a  
7 named person in the Taoiseach's office requesting that the Taoiseach do this.  
8 Now, I don't want to, I don't want to divert anybody. The normal process in  
9 relation to this, Ms. Dillon, would be I would say what is the Taoiseach's  
12:35:26 10 diary looking like for 11 o'clock on Wednesday the 14th of October next of, or  
11 Mary or Tom or Dick or Harry. Whoever the case may be on the given occasion.  
12 And there may well be an indication that that time on that day in that month  
13 was free. And I would ask that this event be pencilled in for discussion with  
14 the Taoiseach by his appointment, with his appointments secretary.
- 12:35:52 15 Q. 458 And that appears to be the position because at 2204, please. In a note made by  
16 Ms. Delia Vaughan the Taoiseach's then appointment secretary, in relation to  
17 your letter through Mr. Des Richardson, the note at the bottom is "per Olive  
18 the Taoiseach has already agreed to do this function," isn't that right?
- 19 A. Yes.
- 12:36:14 20 Q. 459 Now, you have told the Tribunal that the indications to you were that it was  
21 considered inappropriate for the Taoiseach to do this opening, isn't that  
22 correct?
- 23 A. Yes.
- 24 Q. 460 Now what you must tell the Tribunal is who is the person who gave you these  
12:36:28 25 indications?
- 26 A. Well, I specifically said to you that it doesn't necessarily follow that  
27 somebody says to you the Taoiseach doesn't want to do this. It may well be  
28 that somebody in his office said to me, you know the Taoiseach is having a  
29 second think about this, Frank. Or he thinks that it mightn't be appropriate  
12:36:49 30 for him to do it, or you could alternatively get the message that an

12:36:55 1 alternative event or incident or whatever you like to call it, political  
2 affair, would have supervened and it would have knocked the thing out of the  
3 diary. But I have no doubt. I've said it and I'm saying it again. That the  
4 position was quite clear to me and that there was a period when it became  
12:37:24 5 obvious that the Taoiseach was having second thoughts about this and I met the  
6 Duke of Westminster and Mr. O'Callaghan, I think it was in Dublin, in Dublin  
7 Airport. At which the Duke of Westminster was obviously getting impatient and  
8 asking me why we weren't getting a response in relation to this matter and I,  
9 I'm afraid I have to admit that I gave him an Irish political reply and said  
12:37:55 10 we're doing everything in our power to see that he will do it. But at that  
11 stage the indications were clear to me that the Taoiseach was having second  
12 thoughts.

13 Q. 461 When you say the indications, Mr. Dunlop, and I wonder is it that I'm not  
14 making myself clear. Because I have asked you this is now the third time, who  
12:38:13 15 gave you the indications? Who was the person?

16 A. Well, it certainly wasn't the Taoiseach.

17 Q. 462 All right. Then it was somebody else?

18 A. It could well have been somebody in the Taoiseach's office. It is a mixture of  
19 somebody saying that the Taoiseach is having second thoughts about that, Frank.  
12:38:28 20 God! The Taoiseach is having second thoughts about that, Frank, or something  
21 else has come up that the Taoiseach can't do it or whatever. That person would  
22 be somebody in the Taoiseach's office.

23 Q. 463 Or is it possible that that person was Mr. Des Richardson through whom you had  
24 routed the request in the first place?

12:38:44 25 A. It is possible. I'm not, I wouldn't discount it. It is possible. But the  
26 very fact that I had used Des, that, I would not be using Des Richardson  
27 normally to either seek access to the Taoiseach or to get the Taoiseach to  
28 agree to a function. That was not the normal, the way I did business. I did  
29 business straightforwardly with the Taoiseach's office. The fact that I used  
12:39:11 30 Des Richardson on this occasion, and I'm not going to go into the dates in

- 12:39:17 1 relation to when the letter was written or anything like that. The fact that I  
2 used him is indicative to me that at the time I asked, I mentioned this to Des  
3 Richardson and asked him could he do something about it and he asked me to  
4 write to him and he would write to the Taoiseach.
- 12:39:31 5 Q. 464 Well, if we just go through, is it situation, Mr. Dunlop, that in or around  
6 October 1998 the whole Quarryvale investigation being carried out by this  
7 Tribunal became effectively a political football where matters appeared in the  
8 newspaper?
- 9 A. I would not discount that.
- 12:39:49 10 Q. 465 So are you saying that in May of '98 when the request was first made the  
11 indications to you were that the Taoiseach wouldn't open it, or are you say  
12 that it was as a result of events that unfolded in 1998 that there was a  
13 change?
- 14 A. Specifically I cannot, I am just drawing your attention again to the fact that  
12:40:08 15 the note from the member of staff in the Taoiseach's office said that the  
16 Taoiseach has already agreed to this. So he had initially agreed to do it.  
17 What in fact either changed his mind or impelled him not to accede to the  
18 request, I never had a discussion about this matter I hasten to add about  
19 Mr. Ahern as Taoiseach then or subsequently.
- 12:40:35 20 Q. 466 If we look briefly at the documentation then, Mr. Dunlop, in sequence.  
21  
22 The first document at 22002, it is your letter to Mr. Richardson.
- 23 A. Uh-huh.
- 24 Q. 467 And this letter is dated the 13th of May '98. And the note records that the  
12:40:49 25 Taoiseach had agreed to do this by the 14th of May '98, isn't that right?
- 26 A. Yes.
- 27 Q. 468 So that obviously the matter had been passed on by Mr. Richardson, isn't that  
28 right?
- 29 A. Correct.
- 12:40:58 30 Q. 469 At 22003. Financial and Corporate Communications Limited on behalf of the Duke

- 12:41:06 1 of Westminster separately made an application to the Taoiseach to open  
2 Quarryvale, isn't that right?
- 3 A. Yes.
- 4 Q. 470 Your matter at 22004, was attended to first by the Taoiseach's office and there  
12:41:23 5 was a note that the Taoiseach had agreed to do that function?
- 6 A. Yes.
- 7 Q. 471 And on the 15th of May at 22006. This letter was acknowledged to Financial and  
8 Corporate Communications Limited?
- 9 A. Yes.
- 12:41:48 10 Q. 472 And on the office copy of that letter at 23693. There are a number of notes  
11 recording conversations with you that's held with the office?
- 12 A. Yeah.
- 13 Q. 473 And you will see there on the 30th of September there is a note but beneath  
14 that at the bottom of the page "spoke to Frank Dunlop on the 11th of September  
12:42:04 15 '98" do you see that note?
- 16 A. At the bottom.
- 17 Q. 474 If we just increase the bottom one "spoke to Frank Dunlop on the 11th of  
18 September '98. This shopping centre is opening to the public on the 14th but  
19 they want the T to officially open it in November when the Duke of Westminster  
12:42:20 20 is around. Frank to come back to me on this". So in your conversation the  
21 11th of September '98, while the centre is going to open what is required of  
22 the Taoiseach there is that he will open it at some date in November as yet  
23 unspecified, isn't that right?
- 24 A. Yes.
- 12:42:39 25 Q. 475 And then the other note on the 30th of September at the top of the page records  
26 "5 p.m. Frank Dunlop to come back to me on this function" and then above that  
27 there is a note "24th of November or December per Frank Dunlop, Duke of  
28 Westminster owns part of site to be rearranged" do you see that?
- 29 A. Yeah.
- 12:43:02 30 Q. 476 On the 19th of October which was the original date is scratched out and the to

- 12:43:07 1 be rearranged is struck out, isn't that right?
- 2 A. Uh-huh.
- 3 Q. 477 Does that assist you, Mr. Dunlop, in recollecting the conversations that you
- 4 had with the staff at Mr. Ahern's office where you were rearranging the date
- 12:43:16 5 for the opening of Quarryvale?
- 6 A. Yeah. It assists me in this way, one, I made the application. In fact, I had
- 7 forgotten that there was an application made by the Duke of Westminster's own
- 8 crowd. But that initially as the document shows that there was an agreement by
- 9 the Taoiseach to open it. Now, I don't specifically recollect ever being told
- 12:43:53 10 by anybody either by telephone or in writing that the Taoiseach had actually
- 11 agreed. And that's the, that's why I made the point that I recruited the
- 12 services of Des Richardson to make the application. Now, there obviously was
- 13 difficulties in relation to the Duke of Westminster's availability or
- 14 whatever. I don't recollect. I don't specifically recollect that. I do
- 12:44:21 15 recollect being the person who made the overtures to the Taoiseach to open the
- 16 Quarryvale.
- 17 Q. 478 And certainly by the 30th of September '98 and the 11th of September '98 you
- 18 were in contact directly, not through Mr. Richardson, with the Taoiseach's
- 19 office and you are rearranging the date for November, isn't that right?
- 12:44:37 20 A. Yes.
- 21 Q. 479 And on the 11th of October at 22009. In a sequence of newspaper articles that
- 22 were written during this period, there was a story in the Sunday Independent
- 23 about you?
- 24 A. Uh-huh.
- 12:44:53 25 Q. 480 And your fees being paid through a Channel Islands linked company in connection
- 26 with Quarryvale, isn't that right?
- 27 A. Is me, is it? Yes, that's correct Ms. Dillon, yes.
- 28 Q. 481 And if you look at the opening paragraph of that it says "Barkhill Limited,
- 29 the company behind the Quarryvale development in west Dublin paid substantial
- 12:45:12 30 sums of money in fees for public relations consultant, Frank Dunlop, into an

12:45:16 1 Irish registered company whose directors are based in the Channel Islands".  
2 And in the third column under the photograph of Mr. Lawlor it records "last  
3 week the company of his solicitor and in an interview which he tape-recorded  
4 Mr. Dunlop said that Shefran Limited was a company under my indirect control.  
12:45:33 5 Yesterday in a telephone interview he added Tom Gilmartin did not want me under  
6 any circumstances, and I use that word advisedly, involved in the Quarryvale  
7 project in order to avoid him being aware of my involvement invoices for  
8 professional services were issued through Shefran".  
9  
12:45:49 10 Now, by this stage, Mr. Dunlop, the 11th of October '98 it is clear and it is  
11 now in the public domain that your company, which was involved in the  
12 development of Quarryvale, is the subject matter of inquiry, isn't that right?  
13 A. Correct.  
14 Q. 482 And what is clear from this article and indeed articles that had preceded it  
12:46:09 15 although you were not named, was that the Tribunal was enquiring into  
16 allegations made by Mr. Gilmartin in connection with the development of  
17 Quarryvale, isn't that right?  
18 A. Correct.  
19 Q. 483 And therefore, by the 11th of October 1998 it would have been public knowledge  
12:46:24 20 that the rezoning of Quarryvale was the subject matter of an investigation by  
21 the Tribunal and that you and the late Mr. Liam Lawlor were involved in that  
22 matter in some way, isn't that right?  
23 A. Yes.  
24 Q. 484 Right. And that Mr. Owen O'Callaghan was similarly involved?  
12:46:49 25 A. Yes.  
26 Q. 485 Would it be fair to describe yourself, Mr. Lawlor, Barkhill and Shefran at this  
27 stage as a political hot potato?  
28 A. That's a cliché really, Ms. Dillon.  
29 Q. 486 Fine, fine.  
12:46:59 30 A. But certainly I would agree in these terms that if the, as you have shown on



- 12:47:05 1 the screen, if they were newspaper articles in relation to Quarryvale in  
2 relation to Tom Gilmartin, myself, Liam Lawlor, Owen O'Callaghan, yes,  
3 politicians read newspapers. In fact I think they spend most of their time  
4 reading newspapers.
- 12:47:22 5 Q. 487 And certainly, I think that by the 16th and the 17th of November the Tribunal  
6 had written detailed letters, isn't that right, to you, to Barkhill to Shefran,  
7 to Riga looking for detailed bank records, isn't that right?  
8 A. I got my first letter from this Tribunal in October 1998.
- 9 Q. 488 Yes. I am going --
- 12:47:43 10 A. Hand delivered to me in the Conrad Hotel.
- 11 Q. 489 Yes. I am going to come to deal with that. But certainly by November, by late  
12 October and November of 1998 you were involved in a correspondence with the  
13 Tribunal, isn't that right?  
14 A. Correct.
- 12:47:57 15 Q. 490 And the Tribunal had been seeking information from you but also it was clear  
16 from the correspondence they had been seeking information from you in  
17 connection with certain people and companies, isn't that right?  
18 A. Correct.
- 19 Q. 491 And the matters that were the subject matter of that correspondence was  
12:48:13 20 Barkhill Limited, Riga Limited, Shefran, Frank Dunlop & Associates, Mr. Owen  
21 O'Callaghan and Mr. Frank Dunlop, isn't that right?  
22 A. And Mr. Liam Lawlor, yes.
- 23 Q. 492 Yes, I think not Mr. Liam Lawlor at that stage. Right.
- 24 A. Well, the Tribunal wasn't writing to me about me they were -- the Tribunal was  
12:48:35 25 writing to me about various matters and various people including the names you  
26 listed.
- 27 Q. 493 Yes. And for example the letters that were written were detailed discovery  
28 letters, isn't that right, Mr. Dunlop?  
29 A. Yes.
- 12:48:48 30 Q. 494 Looking for documents from you in relation to your inter reaction with Riga,

- 12:48:53 1 Barkhill, Mr. Owen O'Callaghan, isn't that right?
- 2 A. Yes.
- 3 Q. 495 And looking equally from Mr. O'Callaghan and Barkhill and Riga for documents  
4 relating to their and its inter reaction with you, isn't that right?
- 12:49:04 5 A. Correct.
- 6 Q. 496 And also what was sought was bank documentation and information from your  
7 bankers, information from Barkhill's bankers and from the accountants, isn't  
8 that right?
- 9 A. That's correct, yes.
- 12:49:17 10 Q. 497 Now, that correspondence was the subject matter of evidence by Mr. Gilmartin,  
11 do you remember that evidence?
- 12 A. I'm afraid -- the correspondence to me was the subject of evidence by Mr.  
13 Gilmartin?
- 14 Q. 498 Mr. Gilmartin gave evidence about being told by a journalist?
- 12:49:41 15 A. Yes.
- 16 Q. 499 That information had been passed around at an Ard Fheis, do you remember that  
17 evidence?
- 18 A. I'm afraid, I'm sorry, Ms. Dillon, I don't. I don't recall that particular  
19 item.
- 12:49:54 20 Q. 500 Did you attend the Ard Fheis, the Fianna Fail Ard Fheis normally Mr. Dunlop?
- 21 A. Yes, I have attended many of them. I can't specifically say that I attended  
22 that one. 1998 ...
- 23 Q. 501 In 1998.
- 24 A. I can't say that I did. In fact, I'm just thinking that I don't think I ever  
12:50:22 25 attended an Ard Fheis while Mr. Ahern was Taoiseach. Since Mr. Ahern became  
26 Taoiseach. Not specifically for that reason I hasten to add. I don't think  
27 that I attended an Ard Fheis either when Mr. Reynolds was Taoiseach.
- 28 Q. 502 There was an article at page 19902. On the 22nd of November 1998?
- 29 A. Uh-huh.
- 12:50:50 30 Q. 503 And this is an article in relation to the correspondence that had been sent out

- 12:50:55 1 by the Tribunal previously?
- 2 A. Yes.
- 3 Q. 504 Did you ever have any discussion with anybody, Mr. Dunlop, about the
- 4 correspondence you had received from the Tribunal?
- 12:51:08 5 A. Yes.
- 6 Q. 505 And by somebody I mean somebody other than your solicitor and counsel?
- 7 A. Yes.
- 8 Q. 506 Who did you discuss that correspondence with?
- 9 A. I told Mr. O'Callaghan that I had got correspondence. I discussed the
- 12:51:20 10 correspondence with Mr. Corcoran, the named author of that article in the
- 11 presence of my solicitor. I certainly told people in my office. I think, I'm
- 12 virtually certain I told Liam Lawlor. I probably told Ambrose Kelly.
- 13 Certainly I, in answering your question, yes, other than myself receiving the
- 14 correspondence, yes, I did raise the issue of the fact that I had got
- 12:52:06 15 correspondence with various people.
- 16 Q. 507 And did you?
- 17 A. I think if I could put the obverse of that to you, Ms. Dillon, I think it
- 18 became known, how I don't know, that I had been in receipt of correspondence
- 19 and that was evident from some journalistic comments.
- 12:52:27 20 Q. 508 In the first article we looked at its clear that you spoke to Mr. Jody Corcoran
- 21 for the article on the 11th of October 1998, isn't that right?
- 22 A. Yes, he requested, he rang and requested that I speak to him. I discussed it
- 23 with my then solicitor and we agreed that I, I agreed that I would meet him on
- 24 condition that I would meet him with my solicitor and that I would tape the
- 12:52:52 25 conversation. And he agreed to that. And I subsequently discussed the matter
- 26 with him after the interview.
- 27 Q. 509 And in the week leading up to the publication of this article did you speak to
- 28 Mr. Corcoran in the week leading up to the publication of this article, which
- 29 is the week leading up to the 22nd of November '98?
- 12:53:16 30 A. I can't say that I did. What newspaper is this? The Sunday Independent?

- 12:53:23 1 Q. 510 Yes.
- 2 A. I can't specifically say that I did. I do recollect one telephone, one
- 3 conversation with Mr. Corcoran about the, at his request, in relation to
- 4 matters relating to the Tribunal. I think he telephoned me once or twice
- 12:53:50 5 subsequently. In fact he did telephone me once or twice subsequently.
- 6 Q. 511 Well, it's clear from this article you did speak to him, isn't that right?
- 7 A. I can't recollect actually speaking to him in relation, but it is obvious from
- 8 the text of it that I did.
- 9 Q. 512 Yes. And you spoke to him in first of all in your capacity as Mr.
- 12:54:10 10 O'Callaghan's spokesman?
- 11 A. Yes.
- 12 Q. 513 And secondly in your own capacity where you told him that you'd hired a legal
- 13 team to look after your affairs with the Tribunal, isn't that right?
- 14 A. Yes.
- 12:54:19 15 Q. 514 Now, did you confirm to Mr. Corcoran that the notice had been served by the
- 16 Tribunal and that the Tribunal was in fact looking for the records of various
- 17 people including yourself?
- 18 A. Well, what I probably confirmed to him. I can't say specifically what I did or
- 19 did not confirm to him, but the likelihood is that I confirmed to him that I,
- 12:54:42 20 yes, had received notification from the Tribunal.
- 21 Q. 515 And would you be likely normally in your dealings with journalists and the
- 22 press, Mr. Dunlop, not to mislead them or to provide the information if you
- 23 could provide it?
- 24 A. Well, if I could provide it. Well, there are a number of factors involved
- 12:55:00 25 there. One is the, in the particular instance who the journalist is.
- 26 Secondly, what organ of the media he represents or he or she represents. And
- 27 normally as in this instance, the initiative comes from the journalist.
- 28 Q. 516 But is it, was it your normal practice to be of as much assistance as you could
- 29 be?
- 12:55:28 30 A. If I could be, yes.

- 12:55:29 1 Q. 517 And if I can just ask you then. At 13352, whether it is possible that one of  
2 the people with whom you discussed the receipt of the correspondence from the  
3 Tribunal as well as the people you've identified might have been Mr. Richardson  
4 when you met him on the 19th of November 1998?
- 12:55:46 5 A. It is possible, yes. It is possible that I said to him that I had got  
6 correspondence from the Tribunal. I don't recollect doing so but it is  
7 possible.
- 8 Q. 518 And will see there an entry I think, is this 13352? Yes. For the 19th, you  
9 will see there an entry for Des Richardson at 12.30?
- 12:56:05 10 A. Yes, changed to some other time.
- 11 Q. 519 Yes. On the same day, isn't that right?
- 12 A. Yes.
- 13 Q. 520 And therefore, you would also have met Mr. Richardson, isn't that right? Would  
14 it be fair to say, Mr. Dunlop, that Mr. Richardson is a person with whom you've  
12:56:21 15 had frequent meetings?
- 16 A. Absolutely.
- 17 Q. 521 Would it also be fair to say that when one looks at your diary from 1998  
18 particularly you seem to be meeting Mr. Richardson on a weekly basis, isn't  
19 that right?
- 12:56:31 20 A. Very frequently, yes.
- 21 Q. 522 And that indeed you may have had some business interests in common with  
22 Mr. Richardson, isn't that right?
- 23 A. That's correct, yes.
- 24 Q. 523 But can I take you back now, Mr. Dunlop, and if we, we'll try and go through as  
12:56:45 25 quickly as we can the history of your involvement with the Tribunal from the  
26 time you the Tribunal was established so as to bring us to a state where we can  
27 look again at entry you made in relation to your telephone conversations with  
28 Mr. O'Callaghan and the entry for 100,000 Pounds and 300,000 Pounds?  
29
- 12:57:06 30 And I think it's fair to say, Mr. Dunlop, that you previously have given

- 12:57:11 1 evidence that when the Tribunal was established first, you, in common with a  
2 lot of people, took the view that the Tribunal was going nowhere, it wasn't  
3 going to unearth anything and there was nothing of great concern in it for you?  
4 A. Among others, among many others that was the view, yes.
- 12:57:28 5 Q. 524 Yes. And that initially in your, insofar as the Tribunal was concerned, you  
6 have described to the Tribunal how in political circles it wasn't taken  
7 seriously, isn't that right?  
8 A. Well, certainly I don't want to be offensive to anybody. But certainly I think  
9 I gave evidence to this effect previously, in certain political circles it was  
12:57:48 10 regarded as something of a joke.
- 11 Q. 525 Yes. And in political circles, Mr. Dunlop, you would have been a person who  
12 would have been have a known Fianna Fail background, attended Fianna Fail  
13 functions and fundraising dos and you would be in constant or regular contact  
14 with politicians, isn't that right?
- 12:58:05 15 A. Yes. Not to be pedantic but I also worked for Fine Gael, but, yes, the  
16 substance of your question is correct.
- 17 Q. 526 And I think the Tribunal was established on the 4th of November '97 and then  
18 the Terms of Reference were extend in the July of '98, isn't that right?  
19 A. Yes.
- 12:58:21 20 Q. 527 So after the Tribunal was established at 13044, on the 19th of November you  
21 have a meeting with Mr. O'Callaghan at the Green Isle Hotel?  
22 A. Yes.
- 23 Q. 528 Is it likely that you might have discussed the establishment of the Tribunal at  
24 that stage being a matter that was in the, generally being discussed at that  
12:58:44 25 time?
- 26 A. Yes, in the public domain, yes, the likelihood is, yes.
- 27 Q. 529 And at that stage the focus of the Tribunal were the allegations of Mr. James  
28 Gogarty and the inquiry into the circumstances surrounding a particular letter  
29 written by Mr. Michael Bailey, isn't that right?  
12:58:58 30 A. Correct, yes.

- 12:58:58 1 Q. 530 Now I think also in November of '97 at 13057, you attended the Fianna Fail  
2 presidential dinner in the Burlington Hotel, again it would have been a  
3 political arena and the Tribunal would have been discussed, would that be fair?  
4 A. Sorry, what day?
- 12:59:16 5 Q. 531 On the 27th?  
6 A. 27th sorry, yeah. The Burlington, yes.
- 7 Q. 532 And that again would have been a political arena if I can call it that. It's  
8 likely that the Tribunal which had just been established would have been  
9 discussed?  
10 A. I cannot specifically say to you that it was. In the circumstances that you  
11 have outlined which are correct that it was in the public domain at that stage,  
12 yes.
- 13 Q. 533 And the discussions that you were having at the time were to the effect, as I  
14 understand it, that it wasn't a matter that was of great concern to you?  
15 A. Yes, I mean, the specifics were relating to other entities.
- 16 Q. 534 And at 13066. On the 5th of December '97 you attended something described as  
17 Bertie's dinner at Kilmainham?  
18 A. Yes.
- 19 Q. 535 Is that the O'Donovan Rossa Cumann dinner for the Taoiseach, Mr. Ahern?  
20 A. Yes.
- 21 Q. 536 And again can I suggest to you that that is a political arena, isn't that  
22 right?  
23 A. It is an annual function organised by the Fianna Fail Cumann that you named,  
24 yes.
- 13:00:09 25 Q. 537 And I think you would have attended this function on some occasions in the  
26 company of some of your clients, isn't that right?  
27 A. Correct.
- 28 Q. 538 Including developers or builders for whom you had paid bribes to councillors,  
29 isn't that right?  
13:00:34 30 A. Correct.

- 13:00:35 1 Q. 539 Isn't that the position? I think that you, other developers who attended at  
2 this event with you were Mr. Robert White?
- 3 A. Yes.
- 4 Q. 540 I think, and I think also Mr. John Butler?
- 13:00:51 5 A. Yes.
- 6 Q. 541 Right. And again you would have been in the company of people who would have  
7 had an interest in the work of the Tribunal and because it was a planning  
8 Tribunal are people who might have been directly or indirectly effected by its  
9 workings, isn't that right?
- 13:01:04 10 A. Yes.
- 11 Q. 542 Now, I think at, if we look at 13077. And you meet Mr. Liam Lawlor in your  
12 offices on the 9th of December '97. And you also meet Mr. Richardson I think  
13 on the 11th of December 1997. Do you see that?
- 14 A. Yes, at the Berkley Court.
- 13:01:27 15 Q. 543 And there is an entry the question mark for Mr. Liam Lawlor. And then there is  
16 know entry on the Friday the 12th. The IHBA dinner and it says, Burlington I  
17 think black tie, and that's the Irish House Builders Association Dinner, is  
18 that right?
- 19 A. The Irish Home Builders Association, yes.
- 13:01:47 20 Q. 544 Were they clients of yours?
- 21 A. Yes, they were.
- 22 Q. 545 And you have the entry, no, there. You didn't attend that function, is that  
23 right?
- 24 A. No.
- 13:01:53 25 Q. 546 And I think again if you look at 13093. You meet Mr. Richardson on the 9th of  
26 January '98, isn't that right?
- 27 A. Correct, yes.
- 28 Q. 547 And then you have an entry for Mr. Ambrose Kelly on the 9th but it refers to  
29 another client, isn't that right? The morning of the 9th.
- 13:02:15 30 A. I can't actually make it out but, yes.



- 13:02:20 1 Q. 548 It says --
- 2 A. Oh, yes, yes, yes, yeah.
- 3 Q. 549 Ambrose K's house re SM postponed?
- 4 A. Postponed yes.
- 13:02:28 5 Q. 550 And then you have an entry for Mr. Des Richardson whom you apparently meet?
- 6 A. Yes.
- 7 Q. 551 And would it be fair to say that you met Mr. Richardson on almost a weekly
- 8 basis?
- 9 A. I can't specifically say it was weekly but it was quite frequently.
- 13:02:42 10 Q. 552 And at 13095. You meet Councillor Betty Coffey and Liam Cosgrave and Tony Fox,
- 11 do you see that on the 16th?
- 12 A. On the 16th, yes.
- 13 Q. 553 And you have given evidence I think that that meeting was in connection with
- 14 securing support for Jackson Way, is that correct?
- 13:03:05 15 A. Yes.
- 16 Q. 554 And you are having this meeting and seeking support from these councillors in
- 17 circumstances in which the Tribunal has been already established, isn't that
- 18 right?
- 19 A. Correct.
- 13:03:13 20 Q. 555 That's your evidence. In fact subsequently I think we will come on to a
- 21 meeting at which you actually made payments in 1998 to councillors in
- 22 connection with support for developments, isn't that right?
- 23 A. Correct.
- 24 Q. 556 So in early 1998 it was business as usual, is that correct, Mr. Dunlop?
- 13:03:28 25 A. Yes.
- 26 Q. 557 So that you were still involved in making corrupt payments notwithstanding the
- 27 fact that the Tribunal had been establish in the November 1997?
- 28 A. Yes.
- 29
- 13:03:37 30 CHAIRMAN: All right. It's gone one o'clock.

13:03:40 1  
2 MS. DILLON: May it please you, Sir.  
3  
4 CHAIRMAN: So we will take more evidence from Mr. Dunlop tomorrow at half ten.  
13:03:46 5  
6 MS. DILLON: Ten o'clock.  
7  
8 CHAIRMAN: Sorry. Ten o'clock tomorrow.  
9 A. Half ten?  
13:03:49 10  
11 CHAIRMAN: And we have two other witnesses this afternoon at two o'clock.  
12  
13 MS. DILLON: Yes. All right.  
14  
13:03:55 15  
16 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**  
17  
18  
19  
20  
21  
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28  
29  
30

13:03:58 1 **THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:**

2

3

4

CHAIRMAN: Good afternoon, Mr. Murphy.

14:08:20 5

6

MR. MURPHY: Good afternoon, Chairman, and members.

7

8

Mr. John Kennedy, please.

9

14:08:25 10

**MR. JOHN THOMAS KENNEDY, HAVING BEEN SWORN,**

11

**WAS QUESTIONED BY MR. MURPHY AS FOLLOWS:**

12

13

14

MR. MILLER: Good afternoon, Mr. Chairman. Hugh Miller from Crowley Miller.

14:08:31 15

16

I have an application for limited representation on behalf of Mr. Kennedy and I think while I'm at it on behalf of Grainne Carruth also, Mr. Chairman.

17

18

CHAIRMAN: Certainly, granted.

19

14:08:43 20

21

MR. MILLER: Obligated, Chairman.

22

MR. KENNEDY. Good afternoon Your Worships.

23

24

CHAIRMAN: Good afternoon, Mr. Kennedy

14:09:09 25

Q. 558

26

27

MR. MURPHY: Good afternoon, Mr. Kennedy.

28

A. I'm sorry.

29

Q. 559 Henry Murphy is my name. I'll be asking you a few questions on behalf of the

14:09:21 30

Tribunal?

- 14:09:21 1 A. Thank you very much, Mr. Murphy.
- 2 Q. 560 Mr. Kennedy, am I correct in thinking that you went to Manchester in or around
- 3 1960?
- 4 A. About 1956.
- 14:09:35 5 Q. 561 All right.
- 6 A. '56, '57, I wouldn't be a bit too sure about that.
- 7 Q. 562 I was going backwards from your statement where I thought you said Manchester
- 8 for 47 years but ...?
- 9 A. Well, I'm 50 years there this year so we'll have to do the calculations again.
- 14:09:51 10 Q. 563 All right. Were you born in Ireland?
- 11 A. I was born in America actually.
- 12 Q. 564 Born in America and brought up?
- 13 A. In Ireland.
- 14 Q. 565 Where in Ireland?
- 14:09:59 15 A. County Mayo.
- 16 Q. 566 Did you leave there about 1956?
- 17 A. 1956/1957.
- 18 Q. 567 All right. And would it be fair to say that now, Mr. Kennedy, you are a
- 19 successful businessman in Manchester specialising in property development?
- 14:10:19 20 A. That wouldn't be correct. I'm, I've sold my business now but I was in civil
- 21 and mechanical engineering and yes, I was quite successful in that.
- 22 Q. 568 I see. Are you a property developer in Manchester?
- 23 A. No.
- 24 Q. 569 All right. And haven't been?
- 14:10:35 25 A. I am a property owner but not a property developer. I own substantial
- 26 properties in London and Bristol and Cardiff but I'm not a property developer.
- 27 40 years in contracting was long enough for me.
- 28 Q. 570 All right. Thank you for that clarification. Mr. Kennedy, the Tribunal wrote
- 29 to you by letter dated 29th of June 2006. The page number is 17986 if we could
- 14:11:06 30 have it on screen, please? And it's a letter written by the Tribunal to you re

14:11:14 1 Tribunal of Inquiry into certain planning matters and payments to you at your  
2 address in Cheshire. And do you recall receiving that letter?

3 A. I do.

4 Q. 571 And did that letter come, did that letter come as a surprise to you?

14:11:28 5 A. It did, really.

6 Q. 572 Pardon?

7 A. It did, yes, it did.

8 Q. 573 It did?

9 A. Yes.

14:11:34 10 Q. 574 All right. Now, if we just look at that letter for a second. I'll read it in  
11 to the record Mr. Kennedy. It states as follows, "Dear Mr. Kennedy, the  
12 Tribunal has been informed that you may be in a position to assist the Tribunal  
13 in respect of a payment of monies to Mr. Bertie Ahern, T.D, An Taoiseach in  
14 Manchester, England in or about October 1994. The Tribunal seeks your  
15 assistance in reconciling the receipt of funds to the accounts of Mr. Ahern  
16 during this period and requests you to provide the Tribunal with a narrative  
17 statement setting out your knowledge of the circumstances in which Mr. Ahern  
18 came to be paid money at any official or unofficial fundraising events in  
19 Manchester in or about that time. In providing this information the Tribunal  
14:12:02 20 would be grateful if you would:

21

22 1. Identify the persons whom you believe to have been contributors of funds at  
23 such events.

24

14:12:29 25 2. Indicate the amount of money raised and given to Mr. Ahern at such event.

26

27 3. Identify the time, date and place at which such event took place and to  
28 your knowledge the identity of those present at such event.

29

14:12:42 30 4. The amount of any contribution made by you at such event indicating the

14:12:46 1 manner in which such a payment was made and the source of the funds used to  
2 make such a payment.

3  
4 5. Your knowledge of the amounts paid by others at such event and what has  
14:12:55 5 become of those funds.

6  
7 And if we go over to 17987, "please note that this inquiry is being made of you  
8 in strict confidence. Neither the fact of this letter nor its contents should  
9 be disclosed to any third party save any legal advisor you may wish to consult  
14:13:11 10 in respect of the content hereof.

11  
12 I would appreciate hearing from you in early course. Yours sincerely, Susan  
13 Gilvarry, Solicitor to the Tribunal".

14  
14:13:17 15 Q. 575 Now, when you received that letter at your home, presumably, Mr. Kennedy, in  
16 June 2006 what did you do when you got it? You read it I presume?

17 A. I read it and I was bedeviled to know what it was really all about.

18 Q. 576 Yes?

19 A. Because at that time you know not a lot was sort of, in England not a lot was  
14:13:52 20 known about this Tribunal. I heard it when I was here on holidays that there  
21 was a Tribunal taking place and I had read bits in the paper about it but --

22 Q. 577 Yes?

23 A. There were several Tribunals going on and for me it was a total mystery as to  
24 what was going on. Then I obviously thought it was something to do with the  
14:14:09 25 dinner at the Four Seasons, as I said, it was in the strictest confidence. The  
26 strictest, strictest confidence, I didn't feel any necessary to take any legal  
27 advice or anything like that. I just thought for a week or so I sat on it for  
28 a week or so and I racked my memory the best way I could, and I put down what I  
29 put down in the letter.

14:14:32 30 Q. 578 Yes?

- 14:14:32 1 A. What I could remember at the time to the best of my limited ability.
- 2 Q. 579 All right. So you didn't take legal advice, you didn't consult a solicitor at
- 3 that time?
- 4 A. I didn't think it was necessary, no.
- 14:14:43 5 Q. 580 That's fine.
- 6 A. Didn't seem appropriate.
- 7 Q. 581 Did you consult anyone?
- 8 A. No.
- 9 Q. 582 Did I you contact Mr. Ahern or anyone with whom you might be able, whom would
- 14:14:54 10 be able to speak on Mr. Ahern's behalf?
- 11 A. I didn't contact anybody because the letter said it was in the strictest
- 12 confidence. And I felt it was between myself and the Tribunal.
- 13 Q. 583 Yes?
- 14 A. And, you know, I didn't feel that it was right. I didn't feel that it was
- 14:15:10 15 right and I didn't feel it was necessary.
- 16 Q. 584 All right?
- 17 A. To go away from my own recollection of what had happened.
- 18 Q. 585 All right. So you didn't contact anybody?
- 19 A. I didn't contact anybody.
- 14:15:18 20 Q. 586 All right. So and would it be -- did you consider the matter before
- 21 formulating your reply to the Tribunal, Mr. Kennedy?
- 22 A. Oh, I did. I gave it you know I gave it some thought. Not easy to think back
- 23 12 years but I gave it some thought. Maybe I didn't word the letter as good as
- 24 I should word it but, or if I took legal advice, it might be worded better.
- 14:15:52 25 But I didn't feel that, as I say, it was a confidential matter between the
- 26 Tribunal and myself.
- 27 Q. 587 Yes?
- 28 A. And I felt that that was, you know, that I hadn't a great education.
- 29 Q. 588 Yes?
- 14:16:02 30 A. But I'm reasonably intelligent, I think.

- 14:16:04 1 Q. 589 Yes?
- 2 A. And I felt that that was adequate to deal with that at that particular time.
- 3 Q. 590 And probably fair to say that the letter from the Tribunal was not complicated.
- 4 It directed you towards a particular matter and asked for a narrative statement
- 14:16:17 5 and if you would answer a few questions, isn't that right?
- 6 A. That's right.
- 7 Q. 591 All right. And the reply that you eventually gave to the Tribunal was totally
- 8 unassisted, is that right?
- 9 A. Totally unassisted. Apart from the person who had typed the letter. I think I
- 14:16:33 10 had spelt one or two things wrong and it was corrected, but apart from that it
- 11 was, yes.
- 12 Q. 592 Yes. And the letter from the Tribunal is dated the 29th of June 2006. And
- 13 your reply is dated the 18th of July 2006. So you had it for two weeks or just
- 14 a little bit over two weeks?
- 14:16:50 15 A. Yes, I had time to sleep on it, yes.
- 16 Q. 593 You had time to sleep on it?
- 17 A. Yes.
- 18 Q. 594 And you did that?
- 19 A. Yes.
- 14:16:57 20 Q. 595 You took the letter seriously?
- 21 A. Well, I did insofar as that it was Tribunal was the matter. It was a legal
- 22 matter.
- 23 Q. 596 Yes?
- 24 A. And inquiry going on and I thought that one would always take these things
- 14:17:11 25 seriously.
- 26 Q. 597 And you --
- 27 A. I believe in the rule of law and democracy.
- 28 Q. 598 Yes. And you put thought into your reply?
- 29 A. Well, at the time I thought I put a lot of thought into it. Maybe not
- 14:17:23 30 necessarily with the benefit of hindsight but at the time I thought I done



14:17:27 1 quite well.

2 Q. 599 You didn't just take up a dictaphone and chat into it and send the result off

3 to the Tribunal?

4 A. No.

14:17:33 5 Q. 600 All right. And did you say your secretary typed it?

6 A. Yes.

7 Q. 601 All right. There might have been a first draft and a second draft?

8 A. I don't think so. I think when I gave it the thought, I sort of, I made,

9 scribbled a few notes myself and that's as near as I can get to you. I cannot

14:17:55 10 be a hundred percent sure of anything except that the dinner did take place.

11 Q. 602 Yes?

12 A. I can't be a hundred percent sure of dates or any other part of it. I say that

13 quite openly and unreservedly.

14 Q. 603 Could we have 19813, please? Your reply, Mr. Kennedy, with your address at the

14:18:28 15 top right hand corner is dated the 18th of July 2006 to the Tribunal, "Dear

16 Ms. Gilvarry," and reads as follows:

17

18 "As per your letter of the 29th of June 2006 and your request for a narrative

19 statement and answers to relevant questions regarding an An Taoiseach,

14:18:45 20 Mr. Bertie Ahern TD.

21

22 I have live in the Manchester for 47 years and in that time no Irish politician

23 has worked as hard for or as closely with the Manchester Irish community.

24 Mr. Ahern has engaged with the entire community here and has been very helpful

14:19:01 25 in promoting Irish interests and issues in the whole Manchester area. He has

26 attended numerous Irish functions, St. Patrick's Day events and other events

27 around match days.

28

29 In the 1980's and early 1990's he spoke at functions in Manchester promoting

14:19:15 30 Ireland and the changing fortune of the Irish economy.

14:19:18 1  
2 These events were all attended by Irish business people, Irish people working  
3 at senior levels in companies in Manchester and local businessmen interested in  
4 Ireland. I could not at this distance from the events -- sorry. I could not  
14:19:32 5 at this distance from the events recall specifically those who attended but  
6 obviously friends of Ireland in the greater Manchester area generally would  
7 have attended and participated.

8  
9 At one of three events organised by myself the late Tim Kilroe and others  
14:19:46 10 following an address by Mr. Ahern to a group of 25 or so Irish business  
11 contacts, I recall personally donating a sum of 1,000 pounds to Bertie Ahern to  
12 support his efforts in changing the face of Irish politics.

13  
14 The event was held in the Four Seasons Hotel, Manchester in early 1994 or at  
14:20:05 15 least during the football season as a number of people were over from Ireland  
16 as usual for a home game at Manchester United. I recall we raised somewhat  
17 short of 10,000 Pounds for Bertie Ahern with amounts of individual  
18 contributions being probably between 500 pounds/1,000 pounds.

19  
14:20:23 20 Mr. Ahern addressed the group regarding the future prospects for the Irish  
21 economy and answered questions that evening for several hours. As always  
22 hugely impressive and motivating the group who attended.

23  
24 Most of the Manchester businessmen present did invest in Ireland. Bertie Ahern  
14:20:40 25 attended many later functions and to my own knowledge never received any funds  
26 other than on that one occasion.

27  
28 Yours sincerely, John Kennedy, C B E, K S G, D L." That is your reply to the  
29 Tribunal, isn't that correct?

14:20:55 30 A. Correct. That has been amended.

- 14:20:57 1 Q. 604 Yes. Yes?
- 2 A. Yeah.
- 3 Q. 605 Now, that's what the amendment is what I want to come to, Mr. Kennedy. And in  
4 fact this morning the Tribunal received a letter from Crowley Millar your  
14:42:47 5 solicitors of today's date. Is it position you've recently consulted engaged  
6 Crowley Millar for their legal advice?
- 7 A. Last evening. I came from Manchester yesterday and I consulted Mr. Hugh Millar  
8 of Crowley Millar last evening.
- 9 Q. 606 Yes. Was there any particular reason for going from the summer of 2006 when  
14:42:47 10 you decided to look after your first statement to the Tribunal on your own for  
11 the change to seek legal advice?
- 12 A. None whatsoever. None whatsoever. I gave it some thought. I thought, well,  
13 if I'm going to the Tribunal I should be legally represented.
- 14 Q. 607 Yes.
- 14:42:48 15 A. You are all lawyers here and I'm a layman and not a very well educated one at  
16 that. And I thought I should be represented and I thought I should consult,  
17 perhaps legal advice, yes.
- 18 Q. 608 When did you actually have your first meeting with Mr. Millar?
- 19 A. Yesterday evening about half past six.
- 14:42:49 20 Q. 609 Why did you leave it so late to consult him?
- 21 A. Well, because I didn't, I had nothing to hide in that letter. It's --
- 22 Q. 610 Yes?
- 23 A. -- it's what I thought at the time and I see no reason to if I fiddle around  
24 with it or change it or anything until it was put under the scrutiny of the  
14:42:50 25 legal beagle, if I can put it that way.
- 26 Q. 611 I see. Okay. So can I take it from that, that his advice was important in  
27 relation to clarification and correction that we're coming to in a second?
- 28 A. Well, obviously it was important, yes.
- 29 Q. 612 All right. And did you -- you must have discussed with somebody the question  
14:42:51 30 of whether or not you might seek legal advice, is that right, before coming in?

- 14:42:51 1 A. I'd discussed it with my wife actually and she said you should you know it's  
2 not going to cost you anything. You are going to pay for it, why not have it.  
3 And I said it's not a matter of cost it's a matter of whether it's the right  
4 thing to do or not. I don't think that I'd like to come in here, three  
14:42:52 5 professional judges and people that are used to the law as you people are and  
6 just stand here in front without having some bit of legal representation.  
7 Q. 613 And when did you make the decision to seek legal representation, Mr. Kennedy?  
8 A. Well when I began to saw my -- on the letters we get which --  
9 Q. 614 Yes?  
14:42:53 10 A. I have that height of letters (gesturing), I'm not able to read them, maybe  
11 when I fully retire I might. I opened them on the schedule it was mentioning  
12 that my name was at 2 o'clock on the 18th. And I thought I'll have a letter  
13 asking me to appear maybe at the time to revisit this, look at it.  
14 Q. 615 Roughly when was the first time that you understood that you'd be called as a  
14:42:54 15 witness to the Tribunal?  
16 A. I can't remember now I think about three months ago.  
17 Q. 616 About three months ago?  
18 A. I saw my name coming up but I wasn't, there is a big long listing of names.  
19 Everybody in Ireland must be on it. My name began to appear two or three pages  
14:42:55 20 and as time went on it it began to get closer to the present date.  
21 Q. 617 Did you leave it until just very recently to contact Mr. Millar?  
22 A. Say again please?  
23 Q. 618 Did you leave it only very recently to contact Mr. Millar, I know you only met  
24 him yesterday. Perhaps you had phoned him earlier?  
14:42:56 25 A. A meeting was set up for me, yes.  
26 Q. 619 Who set the meeting up?  
27 A. My wife.  
28 Q. 620 Yes. And does she know the firm of, Mr. Millar's firm of solicitors?  
29 A. She must know them. She must know them. I didn't but she must know them.  
14:42:56 30 Q. 621 But you would have discuss this your wife presumably as to who you would

14:42:56 1 consult. Who would be an excellent firm of solicitors to engage to come in to  
2 the Tribunal. How did it come about that you are with Mr. Miller?  
3 A. I can't answer that question.  
4 Q. 622 Why not?  
14:42:57 5 A. Because I don't know. I just know that this appointment was set up for me.  
6 Q. 623 By your wife.  
7 A. Yes.  
8 Q. 624 She made an appointment with Mr. Millar without you knowing the identity of the  
9 person you were going to?  
14:42:58 10 A. She phoned somebody in Dublin as far as I know to find me a good firm of  
11 solicitors.  
12 Q. 625 Who did she phone in Dublin?  
13 A. I have no idea. She has lots of friends here.  
14 Q. 626 And that's how you came to be with Mr. Millar?  
14:42:58 15 A. That's it.  
16 Q. 627 All right.  
17  
18 CHAIRMAN: Could we see the amended?  
19  
14:42:58 20 MR. MURPHY: 25309, please.  
21 Q. 628 Now, this is the letter received, written to this morning and received this  
22 morning by the Tribunal from your solicitors, Mr. Kennedy, isn't that right?  
23 You recognise it?  
24 A. I do.  
14:42:59 25 Q. 629 18th December, 2007 re John Kennedy.  
26  
27 "Dear Ms. Gilvarry, I have been instructed by John Kennedy of Cheshire, United  
28 Kingdom who is scheduled to give evidence before the Tribunal today.  
29  
14:42:59 30 I have had the opportunity of a consultation with Mr. Kennedy and arising

14:42:59 1 therefrom he has asked me to correct and clarify a number of issues which  
2 appear in his letter to you of the 18th of July 2006 as follows:

3 1. Mr. Kennedy was not himself involved in organising the dinner in Manchester  
4 the subject matter of your letter. That dinner was actually arranged by  
14:43:00 5 Mr. Tim Kilroe. Mr. Kennedy was asked by Mr. Kilroe to attend the dinner.  
6  
7 2. Mr. Kennedy did not personally give a donation of 1,000 to Mr. Ahern. He  
8 actually handed 1,000 pounds to Mr. Kilroe. The money was intended for  
9 Mr. Ahern and insofar as Mr. Kennedy is aware the money was subsequently given  
14:43:00 10 by Mr. Kilroe to Mr. Ahern.  
11  
12 3. The money given by Mr. Kennedy to Mr. Ahern was not to support Mr. Ahern's  
13 efforts in changing the face of Irish politics as recited in the letter of the  
14 18th of July 2006. Mr. Kennedy was advised that Mr. Ahern had certain  
14:43:01 15 financial difficulties arising from his marital breakdown and it was in this  
16 context that he was asked to give a donation to Mr. Ahern. The request came  
17 from Mr. Kilroe insofar as Mr. Kennedy can recall. Mr. Kennedy did not put  
18 this in his letter to you of the 18th of July as he considered it could be  
19 potentially embarrassing for Mr. Ahern to refer to his marital situation in  
14:43:02 20 public, and would be an unnecessary intrusion into Mr. Ahern's private life.  
21  
22 4. Mr. Kennedy does not know how much money was collected at the dinner in  
23 Manchester, and the figures quoted to you in his letter of 18th of July 2006  
24 were speculation on his part.  
14:43:03 25  
26 Mr. Kennedy has asked me to point out to you that he sends his letter of the  
27 18th of July 2006 to you in good faith but unfortunately in writing to you then  
28 Mr. Kennedy did not consider the questions you raised with him in any great  
29 detail. The events in question occurred over 12 years ago and Mr. Kennedy's  
14:43:03 30 recollection of these matters is not clear. Furthermore, Mr. Kennedy did not

- 14:43:04 1 seek legal advice in the matter until yesterday the 17th of December.  
2 Mr. Kennedy regrets any inconvenience to the Members of the Tribunal as a  
3 consequence of the inaccuracies in his recollection of events as set forth in  
4 his letter of the 18th of July 2006. Yours truly, Hugh Millar of Crowley  
14:43:05 5 Millar."  
6  
7 Q. 630 That's your up to date letter from your solicitors, isn't that right?  
8 A. That's right.  
9 Q. 631 Now, now, the corrections that are made there at one, two, three and four,  
14:43:05 10 Mr. Kennedy. Are they corrections that occurred to you for the first time in  
11 the course of your consultation with Mr. Millar?  
12 A. I can't see what, there's number three and four on the screen here.  
13 Q. 632 All right. We'll go back to one and two.  
14 A. That's right, yeah. There is a kind of a royal 'we' being used there or was  
14:43:06 15 used in my original letter.  
16 Q. 633 Yes?  
17 A. Tim Kilroe and myself organised many charitable functions and different things.  
18 So there is a bit of a royal 'we' in this. In this particular case he  
19 organised the dinner.  
14:43:07 20 Q. 634 We'll come to that in a little bit of detail, Mr. Kennedy. Just to begin with.  
21 Before you met your solicitor yesterday you weren't intending or expecting to  
22 be writing a further letter to the Tribunal clarifying, correcting matters?  
23 A. Well, I wasn't other than what my legal representation would say. I mean, I'm  
24 not a lawyer and I didn't you know I didn't scrutinise the thing. I answered  
14:43:08 25 it honestly at the time what I thought was as best I could recollect and  
26 that's, that was in my mind from yesterday evening. My letter, I'd my letter  
27 with me and presented it to my lawyer and he made these amendments which I felt  
28 were right, you know.  
29 Q. 635 Well, Mr. Kennedy could we put one thing to bed immediately?  
14:43:09 30 A. Right.

14:43:09 1 Q. 636 Namely that none of these corrections and clarification require legal  
2 assistance. They are all matters of fact which go back to the particular night  
3 and depend on your recollection of the event?  
4 A. Sorry I'm not with you on that one.

14:43:10 5 Q. 637 None of these corrections require the assistance of a lawyer is what I'm  
6 suggesting to you?  
7 A. I'm sure they don't.

8 Q. 638  
9  
14:43:10 10 CHAIRMAN: Sorry?  
11 A. I did take legal advice.  
12  
13 CHAIRMAN: Just, Mr. Kennedy, I think what Mr. Murphy is suggesting to you is  
14 that the information that's here in Mr. Millar's letter is information that  
14:43:15 15 could have been put in to your original statement. Do you understand?  
16 A. I do, Sir.  
17  
18 CHAIRMAN: There's very little of a legalistic nature about it. So I think  
19 that's the point that Mr. Murphy is emphasising that this could have been in  
14:43:16 20 your initial statement which you gave without legal advice. That's the point.  
21 A. Thank you. Thank you, Chairman.  
22 Q. 639  
23  
24 MR. MURPHY: And do you agree with that, Mr. Kennedy?  
14:43:16 25 A. I'm still not clear on that, what it means. As I say, what I am saying that I  
26 wrote the letter in goodwill, to the best of my ability.  
27 Q. 640 Yes?  
28 A. And I didn't consult any lawyer or anybody until yesterday evening. And ...  
29 Q. 641 All right.  
14:43:17 30 A. I'm not clear at all. I'm confused.



- 14:43:17 1 Q. 642 All right, Mr. Kennedy. Well, if we go, I am going to take each of these  
2 corrections?  
3 A. Okay, that's fine.  
4 Q. 643 And that might help us. 19813, please.  
14:43:18 5  
6 This is your first letter 18th of July 2006. And if we go down to the fifth  
7 paragraph where you say and I'm going only going to take the little bit that  
8 you correct in your today's letter, Mr. Kennedy. And we'll be coming back to  
9 more of it in a little bit later.  
14:43:18 10  
11 But in the last paragraph on that page you say "at one of these -- at one of  
12 these events organised by myself, the late Tim Kilroe and others". I am going  
13 to leave it there for a second.  
14 A. Right.  
14:43:19 15 Q. 644 And could we please have if possible with that letter, the two letters up on  
16 screen. If we could have page 25309. 25309. Now, the one we've just read it  
17 on the right, Mr. Kennedy, and the one I'm coming to which is today's letter is  
18 on the left. And if we just look at what's numbered paragraph one.  
19  
14:43:20 20 "Mr. Kennedy was not himself involved in organising the dinner in Manchester  
21 the subject matter of your letter. That dinner was actually arranged by  
22 Mr. Tim Kilroe. Mr. Kennedy was asked by Mr. Kilroe to attend the dinner".  
23 Now, that is completely at odds with the first letter, isn't that right?  
24 A. That's right. Well, as I said a few minutes ago, Mr. Kilroe and I organised a  
14:43:21 25 lot of charity, we were involved with the Irish abroad and the Riding Club of  
26 Ireland, several charities. There is a bit of a royal 'we' in that. But this  
27 particular one was organised by him because Mr. Ahern was staying at his hotel  
28 and going to the football match and just gave him and ring and he said ...  
29 Q. 645 Mr. Kennedy, on the 18th of July 2006 which having had the letter for about two  
14:43:23 30 weeks and having considered it. You wrote at "at one of these events organised

- 14:43:23 1 by myself, the late Tim Kilroe and others". Who were the "others" that you had  
2 in mind there?
- 3 A. Well, I would imagine that he would organise it with somebody. Other than  
4 inviting me to the hotel and he said to bring a few bob with me. That's the  
14:43:24 5 exact words. He'd obviously had I thought dinner with somebody else. He  
6 wouldn't generally do these things on his own but I don't know who the somebody  
7 else would be.
- 8 Q. 646 Mr. Kennedy, why did he ask you to bring a few bob of your own?
- 9 A. He said that we might behaving a bit of a whip-round to help a friend.
- 14:43:25 10 Q. 647 Did he tell you who the friend was?
- 11 A. He did, yes.
- 12 Q. 648 Did he ask you how much to bring, did he suggest how much to bring?
- 13 A. No, he didn't.
- 14 Q. 649 He asked you to bring a few bob?
- 14:43:26 15 A. That was the term used.
- 16 Q. 650 That was how long before the event?
- 17 A. Three days, four days maybe.
- 18 Q. 651 Three, four days before the event?
- 19 A. Uh-huh.
- 14:43:26 20 Q. 652 And you were used to organising these kind of functions with Mr. Kilroe, the  
21 late Mr. Kilroe as co-organisers, is that right?
- 22 A. That's right.
- 23 Q. 653 And others as well presumably from your first line in this letter?
- 24 A. Yes, I mean things like the Variety of Club Ireland Manchester Branch.
- 14:43:27 25 Q. 654 That's not what I am asking you. At one of three events which apparently you  
26 are confusing with another event or other events, organised by myself, the late  
27 Tim Kilroe and others. I want to know who the who were the co-organisers along  
28 with the late Mr. Kilroe and yourself that you are remembering in your letter  
29 to the Tribunal on the 18th of July 2006?
- 14:43:28 30 A. Well, apart from maybe Martin Flynn and Joe Kavanagh.

- 14:43:28 1 Q. 655 Martin Flynn and Joe Kavanagh?
- 2 A. Joe Kavanagh. Maybe Martin Stevens, I wouldn't have a clue.
- 3 Q. 656 Who is the third?
- 4 A. Martin Stevens.
- 14:43:29 5 Q. 657 And he, are they people living in Manchester?
- 6 A. They are all deceased now, sadly.
- 7 Q. 658 They are all deceased. And they would have been people who would have  
8 organised these functions that Mr. Ahern attended from time to time along with  
9 you and the late Mr. Kilroe, is that right?
- 14:43:29 10 A. Well, there was only that one function really that when I was in any way  
11 involved at all in that particular one. I mean, there was other dinners and  
12 things, but I would just come along as a guest if you like. I wasn't really  
13 involved in organising functions for Mr. Ahern every week or anything like  
14 that.
- 14:43:31 15 Q. 659 I don't follow, Mr. Kennedy. Perhaps you could just give us an idea of how  
16 frequently you attended dinners that Mr. Ahern came to back in or around 1994?
- 17 A. About once a year, maybe sometimes twice.
- 18 Q. 660 All right. And these were in that sense regular. They would have happened  
19 once or twice a year, is that right?
- 14:43:32 20 A. Yes, usually after a football match.
- 21 Q. 661 And these would be Irish Manchester businessmen, is that right?
- 22 A. That would be right, yes.
- 23 Q. 662 Successful and well off?
- 24 A. Reasonably well healed as we'll say.
- 14:43:32 25 Q. 663 Yes. And a bit of chat and social and so on, is that right?
- 26 A. That's correct.
- 27 Q. 664 All right. And sometimes you organised that, is that right?
- 28 A. No, I didn't have anything to do with organising.
- 29 Q. 665 I see?
- 14:43:33 30 A. I would be told about it, there was a dinner if I wanted to come. I wouldn't

- 14:43:34 1 have anything to do with the organising.
- 2 Q. 666 Mr. Kennedy, if it was something where Mr. Ahern was attending as a guest of  
3 honour, would that be right?
- 4 A. Yeah.
- 14:43:35 5 Q. 667 You wouldn't be involved in the organising of it?
- 6 A. Not necessarily. I was running my business. I was all over not just the  
7 country but the world. I was unable to attend.
- 8 Q. 668 But you did say there were functions that you did organise with Mr. Kilroe?
- 9 A. Yes, I did but I said that they were functions to do of a different nature.
- 14:43:36 10 Q. 669 Yes. So how come when the Tribunal writes to you and you reply and the  
11 Tribunal is asking you to address one function where Mr. Ahern, one particular  
12 function attended by Mr. Ahern, where he gets a donation a collection to which  
13 you contribute, you identify that as an event organised by yourself, the late  
14 Mr. Kilroe and others who are now apparently deceased?
- 14:43:36 15 A. Yes.
- 16 Q. 670 How is that?
- 17 A. That's the way it is.
- 18 Q. 671 I see. Now, when you wrote this at one of these events organised by myself,  
19 the lit Tim Kilroe and others. That was in error, is that right?
- 14:43:37 20 A. It was. As I said earlier, the royal 'we' was used.
- 21 Q. 672 There is no royal 'we', Mr. Kennedy. Look at your screen. The first line of  
22 the last paragraph?
- 23 A. Yes, I see that.
- 24 Q. 673 There is no royal 'we.' There is no room for confusion in what you've said at  
14:43:39 25 the beginning of that sentence.
- 26 A. All I can tell you is that I wasn't involved in the organising of that  
27 particular one.
- 28 Q. 674 Now, when you write as follows today to us, Mr. Kennedy, your solicitors write  
29 "Mr. Kennedy was not himself involved in organising the dinner in Manchester  
14:43:39 30 the subject matter of your letter. That dinner was actually arranged by

- 14:43:40 1 Mr. Tim Kilroe. Mr. Kennedy was asked by Mr. Kilroe to attend the dinner".
- 2 What is it since the 18th of July 2006 that has reminded you, Mr. Kennedy, that
- 3 you didn't organise that particular function?
- 4 A. I don't know. Maybe I didn't give sufficient thought to the letter. But at
- 14:43:41 5 the time I thought I did.
- 6 Q. 675 Have you been talking to anybody?
- 7 A. No.
- 8 Q. 676 No?
- 9 A. No, I didn't find the need to talk to anybody.
- 14:43:41 10 Q. 677 I beg your pardon?
- 11 A. I didn't find the need to talk to anybody.
- 12 Q. 678 Have you been talking to anybody who perhaps gave you the inspiration that you
- 13 weren't involved in the organising of this particular unique evening?
- 14 A. No, the letter is of a very, very strictly I'm told, was told by this Tribunal
- 14:43:42 15 confidential nature.
- 16 Q. 679 All right?
- 17 A. And I didn't feel that it would be right and proper for to share that with
- 18 anybody. So I haven't done so.
- 19 Q. 680 So you have realised --
- 14:43:43 20 A. Except my lawyer last evening.
- 21 Q. 681 You have realised in the last year that you did -- you weren't a co-organiser
- 22 of that dinner, and you've realised that unassisted, is that right?
- 23 A. That's right.
- 24 Q. 682 When did it come to you that you weren't an organiser of that dinner?
- 14:43:43 25 A. I think a few months ago when I began to look at the letter again and see what
- 26 I said and you know, that's about the time that it came to me.
- 27 Q. 683 Could you identify the month for me, please?
- 28 A. I couldn't but it's about three months ago.
- 29 Q. 684 About three months ago. So that's September say?
- 14:43:45 30 A. Roughly around August, September.

14:43:45 1 Q. 685 All right. Did you think it was important?  
2 A. I didn't.  
3 Q. 686 You didn't.  
4 A. No, I didn't see that it made any difference whether I was involved with them  
14:43:45 5 or I wasn't involved with them. I didn't see that as a big issue. As I say we  
6 organised a lot of things in the past and that word was in or out was a matter  
7 of total indifference to me.  
8 Q. 687 At that point, three months ago, this whole matter was in the public domain for  
9 a year, Mr. Kennedy, you were aware of the significance of this Manchester  
14:43:47 10 dinner and the collection, well aware of it I suggest as somebody who made a  
11 contribution?  
12 A. Yes.  
13 Q. 688 And do you not think that it would be very important for the Tribunal to know  
14 who the organisers were, and that if you had stated in a statement to the  
14:43:47 15 Tribunal that you were a co-organiser and you realised that you weren't, that  
16 you should contact the Tribunal immediately to correct it?  
17 A. I didn't. It didn't cross my mind. I do have a very busy life and I don't  
18 have time to read all of the documents that come through.  
19 Q. 689 I thought you'd sold your businesses, Mr. Kennedy?  
14:43:48 20 A. I've sold my main business but I still have five or six other businesses.  
21  
22 MR. MILLAR: Mr. Chairman, I'm sorry to interrupt my colleague.  
23  
24 I think it is the case and subject to correction, that the Tribunal has been  
14:43:49 25 aware from other correspondence with it that Mr. Kilroe was stated to be the  
26 organiser of this dinner.  
27  
28 And I think it would be appropriate to ascertain if that information was ever  
29 imparted or suggested to Mr. Kennedy by the Tribunal since the 18th of July  
14:43:50 30 2006.

14:43:50 1  
2 Did they ever go back it him and suggest to him that Mr. Kilroe was the  
3 organiser.  
4

14:43:50 5 CHAIRMAN: Mr. Kennedy, I think what your solicitor is suggesting that you  
6 might be asked is, are you aware from other statements that would have been  
7 briefed to you by the Tribunal that Mr. Kilroe was in some of that  
8 documentation suggested as being the person who organised the dinner? I mean,  
9 do you know if that's -- because Mr. Murphy's asking you what prompted you  
10 before, because they are two very different statements. One, you are saying  
11 you organised it with Mr. Kilroe. And more recently today, you say that you  
12 weren't involved at all in the organisation. So is there something that you  
13 got in documentation briefed to you by the Tribunal that prompted you to have a  
14 rethink?

14:43:52 15 A. I can't say that there is. I get that much documentation, Mr. Chairman, that  
16 I'm not able to read it all. Clearly, I'm not able to read it all in every  
17 detail.  
18

14:43:52 19 JUDGE KEYS: Mr. Kennedy, could I ask you, did you ever refer to the website,  
20 the planning Tribunal website?

21 A. No. I'm not computer literate. I'm not into those things.  
22

23 JUDGE KEYS: Did you know that the planning Tribunal had a website with all of  
24 the transcripts of the evidence given day by day put on the website?

14:43:53 25 A. Sorry, say again, Sir?  
26

27 JUDGE KEYS: Were you aware that the planning Tribunal did have a website and  
28 that on that website was the daily transcript of evidence given?

29 A. No, I wasn't aware of that. I mean, it might be, I might be just aware of it.  
14:43:54 30 But I'm not a computer literate person and I had no reason to go ... not the

14:43:58 1 way I spend my life looking into a juke box.  
2  
3 JUDGE KEYS: I appreciate that.  
4 A. Thank you.  
14:44:03 5  
6 JUDGE KEYS: I thought you said earlier on, I may have picked you up  
7 incorrectly. That you suddenly realised three months ago that it looked like  
8 you were going to be called to the Tribunal to give evidence because you saw  
9 your name go up along the column?  
14:44:15 10 A. Uh-huh.  
11  
12 JUDGE KEYS: Now --  
13 A. Yes, Sir, that's right.  
14  
14:44:19 15 JUDGE KEYS: Now that appears on the website. That's why I'm just asking is  
16 that where it came from or is that information or correspondence which you got  
17 from the Tribunal?  
18 A. No, I think it came from the, I opened the correspondence and looked at it and  
19 see my name was moving up and I think that sort of brought me --  
14:44:37 20  
21 JUDGE KEYS: And that would have been sent to you?  
22 A. I didn't think you'd be calling me at all.  
23  
24 JUDGE KEYS: That's fine.  
14:44:44 25 A. Thank you.  
26 Q. 690  
27  
28 MR. MURPHY: Mr. Kennedy, if we. Sorry. In relation to the screen. If we  
29 could delete the two enlargements please and just retain the two letters. And  
14:45:05 30 in the letter on the right which is the 18th of July your first letter to the



- 14:45:05 1 Tribunal, Mr. Kennedy, in the last paragraph you will see on the second line,  
2 the end of the second line and in the last paragraph, you say --
- 3 A. Could you make that a little bit, I am having difficulty in seeing that.
- 4 Q. 691 Yes.
- 14:45:15 5 A. Thank you.
- 6 Q. 692 Now, it's actually the other one please on page 19813, the last paragraph of  
7 that. If that could be highlighted. Now, do you see on that on the end of the  
8 second line, Mr. Kennedy, you say "I recall personally donating a sum of 1,000  
9 pounds to Bertie Ahern" do you see that?
- 14:45:37 10 A. I do.
- 11 Q. 693 I take it that's Sterling Pounds?
- 12 A. That's Sterling.
- 13 Q. 694 All right. And then if we could have the enlargement of paragraph two of the  
14 other letter where you see where you say here. Sorry. Your solicitors say,  
14:45:57 15 Mr. Kennedy, this is the letter today. "Mr. Kennedy did not personally give a  
16 donation of 1,000 pounds to Mr. Ahern. He actually handed 1,000 pounds to  
17 Mr. Kilroe. The money was intended for Mr. Ahern and insofar as Mr. Kennedy is  
18 aware, the money was subsequently given by Mr. Kilroe to Mr. Ahern."
- 19 A. That is correct.
- 14:46:15 20 Q. 695 They are completely contradictory, isn't that right?
- 21 A. I don't see that they are.
- 22 Q. 696 Why did you correct it then or clarify it, Mr. Kennedy?
- 23 A. I didn't see any difference. I don't see any difference in that to be quite  
24 honest with you.
- 14:46:34 25 Q. 697 What I am concentrating on in the top one, Mr. Kennedy, which is your first  
26 statement to the Tribunal "I recall personally donating a sum of 1,000 pounds  
27 to Bertie Ahern" and today your solicitor says" Mr. Kennedy did not personally  
28 give a donation of 1,000 to Mr. Ahern, he actually handed 1,000 to Mr. Kilroe."
- 29 A. That's correct. I did actually give the money to Mr. Kilroe for Mr. Ahern.
- 14:46:56 30 Q. 698 All right. That's not what you said in the first statement to the Tribunal.

14:47:00 1 You said that you personally donated it to Mr. Ahern?

2 A. That's incorrect.

3 Q. 699 Which is?

4 A. I didn't give it to him personally myself. It was Mr. Kilroe that asked me to

14:47:09 5 bring the few bob with me which I did, and I gave it to Mr. Kilroe for

6 Mr. Ahern. That's the correct.

7 Q. 700 Why didn't you say that first time around?

8 A. I don't know, I don't know. I just answered the letter to the best of my

9 ability at the time.

14:47:22 10 Q. 701 All right. And the few bob that Mr. Kilroe asked you to bring with you, you

11 interpreted, in your own mind you decided to bring 1,000?

12 A. Sort of a code word between us. If somebody was in need or there was a charity

13 or something else you know make sure you come to the dinner and make sure you

14 have a few bob with you. West of Ireland if you like expressions that was.

14:47:50 15 Q. 702 Yes. And if we could ... sorry. If we could retain the enlargement of the

16 last paragraph on 19813, please. The page on the right, yes. You will see at

17 this perhaps if I start at the beginning of the paragraph again, Mr. Kennedy

18 "at one of these events organised by myself, the late Tim Kilroe and others

19 following an address by Mr. Ahern to a group of 25 or so Irish business

14:48:21 20 contacts. I recall personally donating a sum of 1,000 pounds to Bertie Ahern

21 to support his efforts in changing the face of Irish politics".

22

23 That's what you said to the Tribunal in July of 2006, isn't that right?

24 A. That's right.

14:48:34 25 Q. 703 Now and if we could go to page, the second page of the other letter. 25310,

26 please. Where you say at the top "the money given by Mr. Kennedy to Mr. Ahern

27 with not to support Mr. Ahern's efforts in changing the face of Irish politics

28 as recited in the letter of the 18th of July 2006. Mr. Kennedy was advised

29 that Mr. Ahern had certain financial difficulties arising from his marital

14:49:02 30 breakdown and it was in this context that he was asked to give a donation to

14:49:06 1 Mr. Ahern. The request came from Mr. Kilroe insofar as Mr. Kennedy can recall.  
2 Mr. Kennedy did not put this in his letter to you of the 18th of July as he  
3 considered it could be potentially embarrassing for Mr. Ahern to refer to his  
4 marital situation in public and would be an unnecessary intrusion into  
14:49:22 5 Mr. Ahern's private life".  
6  
7 In your first letter you have given one explanation which is to do with Mr.  
8 Ahern's efforts in changing the face of Irish politics. In your letter today  
9 you say the reason in fact was a personal reason, isn't that right?

14:49:36 10 A. That's right.

11 Q. 704 All right. Now, and you give a reason for why you didn't put that in the first  
12 time?

13 A. As I said before, I wrote my letter to the best of my ability at the time.

14 Q. 705 Yes?

14:49:56 15 A. Because the Tribunal had written to me and I wanted to reply to the letter.

16 Q. 706 Yes?

17 A. And --

18 Q. 707 Yes?

19 A. Maybe I didn't give it enough thought I'm not sure. Well, certainly the  
14:50:03 20 letter, to Mr. Kilroe to give to Mr. Ahern personally. That's the correct one.

21 Q. 708 Yes. But Mr. Kennedy, is it the position that what you said in July 2006 is  
22 the correct position, namely, you made the contribution to Mr. Ahern to support  
23 his efforts in changing the face of Irish politics". And in the meantime you  
24 have discovered another reason for it, or it has been suggested to you that  
14:50:27 25 there was another reason for the donation?

26 A. I'm not sure about that. It was given to Mr. Ahern to do what he would with  
27 it.

28 Q. 709 Yes?

29 A. I wasn't to know what he was to do with it. I was asked would I do it and I  
14:50:47 30 said, yes, I would. And what he was to do with it was not a matter for,

14:50:51 1 whether it was for the promotion of politics in Ireland or whether it was for  
2 his own. It wasn't, I was giving 1,000 pounds.

3 Q. 710 Yes. Why?

4 A. Willingly. And I mean it didn't really matter to me what it was going to be  
14:51:06 5 used for.

6 Q. 711 1,000 pounds for?

7 A. So long as it wasn't going to be used for any illegal reasons.

8 Q. 712 Yes. But do you know the reason that was given to you for the collection,  
9 Mr. Kennedy?

14:51:15 10 A. I do.

11 Q. 713 What was it?

12 A. That Mr. Ahern had just, he was the Minister for Finance and he had just parted  
13 with his wife and it was a terrible thing that the Minister for Finance for the  
14 Irish nation didn't have a bob in his pocket.

14:51:31 15 Q. 714 Yes?

16 A. That's what I was told.

17 Q. 715 Who told you that?

18 A. Tim Kilroe.

19 Q. 716 On the phone?

14:51:35 20 A. On the phone.

21 Q. 717 Three or four days before the event?

22 A. Three or four days before the event.

23 Q. 718 He was trying to assemble a few people?

24 A. That's right. You put it very well, yes.

14:51:45 25 Q. 719 So that there could an mutual exchange of views in relation to the Irish  
26 economy and so on, is that right?

27 A. That's right.

28 Q. 720 And there could an financial collection for Mr. Ahern, is that right?

29 A. That's right.

14:51:56 30 Q. 721 All right. And would it be fair to say that everybody who attended would have

- 14:52:01 1 had the same, a similar phone call?
- 2 A. I can imagine that they would. I mean, I cannot say categorically in any way
- 3 shape or form. I would imagine that they would have been informed the same way
- 4 as I was.
- 14:52:14 5 Q. 722 Was Mr. Kilroe a good friend of yours?
- 6 A. He was a very good friend of mine.
- 7 Q. 723 All right. All right. And you say, Mr. Kennedy, that Mr. Kilroe said to you
- 8 that Mr. Ahern had a financial difficulty arising out of his marital breakdown,
- 9 is that right?
- 14:52:34 10 A. That's right.
- 11 Q. 724 The marital breakdown occurred in 1987 which was seven years earlier, did you
- 12 know that?
- 13 A. I didn't.
- 14 Q. 725 And the court proceedings finished, ended the previous November/December. Did
- 14:52:47 15 you know that?
- 16 A. I didn't.
- 17 Q. 726 And he had no financial difficulty at the time of this dinner, did you know
- 18 that?
- 19 A. Sorry, say again, Sir?
- 14:52:55 20 Q. 727 He had no financial difficulty at the time of this dinner, did you know that?
- 21 A. I didn't know that.
- 22 Q. 728 What other information did Mr. Kilroe give you on the phone about this?
- 23 A. That's about the size of it. Very little else said about it. He was a man of
- 24 very few words.
- 14:53:11 25 Q. 729 You would have a good relationship with him and have an understanding. If he
- 26 was looking for a few bob for somebody you would be inclined to go along with
- 27 that?
- 28 A. I would.
- 29 Q. 730 Did you have any special connection with Mr. Ahern?
- 14:53:23 30 A. No, no.

14:53:24 1 Q. 731 Were you a friend of Mr. Ahern's?  
2 A. No.  
3 Q. 732 So you were making this contribution to somebody who was not a friend of yours?  
4 A. That's right.  
14:53:30 5 Q. 733 But because a friend of yours was asking to you do so, is that correct?  
6 A. That is correct. As it happened in the reverse many times.  
7 Q. 734 All right. Now, I suggest that the answer that you gave to the Tribunal in  
8 your first statement of July 2006 indicates how much thought you put into your  
9 first statement, Mr. Kennedy, because you decided not to say anything about the  
14:53:58 10 real reason for contributing the 1,000 pounds and to invent the reason that  
11 related to Mr. Ahern's efforts in changing the face of Irish politics?  
12  
13 MR. MILLAR: Mr. Chairman, I think to be fair to the witness he has offered an  
14 explanation as to why he put in the letter of June 2006 what he actually put in  
14:54:17 15 to it. He has offered an explanation in the response that was furnished today  
16 and he has repeated it here now.  
17  
18 So to be fair to him, I think he has already addressed that issue.  
19  
14:54:35 20 CHAIRMAN: Well, he is being asked. It's a little confusing. I understand  
21 Mr. Kennedy to have said that Mr. Kilroe asked him to make a contribution  
22 available to assist Mr. Ahern who was badly off without mentioning his marital  
23 difficulty, is that correct?  
24 A. Well, he did mention it to me when I met him at the Four Seasons about the  
14:54:53 25 marital difficulty.  
26  
27 CHAIRMAN: No, when you were being asked a few days before to come to the  
28 function?  
29 A. Yes, Sir.  
14:55:00 30

14:55:00 1 CHAIRMAN: And when it was in effect Mr. Kilroe was asking you to bring a  
2 contribution and at that time can you tell us what the reason was that he gave  
3 to you as to why you should bring a sum of money?

4 A. He said that we were having dinner with a good friend and I said who is that,  
14:55:25 5 and he did mentioned that it was Mr. Ahern. And he said to bring a few bob  
6 with me and that's what I did.

7  
8 CHAIRMAN: But was there a reason given? Was there a reason given at the time  
9 of that phone call as to why you should be making or why you might make a  
10 contribution?

11 A. There was I think. I'm pretty sure that it was to do with the marital  
12 breakdown. That he was the Minister for Finance and that he didn't have a bob.  
13 That was the exact expression that was used to me.

14  
15 CHAIRMAN: And Mr. Murphy I think was asking why you suggested in your  
16 original letter to the Tribunal that I suppose you classed it as a sort of a  
17 political donation rather than a personal donation?

18 A. Well, possibly I did because I made the political donations to all parties here  
19 in Ireland and all parties in England and in Northern Ireland, to John Hume's  
14:56:26 20 party.

21  
22 CHAIRMAN: Well, which was it? Was it the personal donation or a political  
23 donation?

24 A. I think I only became aware when I got to the Four Seasons that it was a  
14:56:41 25 personal donation. It wasn't really explained fully to me whether it was going  
26 to be political or whatever. But I did, I know I became aware of it at the  
27 Four Seasons that it was a personal donation.

28  
29 CHAIRMAN: And is it therefore, your evidence that by the time you came to  
14:56:55 30 hand over the money you believed it was a personal donation?

14:56:58 1 A. That's right.  
2  
3 CHAIRMAN: And that obviously leads to the question why didn't you say that to  
4 the Tribunal in your first letter?

14:57:06 5 A. I can't explain that.  
6  
7 CHAIRMAN: It could have been described you know without even mentioning  
8 Mr. Ahern's private life it could have been described as a personal donation or  
9 a gift?

14:57:16 10 A. All I will say to you is I'm not the best letter writer in the world. I'm not  
11 that well educated so you know. I thought I was doing the best that I could at  
12 the time, Sir.  
13  
14 CHAIRMAN: All right.

14:57:27 15 Q. 735  
16  
17 MR. MURPHY: But Mr. Kennedy, at the time in July 2006 when you replied to the  
18 Tribunal, you knew jolly well that the reason for this collection. The reason  
19 for your contribution of 1,000 Sterling was to do with Mr. Ahern's financial  
20 circumstances arising out of his marital separation as a result of what  
21 Mr. Kilroe had told you on the night or a few days earlier, isn't that right?

22 A. I've answered that question.

23 Q. 736 Isn't that right?

24 A. Sorry?

14:57:59 25 Q. 737 Mr. Kennedy --  
26 A. There was two of you talking to me and I'm trying to concentrate and it's a bit  
27 confusing.

28 Q. 738 Sorry, Mr. Kennedy.

29 A. It's all right, not to worry.

14:58:07 30 Q. 739 In July 2006, a year ago when you gave your first statement to the Tribunal,



14:58:12 1 all right?

2 A. Yes.

3 Q. 740 You knew that the reason you had given the 1,000 pounds was to help Mr. Ahern?

4 A. Yes, I did, I don't know why I put it down like that. I mean, as I said, I

14:58:22 5 wrote the letter to the best of my ability and I did know that and I'm not

6 quite sure why I done that but ...

7 Q. 741 But you don't need a lawyer to write down --

8 A. I know that. But whatever the words that came into my head that felt

9 appropriate at the time I put down.

14:58:43 10 Q. 742 Yeah.

11 A. I mean, I was written to in the strictest, strictest confidence and I was

12 writing back in the strictest, strictest confidence.

13 Q. 743 But you were writing an untruth, Mr. Kennedy.

14

14:58:54 15 MR. MILLAR: Sorry, Mr. Chairman. My apologies for interrupting, Mr. Murphy.

16

17 If the object of the exercise is to embarrass this witness I think that has

18 succeeded. I think the reality --

19

14:59:05 20 CHAIRMAN: Well, the object I hope isn't to embarrass Mr. Kennedy. We don't

21 want to embarrass Mr. Kennedy.

22 A. Thank you, Chairman.

23

24 CHAIRMAN: We want to know what was in Mr. Kennedy's mind at the time that he

14:59:17 25 wrote that letter which he said that he wrote without the benefit of knowing of

26 any evidence coming before the Tribunal, and as he says without contact with

27 anyone outside his family and without even contact with a lawyer. There were

28 two simple explanations which are opposite to each other. One was that it was

29 given as a personal contribution with or without mention of Mr. Ahern's marital

14:59:57 30 difficulties. It could have been stated as a personal contribution. Or it

15:00:01 1 could have been stated as being a type of political contribution which is in  
2 fact the way it was stated.

3  
4 So it's important that the Tribunal would know that the reasons why Mr. Kennedy  
15:00:12 5 gave that explanation rather than a reference to a personal donation at that  
6 time.

7  
8 MR. MILLAR: I fully accept that, Mr. Chairman and I understand that.

9  
10 The reality is if it's a question that there needs to be an admission what was  
11 in the letter of the 18th of June 2006 was incorrect. That was can be taken as  
12 done. What was in that letter was not correct. That's as far as this matter  
13 goes.

14  
15 CHAIRMAN: And we are interested to know why that reason was given. If it was  
16 given simply because Mr. Kennedy didn't think about it at the time, that's one  
17 reason. Or if he gave that reason because he didn't want the Tribunal to know  
18 the correct reason, that obviously is a different reason.

19  
20 MR. MILLAR: Well, it is sometimes difficult for witnesses in the box to be as  
21 coherent as they otherwise would probably be.

22  
23 on the basis of instructions that I received from him the explanation is in my  
24 letter to the Tribunal as of this morning. And that's the explanation.

15:01:04 25  
26 CHAIRMAN: Which is a different explanation to the one that was given  
27 originally.

28  
29 MR. MILLAR: Absolutely. That's the point I'm making. It is different. It's  
15:01:13 30 accepted that it's different. It's accepted that the first one was incorrect.

15:01:18 1  
2 Absolutely. There is no issue. I don't think there is any point prolonging  
3 that. The correct explanation is given in the letter today. And the reality of  
4 the situation is that all of the lawyers will be aware on the first occasion  
15:01:27 5 that Mr. Kennedy was interrogated, to use that expression, was when I met him  
6 and the harsh realities of this type of a process were brought to bear on him.

7  
8 That's why that letter was written to you this morning to avoid this type of  
9 situation now.

15:01:41 10  
11 CHAIRMAN: But explaining that a contribution was of a personal nature as an  
12 alternative to a political nature has nothing to do with legal advice.

13  
14 MR. MILLAR: I didn't catch the last bit. My apologies.

15:02:01 15  
16 CHAIRMAN: I'm just making the point that putting an explanation into a letter  
17 that a contribution was of a personal nature or was for personal reasons on the  
18 one hand or on the other hand, stating that it is for political reasons or as a  
19 political contribution. Neither of those really depends on legal advice. The  
15:02:42 20 individual making either statements doesn't require legal advice. There is no  
21 legal distinction insofar as the individual is concerned between the two.

22  
23 MR. MILLAR: There is no issue about that, Mr. Chairman. The point I'm trying  
24 to make is that the letter written today is the accurate record of what  
15:03:06 25 occurred. The letter of June 2006 is inaccurate and that is accepted by the  
26 witness.

27  
28 CHAIRMAN: Well, in any event, Mr. Kennedy, has explained that he accepts that  
29 it was an incorrect description as I understand it as it was originally given.

15:03:16 30 Q. 744 Yes.

15:03:16 1  
2 CHAIRMAN: The reason for the payment.  
3  
4 MR. MILLAR: I don't think that there is any issue. I think Mr. Kennedy has  
15:03:23 5 accepted that in response to a question from Mr. Murphy. He accepts the  
6 original letter as incorrect in that regard. Absolutely.  
7  
8 CHAIRMAN: All right.  
9 Q. 745  
15:03:30 10  
11 MR. MURPHY: Mr. Kennedy, when Mr. Kilroe said to you what would you bring a  
12 few bob I think you said something about code. I do understand you correctly  
13 that between you and Mr. Kilroe bringing a few bob was effectively a code for  
14 1,000?  
15:03:45 15 A. It wouldn't be specifically for any specified amount. Even going out for a  
16 good night out very often said, now, don't forget to bring a few bob with you.  
17 He probably paid for the meal. We'd use that expression. It didn't, it didn't  
18 know -- something that we were in the habit of saying, don't forget to bring a  
19 few bob with you.  
15:04:00 20 Q. 746 But it was different in this instance?  
21 A. He didn't say specifically. He didn't say specifically anything.  
22 Q. 747 That's what you said, you said earlier he did, three or four days before when  
23 he phoned you.  
24 A. He said bring a few bob with you.  
15:04:10 25 Q. 748 He gave you the reason. It was to help a friend who was in financial  
26 difficulties?  
27 A. That's not a question at all.  
28 Q. 749 I'm sorry?  
29 A. That's not in question.  
15:04:17 30 Q. 750 No, no, that's what he said to you?

- 15:04:19 1 A. Yes.
- 2 Q. 751 So he was asking you to bring a few bob for this collection?
- 3 A. That's right.
- 4 Q. 752 And you think he would likely have said that to the other people he was
- 15:04:27 5 inviting.
- 6 A. That's very possible.
- 7 Q. 753 Do I gather from you, Mr. Kennedy, that you and Mr. Kilroe would do this often
- 8 enough. You would help people who needed help?
- 9 A. That's true.
- 15:04:42 10 Q. 754 Had you ever previously or since given financial assistance to Mr. Ahern?
- 11 A. No.
- 12 Q. 755 All right. Now, if we look at 19814, please. Sorry.
- 13
- 14 JUDGE KEYS: Mr. Kennedy, before you proceed from there. Could I just ask you
- 15:04:57 15 just to clarify one thing. When you wrote the first letter did you know at
- 16 that time in your mind that that was a personal donation or a political
- 17 donation? What was on your mind in relation to the type of donation?
- 18 A. I was making a donation of 1,000 pounds and it really didn't matter. I was the
- 19 person who was writing the cheque or giving the cash.
- 15:05:20 20
- 21 JUDGE KEYS: I appreciate that. When you were actually writing the letter in
- 22 reply to the Tribunal.
- 23
- 24 JUDGE FAHERTY: Last year.
- 15:05:26 25
- 26 JUDGE KEYS: What was your frame of mind in relation to the type of payment it
- 27 was?
- 28 A. I think I knew then it was a personal, by then it was a personal payment.
- 29 Q. 756 You believed it to be a personal payment?
- 15:05:39 30 A. Yes, I just didn't want to embarrass --

15:05:41 1 Q. 757 I see. Well, is it also, and I have to be direct in this. Is it that you  
2 didn't want the Tribunal to know then at that stage?  
3 A. No, I wasn't keeping anything --  
4 Q. 758 That it was a personal donation?  
15:05:52 5 A. I am not keeping anything from the Tribunal. I am here on a voluntary basis  
6 and I'm doing my best.  
7  
8 MR. KENNEDY: I accept all of that. That's why I prefaced by saying that I have  
9 to be direct in it, it's matter that we have to probe for obvious reasons.  
10 That's why I ask you, knowing your frame of a mind at the time and knowing  
11 what you put in the letter the obvious follow-up question from the Tribunal  
12 would be, and that's why I asked it, was simply, was it at that stage you  
13 didn't want the Tribunal to know that it was a personal donation?  
14 A. That wasn't deliberate. It might come across that way in the letter. As I  
15:06:27 15 said, I'm not the best letter writer in the world. I'm not here to deceive  
16 anything. I'm here to do my best.  
17  
18 JUDGE KEYS: That gives you the opportunity to clear that matter up.  
19 A. Thank you.  
15:06:38 20  
21 JUDGE KEYS: That's fine.  
22 Q. 759  
23  
24 MR. MURPHY: Mr. Kennedy, if you look at the first paragraph on that page on  
15:06:44 25 the right-hand side and if you go down, please, to the second sentence that  
26 begins "I recall". Now this is your first statement to the Tribunal in 2006  
27 and you say "I recall we raised somewhat short of 10,000 Pounds" and that's  
28 Sterling you've explained "for Bertie Ahern".  
29 A. Tim Kilroe said to me quite well, somewhere between eight and ten or something  
15:07:13 30 of that nature

15:07:14 1 Q. 760 All right?

2 A. So I didn't ...

3 Q. 761 Could I also, do you see on the left-hand side of the page, there's paragraph

4 four there which is the letter that we've got today?

15:07:23 5 A. That one is very small. I'd difficulty in enlarging that one.

6

7 CHAIRMAN: Well, we can bring it up a bit.

8

9 MR. MURPHY: Sorry. It's page. It's page 25310. Sorry. And paragraph four.

10 Sorry. And what you've just said, Mr. Kennedy.

11 A. Yeah, but that's, I couldn't be precise. I mean that's why I said that between

12 eight and ten. I said I couldn't be precise about anything in that letter

13 except for the fact that the dinner took place.

14 Q. 762 Mr. Kennedy, can we just come back to the bottom frame there for a second which

15 is your first statement?

15:08:18 16 A. Right.

17 Q. 763 In July 2006 you wrote to the Tribunal "I recall we raised somewhat short of

18 10,000 Pounds Sterling for Bertie Ahern". Why did you write that then?

19 A. Because I was replying to the letter of the Tribunal.

15:08:35 20 Q. 764 And what question were you replying to?

21 A. I think they wanted to know how much money was raised and that was the best, I

22 noticed somewhere between eight and 10,000 and that's the best I could come up

23 with.

24 Q. 765 Why didn't you say somewhere between eight and 10,000?

15:08:52 25 A. I don't know why I didn't say that at the time. I just don't know why I didn't

26 say it. All of these things are very easy with the benefit of hindsight but

27 when you are writing a letter, I had the letter three weeks and I wanted to

28 reply to it to the best of my ability at the time.

29 Q. 766 But what you actually said, "I recall we raised somewhat short of 10,000 Pounds

15:09:09 30 Sterling" and what you knew at that time but did not write was it was somewhere

15:09:13 1 between 8,000 and 10,000 Sterling, is that right? That would have been the  
2 more correct thing to write, is that what you're saying?

3 A. I just don't see any difference in that at all.

4 Q. 767 Why in today's letter if you look up a little bit at paragraph four in today's  
15:09:29 5 letter, it's written on your behalf, "Mr. Kennedy does not know how much money  
6 was collected at the dinner in Manchester. The figures quoted in his letter to  
7 you of the 18th of July 2006 were speculation on his part."

8 A. Because the lawyer asked me specifically and I said I do not know. That's his  
9 words around what I ... I couldn't swear exactly to the penny or even to the  
15:09:58 10 pound.

11 Q. 768 Mr. Kennedy, these are two totally different matters?

12 A. You might think so, but to me --

13 Q. 769 A year ago you tell the Tribunal "I recall we raised somewhat short of 10,000  
14 for Bertie Ahern" today's letter reads "Mr. Kennedy does not know how much  
15:10:11 15 money was collected at the dinner Manchester. The figures quoted in his letter  
16 of the 18th of July, 2006 were speculation on his part."

17 A. I think speculation is probably wrong. I did know it was in that area but I  
18 didn't know exactly how much it was.  
19

15:10:24 20 CHAIRMAN: Perhaps, Mr. Kennedy, if you could tell us how you came to arrive  
21 at the figures which you now say are speculation. How did you arrive at the  
22 figures that you think might have been?

23 A. Maybe speculation isn't that the right word. Tim Kilroe said to me, we've been  
24 fairly good for Bertie, we'll have the bones of 10 grand between 8 and 10,000.  
15:10:50 25 I didn't put any more to it than that.  
26

27 CHAIRMAN: And if you see then if we look at --

28 A. If you are going to tie me down to words. I'm not a wordsmith, Mr. Chairman.  
29

15:11:01 30 CHAIRMAN: No, no, we don't want to tie you down to words. We're just talking



15:11:06 1 about approximate figures. You go then go on in your first letter to say "with  
2 amounts of individual contributions being probably between 500 and 1,000".  
3 Now, is that because of something Mr. Kilroe told you or where get that or  
4 those figures?

15:11:24 5 A. Well generally if you were asked for something like that, for instance you  
6 wouldn't give 359 you'd give 500 or 250 or some round figure like that. So  
7 that's where that's coming from.  
8

9 CHAIRMAN: But it wasn't because Mr. Kilroe suggested these figures?

15:11:42 10 A. No, I don't think so. I don't think he did, I'm not sure about that,  
11 Mr. Chairman, to be honest but I don't think that he did. When people are  
12 asked for money they generally give what they want to give not what someone  
13 asks them to give, that's the rule of thumb.

14 Q. 770 Is it your evidence now in the witness box, Mr. Kilroe, that there is no  
15 speculation about it at all. Mr. Kennedy, I beg your pardon?

16 A. That's all right. I thought I'd come back from the dead there for a minute so.

17 Q. 771 No speculation at all because you know that Mr. Kilroe told you between 8 and  
18 10,000 Pounds Sterling, is that your evidence?

19 A. I think that's right.

15:12:17 20 Q. 772 Now, Mr. Kennedy, I want to suggest to you that the letter that you've sent the  
21 Tribunal today has four fundamental corrections from the first letter that you  
22 sent to the Tribunal a year ago. Do you accept that?

23 A. If you say so I mean, if you say that's right. My lawyer would have a better  
24 idea about that one.

15:12:48 25 Q. 773 First of all, Mr. Kennedy, whereas you said in your first statement you were a  
26 co-organiser today you say you are not?  
27

28 Secondly. That you personally give a donation of 1,000 to Mr. Ahern. Whereas  
29 today you clarify that and say you didn't give it to Mr. Ahern personally.  
30

15:13:02

15:13:02 1 CHAIRMAN: Well --  
2  
3 MR. MURPHY: You gave it to Mr. Kilroe, isn't that right?  
4 A. That's right.  
15:13:06 5  
6 CHAIRMAN: Just in relation to that point, Mr. Murphy. I think to be fair to  
7 Mr. Kennedy they could mean the same thing. A personal donation to somebody  
8 and a personal donation given to somebody. They are capable of possibly having  
9 the same meaning. I can see that there's a difference in emphasis all right.  
15:13:25 10 Q. 774  
11  
12 MR. MURPHY: And Mr. Kennedy,  
13 A. Thank you, Chairman.  
14 Q. 775 Thirdly, that the reason for the donation by you in the first instance was the  
15:13:36 15 personal reason that you've talked about and you've explained today, and you've  
16 given in the letter today as opposed to the reason you gave in your letter  
17 about a year ago?  
18 A. I think that's right.  
19 Q. 776 Fourthly, the question of saying it was just short of 10,000 Pounds. Whereas  
15:13:52 20 in your letter today you say you don't know how much money was collected at the  
21 dinner?  
22 A. Well, I don't because it was never finalised. Mr. Kilroe died a short time  
23 after that and I never, it was never finalised but I know it was in that area  
24 and that's all I can say.  
15:14:07 25 Q. 777 When did Mr. Kilroe die?  
26 A. I can't remember but he's dead about two or three years now.  
27 Q. 778 He's dead what?  
28 A. Two or three years now.  
29 Q. 779 Could I just give you one final opportunity, Mr. Kennedy, to explain why the  
15:14:23 30 corrections that we have in today's letter didn't appear in your original

15:14:28 1 statement to the Tribunal?

2 A. As I said earlier on and I will repeat again for the fifth or sixth time that I

3 wrote the letter at the time to the best of my ability in private and in

4 confidence to this Tribunal. I gave it my best. I am not very well educated.

15:14:45 5 I gave it my best shot to co-operate and that's really all I have to say.

6 Going through it with the solicitor yesterday evening obviously from a legal

7 point of view there was a few anomalies in it which have been straightened out

8 in the letter today. That's ...

9 Q. 780 Yes?

15:15:04 10 A. I mean, I wouldn't be sitting down writing letters every day to the Tribunal to

11 tell them that I got something wrong. That's not the kind of a life that I

12 lead. I have things to do, you know.

13 Q. 781 Mr. Kennedy, the first time the Tribunal learnt of this Manchester dinner and

14 the collection and the Tribunal was informed at the time of around 8,000 Pounds

15:15:25 15 Sterling, and of your involvement in it was of April 2006 when the Tribunal

16 received a report or a statement from Mr. Ahern's accountant?

17 A. Right.

18 Q. 782 That was the first time?

19 A. Right.

15:15:37 20 Q. 783 And it mentioned you. If we could 17837, please. And it's dealing with a

21 lodgement to Mr. Ahern's account of 24,838.49 on the 11th of October 1994. You

22 are not really concerned with that, Mr. Kennedy. But it says at subparagraph A

23 there "Mr. Ahern attended and spoke at a private dinner Manchester."

24 A. Thank you, thank you.

15:16:08 25 Q. 784 Sorry?

26 A. That's right.

27 Q. 785 "Mr. Ahern attended and spoke at a private dinner in Manchester circa this

28 time. The dinner was organised by Manchester Irish businessmen and Mr. Ahern

29 had attended similar dinners on previous occasions. The dinner was not

15:16:23 30 organised as a fundraiser. At the end of the dinner unsolicited by Mr. Ahern

15:16:25 1 he was presented with cash of circa Sterling 8,000 made up by individual  
2 contributions from the attendance. There is no list of contributors in this  
3 regard (John Kennedy one of the Manchester businessmen involved and Senator  
4 Tony Kett, who attended the dinner can confirmed the foregoing.)"

15:16:44 5  
6 And then at the beginning of paragraph B is says, "the exact amount of the  
7 Sterling cash is not known".  
8

9 Now, I just want to ask you there, Mr. Kennedy, did Mr. Ahern or any one on his  
10 behalf get in touch with you before April 2006 which is the date on which the  
11 Tribunal got this report, this --

12 A. No, no.

13 Q. 786 No?

14 A. Not that I'm aware of. There was no communication.

15:17:06 15 Q. 787 Pardon?

16 A. There was no communication.

17 Q. 788 All right. And Mr. Ahern -- it is said on Mr. Ahern's behalf there that you  
18 are one of two people yourself and Tony Kett who could confirm the foregoing?

19 A. Sorry, I don't know who Tony Kett is.

15:17:27 20 Q. 789 Don't mind Tony Kett. If you just see the beginning of the bracket there "John  
21 Kennedy, one of the Manchester businessmen involved and Senator Tony Kett who  
22 attended the dinner can confirm the foregoing". In other words Mr. Ahern is  
23 informing the Tribunal that you are the person who can confirm the account of  
24 the dinner that has been given just above?

15:17:48 25 A. That's right. I think that's right.

26 Q. 790 But Mr. Ahern was not in touch with you before that to ask you what your  
27 account, what your recollection of the dinner was, is that right?

28 A. Absolutely no communication from Mr. Ahern.

29 Q. 791 All right. Now, Mr. Kennedy, you recall this dinner? You recall being at this  
15:18:22 30 dinner in this hotel, the Four Seasons Hotel, Mr. Kilroe's hotel, isn't that

15:18:26 1 right?

2 A. That's right.

3 Q. 792 And you recall making a contribution to Mr. Kilroe for Mr. Ahern at that

4 dinner, isn't that right?

15:18:33 5 A. That's right. That's right.

6 Q. 793 And is it the position that your first recollection of that is that there was a

7 phone call from Mr. Kilroe a few days before?

8 A. That's right.

9 Q. 794 And so that there is no confusion on this. In the course of that, Mr. Kilroe,

15:18:48 10 sorry. Was he asking you to come to a dinner?

11 A. He was, yes.

12 Q. 795 In the Four Seasons?

13 A. In the Four Seasons, the hotel which he owned, yes.

14 Q. 796 Can you tell me what else did he say?

15:18:59 15 A. He didn't say much else. Tim Kilroe was a man of very few words. He said

16 someone a bit special, a Minister from the Irish Government, and I said who is

17 that and he said it's Bertie Ahern, and he said it would be great, I'm trying

18 to get a few fellas together to attend a dinner and we all wanted to hear how

19 well Ireland was doing and how well things in Northern Ireland was progressing

15:19:25 20 and all of that kind of thing and that was about the height of it. And I said

21 to him, I'll do my very best to be there and he said take a few bob with you.

22 I can remember the phone call quite well.

23 Q. 797 And in the course of that phonecall when he said bring a few bob, did you

24 understand what that meant by way of a few bob?

15:19:40 25 A. I did, yes.

26 Q. 798 What did it mean?

27 A. It meant that there was a need somewhere and to bring a few bob, like a charity

28 or anything.

29 Q. 799 Yes?

15:19:51 30 A. He was looking for a donation, that's what it meant in itself.

- 15:20:04 1 Q. 800 And you understood in the course of that phone call or before you put down the  
2 phone that it was for Mr. Ahern?
- 3 A. I think I did, I couldn't swear to that, but I think I did.
- 4 Q. 801 All right. And would you have understood from Mr. Kilroe and your dealings  
15:20:10 5 with one another that 1,000 would be the kind of figure. He wanted you to come  
6 along and bring a few bob being 1,000 pounds Sterling with you?
- 7 A. That would be right because if ever I made a political donation to the  
8 Conservative Party or Labour Party or Fine Gael or Fianna Fail or John Hume, it  
9 would be around 1,000 pounds.
- 15:20:29 10 Q. 802 This wasn't a political donation, it was a personal one for Mr. Ahern is what  
11 you understood, isn't that right?
- 12 A. Right.
- 13 Q. 803 Isn't that right?
- 14 A. I don't know why you keep asking me the same question over and over.
- 15:20:40 15 Q. 804 I apologise for that. I just want to make sure.
- 16 A. You see you are confusing me. I am trying to be, I am here voluntary. I want  
17 to be honest with you. You are confusing me and turning things around.
- 18 Q. 805 I don't mean to do that, Mr. Kennedy?
- 19 A. All right.
- 15:20:55 20 Q. 806 I don't want there to be any ambiguity about your answer?
- 21 A. All right.
- 22 Q. 807 When you put the phone down, you knew in your own mind that you were going to  
23 attend this dinner, isn't that right?
- 24 A. That's right.
- 15:21:06 25 Q. 808 And you were going to bring 1,000 pounds with you?
- 26 A. That's correct.
- 27 Q. 809 And you knew -- is it correct to say that you knew that that, that you would be  
28 giving that to Mr. Kilroe to form part of a collection for Mr. Ahern?
- 29 A. That's right.
- 15:21:21 30 Q. 810 A personal collection arising out of financial difficulty?

15:21:24 1 A. I only realised that, that was only explained to me when I got to the Four  
2 Seasons, a bit of personal difficulty, marriage problems.  
3 Q. 811 All right. And did Mr. Kilroe say to you who would be going?  
4 A. No.  
15:21:37 5 Q. 812 Or how many?  
6 A. He didn't say that.  
7 Q. 813 All right. Now, can you pinpoint when this happened?  
8 A. No, I can't.  
9 Q. 814 Not at all?  
15:21:49 10 A. Not at all.  
11 Q. 815 Do you have any idea what year it happened?  
12 A. I believe it to be 1994.  
13 Q. 816 Why?  
14 A. That's a good question. I don't know why but I think it was around that time  
15:22:06 15 or maybe somebody else has mentioned that to me, I can't be sure about that.  
16 Q. 817 19814, please. You see, Mr. Kennedy, the Tribunal is interested in what you  
17 recall about this and what your evidence is, and you say there at the top of  
18 the page "the event was held in the Four Seasons Hotel, Manchester, in early  
19 1994 or at least during the football season as a number of people were over  
15:22:33 20 from Ireland as usual for a home game at Manchester United".  
21  
22 Now, I mean can the Tribunal take it it was early 1994?  
23 A. I think it was the Spring of 1994.  
24 Q. 818 Spring of 1994?  
15:22:45 25 A. I couldn't swear. I couldn't be sure. I'm pretty sure it was the Spring.  
26 Q. 819 Because the first thing that Mr. Ahern, the first thing Mr. Ahern told Mr.--  
27 the Tribunal was in fact that it was October, September/October, late September  
28 early October, and then later he said it may well be April or May, the end of  
29 the season. Can you help the Tribunal on that, Mr. Kennedy as to when in 1994  
15:23:14 30 this dinner took place at which for the only time you made a contribution of

15:23:19 1 1,000 pounds to Mr. Ahern.

2

3 MR. MILLAR: Chairman, he has just answered that question to say he thought it  
4 was Springtime in 1994. He's not sure.

15:23:29 5

6 CHAIRMAN: Well, Mr. Kennedy, at the time you were writing this letter can you  
7 recall how you hit on early 1994, what prompted you to say early 1994?

8 A. That's a very, very good question. I really can't answer that but it was, I  
9 remember he was talking about the Finance Act and I think he talked a lot about  
10 the Finance Act.

15:23:59 10

11

12 CHAIRMAN: Well, did you get any assistance at the time you were writing the  
13 letter or before you wrote the letter as to the date? Did you ask anybody when  
14 approximately the date was?

15:24:12 15

16 A. I must have got something from somewhere but I can't recollect whether it was  
17 an old diary or I think Mrs. Kilroe might have helped me with that one. I  
18 can't be sure where I got that from. But I think it was sometime during, I  
19 think it was in the Spring of '94. That's the best answer I can give you,  
20 Mr. Chairman.

15:24:38 20

Q. 820

21

22 MR. MURPHY: But Mr. Kennedy, we're asking you about what happened back in  
23 1994. Now we're asking you how you were able to say to the Tribunal in your  
24 first statement, how you were able to identify early 1994 or at least during  
15:24:53 25 the football season that a year ago, or a little bit over a year ago, you were  
26 able to tell the Tribunal when it happened. Now, can you please just think  
27 about it for a second and tell the Tribunal how you got that information, did  
28 you pluck it out of the air, did you did you talk to somebody and can I just  
29 remind you that this was not in the public domain then, there was nothing in  
15:25:23 30 the newspapers about it then?



15:25:23 1 A. I might have asked the hotel I'm not sure. I can't remember how I got that  
2 information.

3 Q. 821 You can't remember?

4 A. I can't remember.

15:25:28 5 Q. 822 What would you have asked the hotel?

6 A. Sorry?

7 Q. 823 What would you have asked the hotel?

8 A. I would ask them if they had a booking or anything in their diary. I can't,  
9 maybe I did do that I can't be sure.

15:25:41 10 Q. 824 I don't think if you did that you would forget that a year and a few months ago  
11 that you did that and whether or not you got a reply. Can you help the  
12 Tribunal, Mr. Kennedy, as to why you said 1994?

13 A. It might be one of my old diaries, I don't know.

14 Q. 825 Have you still got them?

15:25:57 15 A. I don't know that either.

16 Q. 826 Have you any idea what year this dinner happened, Mr. Kennedy?

17 A. I couldn't swear to you. All I can swear is that the dinner took place. I  
18 couldn't swear to anything else in it.

19 Q. 827 All right.

15:26:11 20 A. I'm not sure.

21 Q. 828 All right. Now, you recall that the dinner took place. Do you recall going in  
22 to the hotel for the dinner and going into the restaurant where the dinner took  
23 place?

24 A. I would have just gone as usual. I wouldn't necessarily, there was no big deal  
15:26:39 25 about it. I just continued as I would if I was going for dinner there with my  
26 wife and family.

27 Q. 829 In the restaurant with other members of the public present, is that right?

28 A. Yes.

29 Q. 830 You weren't going with members of your family though, sure you weren't?

15:26:52 30 A. No, not on that particular occasion I wasn't.

- 15:26:55 1 Q. 831 Do you remember everybody sitting down and Mr. Ahern being there and you  
2 sitting down at the dinner and everybody else who was there for the evening?  
3 A. I remember there was about a group of 20 to 25 people. We all sat down in one  
4 corner. Quite a big restaurant. There was members of the public in another  
15:27:12 5 part of the restaurant.  
6 Q. 832 All right. Were you at one table or at a number of tables?  
7 A. A number of tables which were I think pulled together, it wasn't a long sort of  
8 a table. It was just a number of tables which were pulled together.  
9 Q. 833 Any idea of who you were sitting beside?  
15:27:27 10 A. I haven't. Not a clue.  
11 Q. 834 Any idea of where you were in relation to Mr. Ahern?  
12 A. He was across the table from me.  
13 Q. 835 Directly across the table?  
14 A. Pretty well give or take one or two either side.  
15:27:39 15 Q. 836 So presumably you were sitting chatting to him during the dinner?  
16 A. I would be asking him questions about the economy and about Ireland and about  
17 Northern Ireland.  
18 Q. 837 Was Mr. Kilroe the organiser?  
19 A. Mr. Kilroe would be sitting I think one side of him, I think.  
15:27:51 20 Q. 838 All right?  
21 A. Probably on his right side, I think.  
22 Q. 839 And Mr. Kennedy, do you have a brother?  
23 A. I do.  
24 Q. 840 Was he present?  
15:27:58 25 A. No.  
26 Q. 841 Does he, is he part of the ... is he part of this group at all this meeting  
27 with Mr. Ahern these businessmen in Manchester?  
28 A. No, he never met Mr. Ahern in England.  
29 Q. 842 Yes.  
15:28:12 30 A. Because I asked him.

15:28:13 1 Q. 843 Because Mr. Ahern, why did you ask him?  
2 A. Because I was trying to find out who was there.  
3 Q. 844 Who else did you ask?  
4 A. I really only asked him because ... who else did I ask? Well, there was really  
15:28:29 5 nobody else I could ask.  
6 Q. 845 Just tell us there now for a second, Mr. Kennedy, while you are remembering all  
7 sitting in the corner of the restaurant. Who was there? You've told me  
8 Mr. Ahern, you've told me Mr. Kilroe and yourself. Who else was there?  
9 A. Apart from Martin Flynn.  
15:28:47 10 Q. 846 Martin?  
11 A. Flynn.  
12 Q. 847 Who is deceased?  
13 A. Deceased. Joe Kavanagh.  
14 Q. 848 Is Joe Kavanagh alive?  
15:28:54 15 A. No, he is deceased. They are all deceased. Martin Stevens. I have no idea.  
16 I did try to make inquiries but I could get nowhere as to who else was there.  
17 Q. 849 You cannot remember anybody apart from the two you have mentioned who are still  
18 alive?  
19 A. No.  
15:29:12 20 Q. 850 All right. And these are a group, am I right, Mr. Kennedy, they are a group of  
21 Manchester businessmen who met with Mr. Ahern on once or twice a year I think  
22 you told us earlier, is that right?  
23 A. That would be right.  
24 Q. 851 So I'm not saying it's the identical people who turn up every time?  
15:29:30 25 A. I understand.  
26 Q. 852 But the majority of them would turn up for Mr. Ahern, is that right?  
27 A. That would be, that would be right. I mean. You have to remember that it was  
28 a big thing for us immigrants over in England to meet someone as senior as  
29 Mr. Ahern and it was for you fellas here it might be every day goings on, but  
15:29:51 30 for us it was a very rare occasion and really a sort of an occasion to look

15:30:08 1 forward to and a big occasion, you know.  
2  
3 JUDGE FAHERTY: Sorry, Mr. Murphy. I just wondered if Mr. Kennedy might  
4 clarify, you have put it to him apart from the two people who are still alive  
15:30:09 5 that he recalls. Obviously apart from Mr. Ahern. Who do you recall,  
6 Mr. Kennedy, as being there? You were there obviously.  
7 A. I was there.  
8  
9 JUDGE FAHERTY: Mr. Ahern was there.  
15:30:14 10 A. And Mr. Kilroe was there.  
11  
12 JUDGE FAHERTY: And Mr. Kilroe is now deceased as I understand it.  
13 A. I don't honestly recall who else was there. Friends of Mr. Kilroe. Not  
14 friends of mine. Businessmen who use the hotel but they would be friends of  
15:30:30 15 his not necessarily friends of mine. I'm trying to run my own business.  
16 Q. 853  
17  
18 MR. MURPHY: Friends of who Mr. Kennedy?  
19 A. Friends of Mr. Kilroe.  
15:30:37 20 Q. 854 Mr. Kilroe assembling his friends?  
21 A. Yes, of which I was one, yes.  
22 Q. 855 And what kind of business were these people in?  
23 A. I have no idea what they do.  
24 Q. 856 You say on screen there "most of the Manchester businessmen present did invest  
15:30:53 25 in Ireland" how can you make that statement to the Tribunal when you don't know  
26 who was there?  
27 A. Well, a lot of them, one of the reasons you'd want to see Mr. Ahern was because  
28 they would be looking to see if there was any business opportunities to invest  
29 in Ireland.  
15:31:08 30 Q. 857 And wouldn't you know, wouldn't you know. These are people who are turning up

15:31:12 1 once or twice a year for meetings with the then Minister for Finance and they  
2 are living in Manchester or the greater Manchester area. So you'd have to have  
3 known most of them by name and to say hello to?

4 A. No, no I was a very busy man. Led a very busy life with a hell of a job to  
15:31:29 5 mind my own business.

6 Q. 858

7  
8 JUDGE FAHERTY: Mr. Kennedy, you said earlier that in relation to other  
9 functions you together with the late Mr. Kilroe had organised?

15:31:38 10 A. Yes. Things like the Riding club of Ireland.

11  
12 JUDGE FAHERTY: Yes. Well, if you cast your mind back to those type of  
13 functions that you had organised in the past, would any of the people who had  
14 been at those functions, would any of them have attended this dinner?

15:31:56 15 A. I honestly can't remember that.

16  
17 JUDGE FAHERTY: Well, in your first letter I think or the first part of this  
18 letter if you go back to the previous page. Yes. You mentioned a group of 25  
19 or so Irish business contacts. Isn't that correct? And whose business  
15:32:20 20 contacts were those that you were referring to, Mr. Kennedy?

21 A. They would be Mr. Kilroe's. I mean, he opened the hotel and he was trying to  
22 promote the hotel, and he is one of these people that seemed to know a lot of  
23 people. But I didn't, I didn't mix all that much with the Irish community.

24 Q. 859

15:32:40 25  
26 MR. MURPHY: Well, what you were you doing, Mr. Kennedy, co-organising other  
27 events with Mr. Kilroe?

28 A. Charity events.

29 Q. 860 Yeah but you are co-organising with Mr. Kilroe. You must have known the Irish  
15:32:51 30 community over there?

15:32:52 1 A. I would know some of them.

2 Q. 861 Well Mr. Kennedy, could you just help the Tribunal. Because there is 20 to 25

3 people in the restaurant this evening, this particular evening that we're

4 talking about. You are with us, Mr. Ahern is with us, that's two. You

15:33:06 5 mentioned Mr. Kilroe, that's three. And maybe another three people who are

6 deceased, that's six. Are you saying that of these people who turn up for one

7 or two evenings a week with Mr. Ahern, you don't know, you can't identify any

8 of the other 14 to 19 who were there?

9 A. That's correct. I cannot identify them.

15:33:25 10 Q. 862 Now, Mr. Kennedy, was there a speech?

11 A. As far as I can remember, I think Mr. Ahern spoke to us sitting down at the

12 table. I can't remember that he got up. We were there for quite a long time

13 but I can't remember if he stood up to speak but I think he spoke to us from

14 his seat. We were sort of all gathering around the table, both sides of the

15:33:55 15 table and I think he spoke to us from sitting down.

16 Q. 863 In a public restaurant?

17 A. In a public restaurant.

18 Q. 864 Right.. With other people there who had no interest in your group?

19 A. You see it's quite a big restaurant we were in one corner of the restaurant.

15:34:09 20 Q. 865 All right. And I don't quite follow now really whether this is a speech or

21 not. Is it a sitting down speech?

22 A. I think it would be a sitting down speech.

23 Q. 866 A sitting down speech?

24 A. Not much of a speech but more of questions and answers but he did make. I seem

15:34:24 25 to recall he did make a bit of a speech and sort of threw it open to the table

26 if there's any questions and I think a lot of people asked different questions.

27 Q. 867 All right. In that last -- sorry. Sorry. Last paragraph "at one of these

28 events organised by myself the late Tim Kilroe and others following an address

29 by Mr. Ahern to a group of 25 or so Irish business contacts"?

15:34:55 30 A. Uh-huh.

- 15:34:55 1 Q. 868 Now, is that -- is that the sitting down speech that you're talking about?
- 2 A. I think it is.
- 3 Q. 869 All right. And I think, how long do you think that went on for?
- 4 A. I couldn't say but I, it wasn't very long. Because I won't say too much. He
- 15:35:16 5 told us a bit about the economy and about Northern Ireland and if anybody wants
- 6 to ask any questions and I think a lot of people asked questions and it went
- 7 on, the questions and answers session went on for quite a while.
- 8 Q. 870 How long do you think it went on for?
- 9 A. I wouldn't be sure about that.
- 15:35:32 10 Q. 871 The other day we heard that Senator Tony Kett thought that the entire thing was
- 11 about two hours altogether?
- 12 A. Well you're probably right.
- 13 Q. 872 You see, 19814, please.
- 14
- 15:35:45 15 On the next page of your statement Mr. Kennedy you say that "Mr. Ahern
- 16 addressed the group regarding the future prospects for the Irish economy and
- 17 answered questions that evening for several hours as always hugely impressive
- 18 and motivating the group that attended".
- 19
- 15:36:02 20 Can you tell us, please, what is the true position in relation to all of this?
- 21 How long Mr. Ahern addressed you all sitting down and how long the question and
- 22 answer session went on for?
- 23 A. I can't give you an exact time on that. I really can't give you an exact time.
- 24 I just don't remember how long that was.
- 15:36:19 25 Q. 873 All right. And did you then adjourn to the bar?
- 26 A. I think we then adjourned to the bar, yes.
- 27 Q. 874 At what point did you give your 1,000 Pounds Sterling to Mr. Kilroe?
- 28 A. I think I gave it to him. I'm not sure. I think I gave it to him when I got
- 29 there. Just to have done with it you know to hand it over.
- 15:36:37 30 Q. 875 Was it a cheque?

- 15:36:39 1 A. No, it was cash.
- 2 Q. 876 It was cash. And did you give it to him just cash or was it in an envelope?
- 3 A. I think I gave it in an envelope, yeah.
- 4 Q. 877 All right. And do you know what sort of denominations it was in?
- 15:36:52 5 A. I can't remember that.
- 6 Q. 878 Was it 10s, 20s?
- 7 A. Probably usually in England it's usually in 50s or 20s.
- 8 Q. 879 All right.
- 9 A. I couldn't swear to that.
- 15:37:02 10 Q. 880 All right. You had cash available to you had you?
- 11 A. Yes.
- 12 Q. 881 Or did you go to the bank for it?
- 13 A. No I had cash available. At that time I employed about 700 and odd people and
- 14 you always had to have a bit of cash available.
- 15:37:15 15 Q. 882 All right so you gave an envelope with about 1,000 Pounds Sterling in cash to
- 16 Mr. Kilroe at the beginning of the evening?
- 17 A. That's right, I think that's right.
- 18 Q. 883 And did you see any collection during the evening, Mr.--
- 19 A. No I didn't actually. I didn't see anything.
- 15:37:34 20 Q. 884 I mean, there wasn't a plate for example going around was there?
- 21 A. No it wasn't like a church collection, no.
- 22 Q. 885 No. All right. So you didn't see anybody, you didn't see Mr. Kilroe collect
- 23 money from anybody else, you didn't see anybody else go to Mr. Kilroe with
- 24 money?
- 15:38:08 25 A. No, I didn't.
- 26 Q. 886 And you weren't looking out for that?
- 27 A. I wasn't. I was just enjoying the evening. Enjoyed the meal and I enjoyed
- 28 asking the questions and the answers and always pleased to hear that Ireland is
- 29 doing well.
- 15:38:20 30 Q. 887 Do you think it was before you sat down that you went to Mr. Kilroe with the



15:38:23 1 envelope?

2 A. I can't be sure about that. I honestly can't be sure about that. I honestly

3 can't be sure about that. I think I gave it to him when I went in. I can't be

4 sure about that.

15:38:35 5 Q. 888 Did you say anything to anybody who was there?

6 A. No no no.

7 Q. 889 About the collection?

8 A. No.

9 Q. 890 But you understood that everybody else was in the same situation as yourself

15:38:43 10 being asked to turn up with a few bob for the cause?

11 A. Exactly.

12 Q. 891 And there were about 25 people there?

13 A. 20 to 25.

14 Q. 892 20 to 25. I mean actually in your first statement you say "to a group of 25 or

15:39:01 15 so Irish business contacts" isn't that right?

16 A. Uh-huh.

17 Q. 893 Yes?

18 A. That's right.

19 Q. 894 Could there have been -- could it be that that particular night there were 25

15:39:12 20 contributions of 1,000 Pounds Sterling each, Mr. Kennedy?

21 A. I suppose there could be, I don't know that.

22

23 MR. MILLAR: Mr. Chairman, he has already given his evidence that he didn't

24 see any money collected by anybody. That's pure speculation.

15:39:28 25

26 CHAIRMAN: Mr. Kennedy has said he doesn't know about any other contributions.

27

28 MR. MURPHY: Yes. But what I'm asking -- but Mr. Kennedy you think that each

29 of the 25 or thereabouts others were in the same situation as you to come along

15:39:43 30 with a few bob is that right?

15:39:44 1 A. I can imagine that they were. I don't know who Mr. Kilroe asked and who he  
2 didn't. I don't know if he asked them to bring an amount or not. I would  
3 think knowing Mr. Kilroe that he wouldn't. I would think that he used the  
4 phrase that I used before several times today to bring a few bob.

15:40:08 5 Q. 895 Everybody would know what that meant?

6 A. I would think that most of them would know what that meant.

7 Q. 896 All right. Would you have expected everybody who turned up for this on  
8 Mr. Kilroe's invitation --

9  
15:40:10 10 MR. MILLAR: With respect, Mr. Chairman, we are heading into the realms of  
11 pure speculation here. This witness has no idea what happened other attendees  
12 at the dinner.

13  
14 CHAIRMAN: Mr. Kennedy, put it this way. Did you under understand all of the  
15 others there or the vast majority of them there to be contributing

15:40:25 15  
16 A. I did.

17  
18 CHAIRMAN: And now I know you don't know what they contributed

19 A. That's right.

15:40:32 20  
21 CHAIRMAN: Have you any idea as to what any of the others contributed

22 A. I have no idea whatsoever.

23  
24 CHAIRMAN: All right.

15:40:48 25  
26  
27 Q. 897 MR. MURPHY: When did Mr. Kilroe tell you that between 8,000 and 10,000 Pounds  
28 had been collected?

29 A. I can't be sure about that either. He told me some time afterwards. He made  
15:41:01 30 some reference like we haven't got it all in yet or something of that nature

- 15:41:05 1 but it should be between eight and ten now. That's, that's the best I can do  
2 with that one.
- 3 Q. 898 It should be between eight or and ten or we have between and eight ten but we  
4 haven't got it all in yet?
- 15:41:19 5 A. You are playing with words there now. I think that's right. We should have  
6 between eight and ten, we haven't got it all yet.
- 7 Q. 899 Do you think he said that to you that night or the following day or a week  
8 later?
- 9 A. I haven't a clue. I really don't know when he said that. Maybe a week later  
15:41:33 10 that night. Hardly that night because.
- 11 Q. 900 Did you not have an interest in going back to Mr. Kilroe or did he not have an  
12 an interest in reporting to you how well the collection had gone?
- 13 A. Maybe I asked him a week later or so. I can't remember what it was. I don't  
14 want to tell lies. I'm not here to tell lies.
- 15:41:50 15 Q. 901 No?
- 16 A. I can't remember exactly when it was. He did say to me at some point I think  
17 we'll have done quite well, do you know.
- 18 Q. 902 Do you know how much Mr. Kilroe put in?
- 19 A. I don't.
- 15:42:00 20 Q. 903 Would you assume it was 1,000 like yourself?
- 21 A. I would assume it was that or maybe more I just don't know.
- 22 Q. 904 All right. And you never discussed with Mr. Kilroe as to who the contributors  
23 were? So to this idea (SIC) you have no idea of the 20 to 25 people who were  
24 there contributed?
- 15:42:19 25 A. Sorry say that again.
- 26 Q. 905 To this day you do not know who contributed?
- 27 A. I have no idea.
- 28 Q. 906 Were you at other occasions Mr. Kennedy when books or glass were presented to  
29 Mr. Ahern?
- 15:42:32 30 A. No, I can't say that I was.

- 15:42:36 1 Q. 907 All right. Do you ever remember him getting any presentation at all at any of  
2 the other functions you were at?  
3 A. He got a book recently from Manchester United but I wasn't at the presentation  
4 I believe it was a rare book.
- 15:42:50 5 Q. 908 I'm talking about the 90's Mr. Kennedy?  
6 A. I can't say that I do in all honesty.
- 7 Q. 909 Did Mr. Ahern go around everybody at the end of the evening thanking them for  
8 their contribution?  
9 A. Well I, I didn't wait until the end of the evening so I don't know what  
15:43:18 10 happened at the end of the evening.
- 11 Q. 910 Do you know anything about Mr. Kilroe giving it to Mr. Kennedy? Giving it to  
12 Mr. Ahern sorry?  
13 A. That's all right. I don't. I couldn't actually swear that he did.
- 14 Q. 911 Yes?  
15:43:31 15 A. But he was a trustworthy man and we were very close friends and I'm sure he  
16 did.
- 17 Q. 912 Yes. But you didn't see it?  
18 A. I didn't see it.
- 19 Q. 913 And it didn't happen in public, it wasn't done in the restaurant that you could  
15:43:46 20 see?  
21 A. I don't know where it was done. I didn't see any money being given over. I  
22 mean I've done my bit and that was my, you know, that's all I was concerned  
23 about.
- 24 Q. 914 Yes. And did Mr. Ahern ever seek to repay you your contribution?  
15:44:09 25 A. No.
- 26 Q. 915 Does Mr. Ahern know that you made contribution?  
27 A. I don't know that. I don't know that.
- 28 Q. 916 Did Mr. Ahern ever ask you if you contributed to this fund?  
29 A. No.
- 15:44:23 30 Q. 917 Because Mr. Ahern has told the Tribunal that he has tried to find out who the

15:44:30 1 contributors were and he has contacted people?

2 A. He certainly never ever contacted me.

3 Q. 918 Thank you, Mr. Kennedy.

4

15:44:36 5 CHAIRMAN: All right.

6 Mr. Millar, do you want to ask your client any questions.

7

8 **THE WITNESS WAS QUESTIONED BY MR. MILLAR AS FOLLOWS:**

9

15:44:39 10

11 Q. 919 MR. MILLAR: Just very briefly one or two questions. Mr. Kennedy, you live in  
12 the United Kingdom, is that correct?

13 A. That's correct.

14 Q. 920 You -- I think you travelled over here to give evidence voluntarily here today?

15:44:49 15 A. I travelled here yesterday.

16 Q. 921 You came specifically for this purpose?

17 A. That's right.

18 Q. 922 Turning to your letter very briefly of the 18th of June. 18th of July 2006.

19 Did you ever consider that that would be read out in public in a public forum  
20 like this?

15:45:04

21 A. No.

22 Q. 923 With the benefit of hindsight had you known that would you have taken legal  
23 advice before you sent that letter?

24 A. I most certainly would.

15:45:12 25 Q. 924 And just finally with respect of the issue of the money, the money that was  
26 collected at the dinner.

27

28 Isn't it the case, or is it case, that you actually don't know how much money  
29 was collected. It may have been eight, it may have been ten it may have been  
15:45:29 30 some other figure, isn't that correct?

15:45:30 1 A. That's correct, I have no idea.

2 Q. 925 Thank you very much.

3

4 CHAIRMAN: Mr. Kennedy, just before you go. Do you know Mr. Wall in

15:45:37 5 Manchester?

6 A. No.

7

8 CHAIRMAN: You don't?

9 A. I know of him but I don't know him.

15:45:41 10

11 CHAIRMAN: All right. And in your letter to the ... I think it was your, I

12 can't remember whether it was the first or second letter. You said --

13 A. I only sent one letter. The other one came this morning. There is only the

14 two.

15:45:52 15

16 CHAIRMAN: I don't know which one it is. But there is a reference to "as

17 always hugely impressing and motivating the group" you were referring

18 Mr. Ahern's performance that night. I think it was the first letter. How many

19 of those types of dinners would you've tended with Irish, leading Irish people

15:46:15 20 in Manchester around that time though in the early 1990's at which Mr. Ahern

21 would have been there as guest of honest or as a guest?

22 A. Probably one, possibly two. Maybe one year two the next year. Of that order.

23 No more frequent than that. I mean there were many to which I was invited to

24 which I couldn't attend for business reasons.

15:46:39 25

26 CHAIRMAN: And those that you would attend, would there have been roughly the

27 same numbers or would they have been smaller or bigger?

28 A. Things like the St. Patrick's thing would be a lot bigger.

29

15:46:51 30 CHAIRMAN: And would they have been the same people more or less or would you

15:46:57 1 see --  
2 A. I honestly don't know that. I mean, we have in Manchester and greater  
3 Manchester we have 15% of the three million people that live in Manchester and  
4 greater Manchester are Irish or Irish descent. It's a lot of people. It's  
15:47:17 5 almost as big as the population of Ireland.

6  
7 CHAIRMAN: Certainly, yes. All right. Thank you very much, Mr. Kennedy  
8 A. Thank you, Mr. Chairman. Thank you, all of you, for taking the time to listen  
9 to what I have to say. Thank you, Mr. Murphy, everybody else.

15:47:40 10  
11 CHAIRMAN: Thank you.

12  
13  
14 **THE WITNESS THEN WITHDREW.**

15:47:40 15  
16  
17 MR. MURPHY: Chairman, I would be will be questioning the next witness.  
18 However, Mr. Millar had requested that you might rise for a couple of minutes  
19 just to give him an opportunity in light of the fact that he is representing  
15:47:57 20 Ms. Carruth as well.

21  
22 CHAIRMAN: Can you indicate roughly how long Ms. Carruth will be?

23  
24 MR. MURPHY: Personally I would have thought that I would be half an hour but  
15:48:09 25 I will try and be as speedy as I can.

26  
27 MR. MILLAR: Just in ease of the Tribunal. Ms. Carruth is in some  
28 difficulties tomorrow, so we would be very anxious to finish it today.

29  
15:48:18 30 CHAIRMAN: We'll sit again in about five minutes.

15:48:22 1

2

MR. MILLAR: Perfect I'm obliged.

3

4

15:48:24 5

**THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

6

**AND RESUMED AS FOLLOWS:**

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**MS. CARRUTH, HAVING BEEN SWORN, WAS QUESTIONED**

**BY MR. MURPHY AS FOLLOWS:**

MR. MURPHY: Good afternoon,

A. Good afternoon.

Q. 926 If I might just start briefly by setting out the circumstances in which you were first contacted by the Tribunal. And the situation arose in correspondence that we had with your former employer, Mr. Bertie Ahern, and it commenced with a letter of the October 25th 2005, when the Tribunal was querying certain lodgements to the account of Mr. Ahern. And the relevant part of the letter if we can see that at page 17816. You see there it's a letter written to Liam Guidera of Frank Ward & Co. Solicitors in relation to Mr. Bertie Ahern. Under the heading Source of Lodgements the Tribunal letter reads "in addition to the above I enclose for your attention a copy folder setting out a number of lodgements to your client's accounts. The Tribunal have carried out preliminary review of the bank statements furnished on foot of the Tribunal order client's letters and authorisation. Arising from this review the Tribunal has in the first instance isolated a number of lodgements set out in the schedule here to." And it goes on to set out certain information that the Tribunal would like to receive from Mr. Ahern in relation to those lodgements. On the schedule that's refer to in that letter can be seen at page 22693 of the Tribunal brief.

And I know that this is obviously documentation that isn't familiar to you, Ms. Carruth. I just wanted to highlight certain lodgements that are of relevance. And if you see there about a quarter of the way down on the left-hand side there is a number five and tab No. 5, can you see that?

A. Yes.

Q. 927 And it's a lodgement of the 8th of August 1994 in the sum of 20,000 pounds?

A. Yes.

- 15:58:16 1 Q. 928 Yes. And then at tab No. 9, you will see about half way down lodgement of the  
2 25th of the 4th 1994 in the sum of 2,835.56?
- 3 A. Yes.
- 4 Q. 929 And tab 12 again about three quarters of the way down you will see a lodgement  
15:58:38 5 also of the 25th of April 1994 in the sum of 27,164.44?
- 6 A. Yes.
- 7 Q. 930 Do you see that?
- 8 A. Yes.
- 9 Q. 931 And they are rather lodgements -- but in the middle of that in the body there  
15:58:49 10 is tab 7 and 8. Now, I don't need to go in to them in specifics. But there is  
11 a body of lodgements in smaller sums that you will see running from tab 7 and  
12 8?
- 13 A. Yes.
- 14 Q. 932 Okay. Now, in response to that letter there was some correspondence toing and  
15:59:06 15 froing between the Tribunal and Mr. Guidera on behalf of Mr. Ahern in which  
16 certain of the lodgements were prioritised and that resulted in a report being  
17 prepared by Mr. Des Peelo on behalf of Mr. Ahern, in which he sets out the  
18 circumstances in which Mr. Ahern came to accumulate certain cash sums that  
19 Mr. Ahern informs the Tribunal he would have stored in either his safe in St.  
15:59:33 20 Luke's in Drumcondra or in his departmental safe in Government buildings?
- 21 A. Yes.
- 22 Q. 933 And can we have page 17832 of the brief, please. You will see at paragraph ten  
23 there "Mr. Ahern's personal expenditure during the seven years, '87 to '93 were  
24 low and the cash balance was net of his maintenance payments were gradually  
15:59:59 25 accumulated over this period. These cash balances were kept in a safe in  
26 Mr. Ahern's constituency office in Drumcondra and in his departmental office.  
27 The foregoing can be confirmed by a number of colleagues and/or assistants of  
28 Mr. Ahern".  
29
- 16:00:12 30 And as we know Mr. Ahern informs us that those amounts can be broken down as in

16:00:19 1 excess of 30,000 Pounds being stored in his safe in the Drumcondra office. Of  
2 which 30,000 came to be lodged to an account of his on the 25th of April 1994.  
3 And a further amount of 20,000 Pounds which he said was saved in his  
4 departmental safe in Government buildings and that came to be lodged to the  
16:00:40 5 account of his daughters on the 8th of August 1994. Now, as I say, those, they  
6 were two of the lodgements that were prioritised in the correspondence between  
7 the Tribunal and Frank Woods. However, the remainder of the lodgements were  
8 also dealt with by Mr. Ahern eventually by way of the letter of the 7th of June  
9 2006.

16:00:59 10  
11 If we can have page 17844, please.

12  
13 And you will see at, it's described as 18 to 33 at the bottom of the page  
14 there, Ms. Carruth. Do you see that?

16:01:13 15 A. Yes.

16 Q. 934 Now, although the numbering is different, that paragraph actually deals with  
17 the likeness that I referred to you at tab 7, the date of the schedule if you  
18 recall?

19 A. Yes.

16:01:24 20 Q. 935 It's just the way the letter was responded to. And in that it states in  
21 relation to these lodgements "Mr. Ahern does not have specific recollections of  
22 each of these transactions. His general practice being that Sandra Cullagh or  
23 Grainne Carruth of the Drumcondra Constituency Office would do one of the  
24 following.

16:01:44 25 1. Cash the cheque and lodge some of the proceeds to the Georgina/Cecilia  
26 account and then give the balance to Mr. Ahern or lodge the cheque to the  
27 account some of the cheque being encashed".

28  
29 Now, as a result of that correspondence between the Tribunal and Mr. Ahern as  
16:02:07 30 you obviously are aware, we were in contact with you and you came in for

16:02:12 1 interview in relation to these matters. And if I could just start,  
2 Ms. Carruth, by asking you to set out the circumstances in which you came to be  
3 employed with Mr. Ahern. I think you told us in interview that you went  
4 through from -- straight from school to work for Mr. Ahern in 1987 is that  
16:02:31 5 correct  
6 A. Yeah in or around that yes.  
7 Q. 936 Are you clear that it was '87 or could it have been another year?  
8 A. No I'm sure. I think it was '87.  
9 Q. 937 Okay. Yeah. And you remained in his employment until I think 1999 when you  
16:02:46 10 went on maternity leave?  
11 A. Yes.  
12 Q. 938 For reasons nothing to do with your employment, just never went back?  
13 A. Yes.  
14 Q. 939 Yeah. Now I think also in interview you informed us that during that period  
16:02:58 15 '87 to '99 you worked in Drumcondra exclusively until 1995, is that correct?  
16 A. Yes.  
17 Q. 940 Yes. Now, in 1995 you moved in to the Departmental Offices  
18 A. No, I moved in to Kildare House.  
19 Q. 941 Oh, I see okay?  
16:03:13 20 A. And then in '97 I moved into Government buildings.  
21 Q. 942 Okay. But your employment in Drumcondra ceased as of 1995?  
22 A. Well I was still working for Bertie.  
23 Q. 943 I just mean the location?  
24 A. Yes.  
16:03:25 25 Q. 944 And was it the start of '95 or the end or it certainly was '95 again in terms  
26 of the year?  
27 A. Yes, yes.  
28 Q. 945 Okay. Now, I think also in interview and if we can have page 17932 of the  
29 brief, please.  
16:03:44 30

16:03:44 1 Just in brief you set out the nature of your employment with the Tribunal --  
2 with Mr. Ahern sorry. And at question five there.

3  
4 "And if you could just explain your duties. I dealt with people in the  
16:03:55 5 constituency public life and dealing with the constituents dealing with the  
6 constituents answering the phone and things like that --

7  
8 CHAIRMAN: Sorry, Mr. Murphy.

9  
10 MR. MURPHY: Excuse me.

11 Q. 946 Question six.

12  
13 "And in relation to Mr. Ahern's affairs in addition to dealing with his  
14 political affairs would you have had dealings with his personal affairs?.

16:04:09 15 A: No only in dealing with doing the lodgement of his pay cheques".

16  
17 Q. 947 So in that I think you had a sort of a role broader than secretarial as such.  
18 Would you explain to the Tribunal exactly how you performed your duties for the  
19 Minister at the time and An Taoiseach at some stage in terms of how the extent  
16:04:38 20 to which you would have dealt with constituents and -- over and above just  
21 secretarial work as such?

22 A. It was just secretarial work. I was just in the office just doing secretarial  
23 duties. Answer aking the phone dealing with constituents and trying to sort  
24 out constituency matters.

16:04:55 25 Q. 948 So when you said you dealt with constituents. You would have received their  
26 letters or complaints or whatever it might be and just conveyed those on to  
27 Mr. Ahern.

28 A. Yes.

29 Q. 949 Now, in relation to your period of employment with Mr. Ahern. Were you  
16:05:10 30 employed directly by Mr. Ahern or can you recall the structure in which you

- 16:05:16 1 were employed?
- 2 A. I went from work experience, from secretary work experience and I started there
- 3 and then I stayed on in a voluntary basis and then I was asked to stay at some
- 4 stage.
- 16:05:30 5 Q. 950 By Mr. Ahern?
- 6 A. Yes.
- 7 Q. 951 And you would have been employed by him directly like he would have paid you
- 8 or?
- 9 A. I don't, I can't recall.
- 16:05:37 10 Q. 952 Right. I just want to show you now. And again I apologise. I know these
- 11 documents won't be familiar to you, Ms. Carruth.
- 12
- 13 If we could have page 24586 on screen.
- 14
- 16:05:52 15 Now, I don't know if you've been following the proceedings of the Tribunal at
- 16 all or closely?
- 17 A. No.
- 18 Q. 953 Not at all?
- 19 A. No.
- 16:06:01 20 Q. 954 No. In any event, we have heard evidence recently from Mr. Des Richardson. I
- 21 assume you are familiar with Mr. Richardson?
- 22 A. Yes.
- 23 Q. 955 Now, he gave evidence recently in relation to a company called Wildover Limited
- 24 in which he gave evidence that amongst other things this was a vehicle that or
- 16:06:21 25 a company that Mr. Richardson used to fundraise for Fianna Fail in the early
- 26 '90s. And as you can see from this document it's a cheque payments book
- 27 covering a period from 1993 to 1997. And I just want to refer you to a number
- 28 of pages that come behind this cover page.
- 29
- 16:06:43 30 If we could have page 24587, please.

16:06:47 1  
2 Now, I know this is quite difficult to read, Ms. Carruth. But you will see the  
3 second entry there on that book for the February the 12th I think it is and  
4 there is a G Carruth?

16:06:59 5 A. Yes.

6 Q. 956 Now, I wonder would you be able to confirm whether that is yourself?  
7 A. Yes, it must be.

8 Q. 957 Yeah. Now, and you can see there that that, you are being receiving a sum of  
9 6691 and that is when you move across the page you will see that that is  
16:07:17 10 written in under the wages?  
11 A. Yes.

12 Q. 958 Now, again, I don't need to go in to these in detail. If you look down through  
13 that page you will see a similar entry appearing regularly down through that  
14 page?

16:07:30 15 A. Right, yes.

16 Q. 959 It would appear to be on a weekly basis.  
17 A. Okay.

18 Q. 960 Now, if we could have page 24589.  
19

16:07:38 20 Again, this is another sheet. And again, if you look down through that again  
21 you will see a similar amount it would appear to me you receiving a sum of  
22 66.91 on a weekly basis?  
23 A. Right.

24 Q. 961 Now, again just for the sake of time. There is a number of entries for this  
16:07:59 25 covering a period up to December of 1994 where you seem to be in receipt of  
26 that amount on a weekly basis, albeit there is an entry for holiday pay at page  
27 24593. You will see that there are about five entries down?  
28 A. Right.

29 Q. 962 Yeah. Now, can you explain to the Tribunal the circumstances in which you were  
16:08:31 30 employed by Willdover during this period?

16:08:33 1 A. No, I don't know.

2 Q. 963 But you do remember being employed by Willdover, do you?

3 A. My cheque came on Friday and I just was happy to receive it.

4 Q. 964 This was 66.91?

16:08:47 5 A. Yeah.

6 Q. 965 And is that the cheque that you had, you were receiving for your work in the

7 constituency office?

8 A. It must have been, I can't remember.

9 Q. 966 So when you say you were being paid by -- you don't recall being paid by

16:09:04 10 Mr. Ahern and you think that this is actually the payment for your work in the

11 constituency office?

12 A. It must have been, yes.

13 Q. 967 Right. Now, 66.91. I mean, that would seem to be on an estimate would that be

14 one day a week or do you recall?

16:09:18 15 A. I don't know.

16 Q. 968 You don't know?

17 A. I don't know.

18 Q. 969 Right. Now, if we have -- again if we can go back to page 24589.

19

16:09:34 20 Now, just below the first entry for yourself, Ms. Carruth, there is an entry

21 for Euro Workforce Limited of 238.22. Do you see that?

22 A. No.

23 Q. 970 Just below your first -- about five down?

24 A. Oh, right yes.

16:09:53 25 Q. 971 Yeah. Now, that is a company that was owned, we've heard evidence in relation

26 to that recently by a man called Desmond Maguire. And it was -- it is a

27 company that was set up by Des Maguire but essentially took over the business

28 of a company called Workforce Limited. That again was a company that was owned

29 by Des Richardson at a particular point in time just prior to its acquisition

16:10:21 30 by Mr. Maguire. Now, you don't recall ever being employed by Euro Workforce,



16:10:27 1 do you?

2 A. No.

3 Q. 972 No. That was a company that provided outsourcing of employment services and

4 would appear to have been providing such services to Willdoover at the relevant

16:10:38 5 time?

6 A. Uh-huh.

7 Q. 973 You have no recollection of that company?

8 A. No.

9 Q. 974 Is it possible that you were also unbeknownst to yourself employed by that?

16:10:48 10 A. No, no.

11 Q. 975 And again, a company if we could have page 24599. And you will see there,

12 Ms. Carruth, just three entries down there is a final entry for yourself in the

13 sum of 75 Pounds?

14 A. Right.

16:11:08 15 Q. 976 And below that there is a company called Matrix Services Company 225 Pounds?

16 A. Right.

17 Q. 977 Now that company Matrix Services we have also heard evidence over recent times

18 took over essentially from Euro Workforce in the provision of outsourcing of

19 employees to Willdoover?

16:11:27 20 A. Uh-huh.

21 Q. 978 And again I just wanted to check whether you have any recollection of either

22 receiving payment from this company or being employed or being outsourced by

23 Matrix Services Limited at any stage?

24 A. I can't remember.

16:11:41 25 Q. 979 No. Now, I think in relation -- if I could just move on to dealing with your

26 time in St. Luke's. I think you said earlier that you are certain that you

27 began your employment with Mr. Ahern in 1987?

28 A. Uh-huh, yes.

29 Q. 980 Now, that as far as we're aware is at a time prior to the acquisition of St.

16:12:07 30 Luke's, do you remember that?

16:12:09 1 A. I would have started over Fagan's pub.

2 Q. 981 Right so you were in Mr. Ahern's employment before moving to St. Luke's?

3 A. Yes.

4 Q. 982 Yeah. So you were there prior to -- prior to (inaudible) its renovations

16:12:26 5 following acquisition. Did you have any involvement in the day-to-day

6 administration of the renovations?

7 A. No.

8 Q. 983 But you are aware of, obviously, the work that was done when you moved in to

9 St. Luke's?

16:12:42 10 A. Yes.

11 Q. 984 Yeah. And I think if you could describe exactly the layout of the premises,

12 you have a reception area, I presume, when you come in the door do you?

13 A. In St. Luke's.

14 Q. 985 Yeah?

16:12:56 15 A. Yes. Front room and back room, kitchen, board room and upstairs would be

16 private.

17 Q. 986 Yes. I think the upstairs was specifically fitted out as a residence for

18 Mr. Ahern at the time?

19 A. Yes.

16:13:11 20 Q. 987 Yeah. And you -- so I think we've heard in interview that there was an outer

21 office where you would have done your work and then an inner office for

22 Mr. Ahern?

23 A. Yes.

24 Q. 988 And you say there was a reception room as such?

16:13:27 25 A. Hallway. A door. A corridor in, a hallway in to the offices.

26 Q. 989 Right. Was there a separate drawing room did you just say or?

27 A. A board room like the board room down the back of the house.

28 Q. 990 Okay. Now, I just wanted to read some evidence from Mr. Ahern's interview.

29

16:13:50 30 If we could have page 19712, please.

16:13:59 1  
2 And Mr. Ahern in this extract, Ms. Carruth, is being asked about one of the  
3 what have been come to be known as the goodwill loans. I'm sure you've read  
4 about that in the newspapers or?

16:14:15 5 A. No.

6 Q. 991 Okay. Well in December of 1993 Mr. Ahern believes the date was the 27th of  
7 December he received the sum of 22,500 Pounds from eight donors?

8 A. Okay.

9 Q. 992 Now, and this question is dealing with that -- the receipt of that fund and if  
16:14:34 10 you look at question 7 there you'll see.  
11  
12 "Can you tell how it is that you first became aware of the 22,500 Pounds and  
13 the circumstances in which it was given to you?  
14 A: In the autumn of '93" and the following sentence is removed for personal  
16:14:50 15 matters. "Gerry Brennan Des Richardson both of them said some of my friends  
16 were talking about running a fundraiser that would help that would help me  
17 generally that would help me with my legal fees and I said no because I  
18 reckoned a fundraiser like that would be gathering people that normally  
19 attended some of the party functions. They were all people involved with me in  
16:15:08 20 Fianna Fail in one form or another. And if we were having a function like that  
21 it would be take from my constituency function which we hold every Christmas or  
22 some of our other functions, and that was it and I said no. And the next I  
23 heard I think it was on the, I know to be, I think, it's the 27th of December  
24 of 1993 and Gerry Brennan gave me the money told me who it was from. Every  
16:15:33 25 year for about 30 years on the 27th of December all of us go to Leopardstown to  
26 the Christmas meeting. Came back to Drumcondra after that as we normally do  
27 and he gave me the money and told me who it was from.  
28 Q: Right. So this is in effect a social function?  
29 A: Yes.  
16:15:50 30 Q: In St. Luke's?

16:15:50 1 A: Yes."  
2  
3 Were you familiar with the fact that Mr. Ahern would have had this annual event  
4 of going to the raises and coming back to St. Luke's for a social function in  
16:15:59 5 St. Luke's?  
6 A. Yes.  
7 Q. 993 Yeah. And would you have been involved in preparing St. Luke's for people  
8 coming back in terms of getting food and drink ready?  
9 A. No, I would have been on my Christmas holidays.  
16:16:14 10 Q. 994 All right. So you know it took place but you had no involvement in the  
11 preparation for it?  
12 A. No.  
13 Q. 995 But it is the case that Mr. Ahern is telling us there that this took place  
14 annually and this is something that you are aware of and something that took  
16:16:28 15 place in St. Luke's in a social capacity, is that right?  
16 A. Yes.  
17 Q. 996 So just in terms of the setting in St. Luke's. It's certainly a place that's  
18 suitable for holding such a function and, it's not stark is the point I suppose  
19 I'm making?  
16:16:47 20 A. Is the office stark?  
21 Q. 997 No, that the place might be suitable for having a function, like a social  
22 function after the races that it's not?  
23 A. It wouldn't have been a great amount of people there, I can't say who was at  
24 the races but I wouldn't imagine that there would have been a huge amount.  
16:17:05 25 Q. 998 Oh, yeah, yeah, yeah. But still in the sense that you know you're not going to  
26 go back to a drab or dreary office when you have Fagans or somewhere else?  
27 A. It would have been closed I would imagine.  
28 Q. 999 Well, my point is that you wouldn't choose to go back to a stark dreary office  
29 space to have a Christmas function if it wasn't suitable to such a function?  
16:17:28 30 A. I suppose, yeah.

- 16:17:29 1 Q. 1000 Yeah. I see. Now, I know that, Ms. Carruth, you are not familiar with some of  
2 the lodgements to Mr. Ahern's account that we're interested in. But certainly  
3 from the interview you must be aware of the fact that we are in particular  
4 looking at the two lodgements that Mr. Ahern informs the Tribunal derived from  
16:18:00 5 cash savings. One in April of 1994 in the sum of 30,000 Pounds and one in  
6 August of '94 in the sum of 20,000 Pounds, and you will recall just a little  
7 earlier I drew your attention to two of those lodgements at, can we have 22693,  
8 please? And you will recall that I drew your attention to tab five, the  
9 lodgement of the 20,000 in August of '94?
- 16:18:29 10 A. Yes.
- 11 Q. 1001 And then the tab nine, the lodgement of 2,000. And tab 12, the lodgement of  
12 27,000. Now, the reason that actually is, was a lump sum of 30,000 Mr. Ahern  
13 told the Tribunal. But because of the nature of the account that he was  
14 lodging the larger sum he couldn't lodge all of the 30,000 to it, he had to  
16:18:51 15 split it up and that's why it's broken down like that in that schedule?
- 16 A. Okay.
- 17 Q. 1002 But in fact what Mr. Ahern tells us is that those two lodgements the 2,000 odd  
18 and the 27,000 odd derive from an accumulation of funds in excess of 30,000  
19 that he had in a safe in Drumcondra in his constituency office?
- 16:19:10 20 A. Right.
- 21 Q. 1003 Okay. Now, I know in your interview if we could have page 17934, please. At  
22 question 26 you were asked about whether Mr. Ahern maintained a safe in  
23 Government office and you said "I don't know that."
- 24 A. Yes.
- 16:19:29 25 Q. 1004 So I think it is the case that you had no awareness of Mr. Ahern's Departmental  
26 safe or whether he saved funds there or not?
- 27 A. No.
- 28 Q. 1005 Is that correct? So in terms of your evidence if we could just focus on the  
29 accumulation of funds in Drumcondra?
- 16:19:47 30 A. Okay.

16:19:47 1 Q. 1006 Now, we saw a little earlier Mr. Ahern's explanation for how the source of  
2 these funds at page 17832. And I won't read it out again but just at point 10  
3 there it refers to the fact that it was an accumulation over seven years?  
4 A. Yes.

16:20:20 5 Q. 1007 Yeah. Now, that explanation was fleshed out by Mr. Ahern in his interview.  
6 And if I could have page 19741. At question 200.  
7  
8 If we could just step back a little bit from this then, it is the case that the  
9 97,300 odd that we're talking about is all money which was in existence outside  
16:20:34 10 his salary, save that sum of the 50,000 as savings?  
11 A: Yes.  
12 Q: Of the savings there might be some dispute as to exactly what your gross  
13 savings would be over, or your gross earnings would be over in the period in  
14 question and in particular expenses, whatever you get -- "  
16:20:47 15  
16 CHAIRMAN: Sorry slowdown.

17 Q. 1008 "And in particular expenses whatever you get in that. Calculations to the  
18 total sum available to you was 106,000. I stand subject to correction that the  
19 figures may be 118 or something like that. But that's explained one way or the  
16:21:04 20 other by it being a gross figure as opposed to a nett figure. That is the  
21 difference between our respective figures. But in either event you are saving  
22 yourself probably 50 percent of what you were getting in, isn't that so?  
23 A: I haven't worked it out. I mean when this came up let us be clear about  
24 this. I operated during my separation all my cheques are cashed. I paid my  
16:21:23 25 maintenance and whatever else I had to. I hadn't got my bills because I either  
26 lived back in my mother's house or then in St. Luke's. I had very little  
27 outgoings. That's what I did. It might be unusually, peculiar, odd that the  
28 Minister for Finance did that. But anyway. During my separation I didn't care  
29 what anyone would think about the Minister for Finance or anything else. I led  
16:21:42 30 my affairs the way it suited me. I made my affairs my own. I hadn't looked to

16:21:47 1 outside for that either. I have been accused of having no accounts of my own.  
2 I had plenty but they were with my wife. During the separation period I paid  
3 my way and my maintenance and I saved my money. Now when I was asked to  
4 reconstruct that how could I do it. So in conjunction with my legal people I  
16:22:02 5 asked somebody to go through all my records and do this and they appointed  
6 Mr. Peelo to do that.

7  
8 In any analysis looking back on those figures now, I have tried to reconstruct  
9 the figures myself. I just wonder where the rest of the money went. The  
16:22:14 10 50,000 should have been 80 as far as I'm concerned. So it wasn't the case. I  
11 am not going to debate an issue with anyone. Should I have 50 in fact. When I  
12 look at the figures I should have 80 or far more that's the position.  
13 There probably is no great dispute as to the figures if there is it can be  
14 resolved. The amount that you saved is at least 50 percent of the amount that  
16:22:34 15 came in, you believe that you should have saved 75 percent?

16 A: When I look backed at the figures and took the most critical figures with  
17 the help of Mr. Peelo what I thought I was spending my money on then. I was a  
18 Minister so you were paying for my car I appreciate and I had staff. I was  
19 staying in a one roomed apartment in St. Luke's, glad to look at it at that  
16:22:53 20 time and see how little cost it was then. And the only entertainment I do, I'm  
21 not a big eater out, meat and wine, I'm into matches and pints. From my  
22 position I'm looking for 30,000 where it's gone, that's what I think I should  
23 have been investigating".

24  
16:23:06 25 Now, that extract, Ms. Carruth, Mr. Ahern is as I say fleshing out the  
26 circumstances in which he came to accumulate a large sum of money in his  
27 constituency office and he did as I've already pointed out that he did say that  
28 a number of people would be able to confirm that that was the case. And if we  
29 could just have page 17934, please.

16:23:37 30

16:23:37 1 Which is your involvement with the Tribunal, Ms. Carruth. And in relation to  
2 the cashing of cheques and the return of the balance to Mr. Ahern. And if we  
3 can have question 24, please.  
4

16:23:58 5 Q: "And you say when you cashed these cheques you would have brought them back  
6 to the office in Drumcondra?

7 A: I would have handed them back to Bertie Ahern himself and if he wasn't in  
8 the premises left them in his drawer.

9 Q: And in relation to the safe was that maintained in the Drumcondra office?

16:24:12 10 A: Yes.

11 Q: And did he maintain a safe in his Government office?

12 A: I don't know.

13 Q: And did you have access to the safe in the Drumcondra?

14 A: No.

16:24:17 15 Q: And when you say that you would have given the money to Mr. Ahern and he  
16 would have deposited it in his safe, were you ever there when he would have  
17 placed the money in the self?

18 A: He would probably have just opened it and put the money in the safe.

19 Q: Would you have noticed or were you aware of the sums of money that

16:24:31 20 Mr. Ahern would have accumulated in a safe? Was it his practice to store the  
21 money for some time?

22 A: Yeah as far as I know I handed it back to him and he put it in his safe. I  
23 don't know -- I don't, for how long or what was in his safe but that was his  
24 practice at the time that I would hand it back to him and he would put in it in  
16:25:02 25 his safe.

26 Q: So you don't recall registering that there was significant sums being  
27 maintained in the safe? I mean it never gave you cause for concern that this  
28 was a security risk?

29 A: No, the safe was secure enough, I didn't have access to it. I didn't want  
16:25:04 30 to have access to it.



16:25:05 1 Q: Sure. But in a broader sense you weren't nervous that there were large  
2 amounts of monies on the premises?  
3 A: No, there was a good security system in the office, I was never nervous and  
4 his office would have been locked even if he was out of it. There was never  
16:25:17 5 any need for anyone to be in the office apart from himself".  
6  
7 Now, Ms. Carruth, we see there your interview describing your involvement with  
8 the cashing of the cheques and returning a balance to Mr. Ahern. And I think  
9 it's my fault really but in that question the relevant question I actually  
16:25:37 10 asked you two questions at once and you I think you answered the one in  
11 relation to the safe and didn't actually answer whether you recall there being  
12 large sums in the safe. And I just wonder whether you can now tell the  
13 Tribunal that you have any express knowledge of large amounts of money being  
14 stored in Mr. Ahern's safe?  
16:26:00 15 A. I never saw into his safe.  
16 Q. 1009 So you can't confirm to the Tribunal that there were large amounts in the safe?  
17 A. I can't confirm nor deny that there was. I witnessed him opening his safe and  
18 putting back in the money that I had got from his wages in the bank.  
19 Q. 1010 You did witness that?  
16:26:16 20 A. Yes.  
21 Q. 1011 Yeah. But you never saw in to the safe in the ... in the eight years that you  
22 were working in?  
23 A. Yes.  
24 Q. 1012 St. Luke's?  
16:26:26 25 A. No.  
26 Q. 1013 And so while you were aware of the fact that Mr. Ahern would have received the  
27 balance of the funds from the bank and put them in that safe he never -- you  
28 never saw it and he never informed you that he was accumulating funds in that  
29 safe?  
16:26:42 30 A. No.

- 16:26:43 1 Q. 1014 No. Okay. Now, in relation to the -- Mr. Ahern as I say has told the Tribunal  
2 that the money that he accumulated in Drumcondra was in excess of 30,000 Pounds  
3 and that the lodgement in April 1994 was 30,000 Pounds, and therefore, there  
4 was a balance left over in the safe. As I say that 30,000 was assembled over  
16:27:09 5 seven years through the process of cashing cheques and saving, making certain  
6 lodgements to his daughters accounts and other accounts and saving the balance  
7 which you would -- during your time in Drumcondra would have, you would have  
8 performed that role for him of going to the bank and returning with the  
9 balance, is that correct?
- 16:27:27 10 A. Yes.
- 11 Q. 1015 Yeah. And can you describe to the Tribunal in detail how that would arise on  
12 each occasion?
- 13 A. Bertie would hand me his cheques and he would ask me to go to the bank. I'd go  
14 over to the bank and at his request if he wanted I would lodge money to his  
16:27:51 15 daughter's accounts in the Permanent T.S.B. and then return with the money to  
16 him.
- 17 Q. 1016 In relation to the lodgement to the daughters accounts. Would he have given  
18 you lodgement slips?
- 19 A. No, I possibly would have filled them out over in permanent T.S.B.
- 16:28:06 20 Q. 1017 Okay. Do you have a recollection of that or?
- 21 A. I'm not sure. I assume. No I'm not sure. I don't know. I would imagine that  
22 I would have filled them out in Permanent T.S.B.
- 23 Q. 1018 So he would have given you the details obviously initially and you would have  
24 kept them?
- 16:28:23 25 A. In their books.
- 26 Q. 1019 Right. Okay?
- 27 A. Their books.
- 28 Q. 1020 Right. Okay. So the teller would have filled in the books and stamped it at  
29 the time?
- 16:28:31 30 A. Yes.

- 16:28:31 1 Q. 1021 Okay. And was it the case that Mr. Ahern would, it was always just one cheque  
2 or would you be given -- could it be the case that on occasion he would have  
3 assembled a number of cheques?  
4 A. No, I was given the cheques every month.
- 16:28:46 5 Q. 1022 Every month?  
6 A. Yeah, it would have been. He would have been paid on a monthly basis and he  
7 would have given them to me then.
- 8 Q. 1023 I think he was actually paid every two weeks but I am subject to correction on  
9 that? But your recollection is that it was a monthly payment?  
10 A. Monthly.
- 11 Q. 1024 Okay. But if it was every two weeks what you are clear is that you only did it  
12 once a month so he may well have given you two cheques once a month?  
13 A. I don't recall. I just remember it being every month.
- 14 Q. 1025 Okay. And I think you dealt with this in your interview but again just for the  
16:29:24 15 purposes of the public record. Mr. Ahern never, over and above the lodgement  
16 book itself, Mr. Ahern never asked you to keep records of your -- the various  
17 transactions that you did for him in the sense that you didn't?  
18 A. No.
- 19 Q. 1026 You didn't provide him with a running total or?  
16:29:41 20 A. No.
- 21 Q. 1027 Receipts or a logbook or anything like that?  
22 A. No.
- 23 Q. 1028 No. And you didn't keep any records for your own purposes?  
24 A. No.
- 16:29:57 25 Q. 1029 No. When you were cashing these cheques, Ms. Carruth, did you ever or was it  
26 your practice to ask the teller for particular denominations?  
27 A. No.
- 28 Q. 1030 No. Just the teller would cash the cheque and you would go on with your  
29 instructions, if there were any, to lodge it to the daughter's accounts and  
16:30:09 30 return with the balance?

- 16:30:10 1 A. Yes.
- 2 Q. 1031 Whatever that might be?
- 3 A. Yes.
- 4 Q. 1032 And over the years from '87 to '93 did Mr. Ahern ever send you to the bank with
- 16:30:25 5 a large sum of cash with a view to having it converted in to large
- 6 denominations?
- 7 A. No.
- 8 Q. 1033 No. So that being so, would you agree with me that over that period the
- 9 accumulation of the balance of cashed salary cheques in small denominations
- 16:30:49 10 would add up to quite a bulky volume of notes physically?
- 11 A. I've no idea. I wasn't thinking like that. I have no idea.
- 12 Q. 1034 Just now. We're looking at 30,000 Pounds Irish, that is the proceeds of an
- 13 accumulation process over '87 to '93/'94, seven years?
- 14 A. I never thought about it. I wouldn't have thought about it.
- 16:31:20 15 Q. 1035 I'm just asking you now, would you not agree with me that that would inevitably
- 16 lead to quite a bulky volume of notes?
- 17 A. Possibly, yes.
- 18 Q. 1036 Yes. Because you know if you are coming back with 20s or 10s or whatever it
- 19 might be and not bulking them, and not returning to the bank and requesting
- 16:31:40 20 larger notes to sort of, for the economy of space?
- 21 A. Right, yes.
- 22 Q. 1037 Yeah. So that would add up to quite a volume. So in the sense that if you
- 23 happen to, I know that you say that you never went out of your way to look in
- 24 to the safe. If you were in the room as you were when he opened the safe and
- 16:31:58 25 put the money in. If there was that large volume of notes in there it's the
- 26 kind of thing that you probably wouldn't have noticed?
- 27 A. I never saw into his safe. I didn't have access to his safe. I never saw into
- 28 his safe.
- 29 Q. 1038 I understood you to say earlier that you would have been in the room when he
- 16:32:14 30 opened the safe and put the money in?

- 16:32:15 1 A. Yes. The door would open directly towards me. It was behind his desk and his  
2 door of his bank or safe would open directly towards me. He would open it put  
3 in his money and lock it.
- 4 Q. 1039 Okay. Thank you. Now, Ms. Carruth, in relation to the other savings lodgement  
16:32:34 5 of 20,000 Pounds in August. I know you say that you had no awareness of  
6 Mr. Ahern's safe in his Departmental office. But insofar as we the Tribunal  
7 has any information in relation to this transaction. It would seem that it is  
8 possible that Mr. Ahern actually handed that money over to Mr. Philip Murphy of  
9 Allied Irish Bank in St. Luke's either on the 7th or 8th of August of 1994 for  
16:33:05 10 the purposes of having that money lodged to his account in AIB in O'Connell  
11 Street. I don't know if you're aware of that at all?
- 12 A. I don't know who Philip Murphy is.
- 13 Q. 1040 The Bank Manager in Allied Irish Bank that had dealings with Mr. Ahern in  
14 relation to a number of these transactions?
- 16:33:21 15 A. All right.
- 16 Q. 1041 You may well have just answered my question. I was going to ask you whether  
17 you ever knew Mr. Mr. Murphy?
- 18 A. No.
- 19 Q. 1042 No. And then you never knew him to come to St. Luke's? You never received  
16:33:35 20 Mr. Murphy in St. Luke's?
- 21 A. I don't know who that is.
- 22 Q. 1043 Okay. And again I suppose just for the sake of completeness, you therefore I  
23 presume in the course of your role as Mr. Ahern's secretary you would have made  
24 appointments for Mr. Ahern?
- 16:33:51 25 A. No.
- 26 Q. 1044 No?
- 27 A. No.
- 28 Q. 1045 Never?
- 29 A. No.
- 16:33:54 30 Q. 1046 All right. That answers that question. Now finally, Ms. Carruth, again, based

16:34:02 1 on what you've said today. You obviously probably don't have any awareness of  
2 the fact that in 199 -- in January of 1994 Mr. Ahern withdrew 50,000 Pounds in  
3 cash and on the -- in June of 19 -- apologies. In June of 1995 Mr. Ahern  
4 withdrew 50,000 Pounds Irish in cash from his various bank accounts. And in  
16:34:40 5 June of 1995 10,000 pounds Sterling was lodged to the account of Ms. Celia  
6 Larkin. In December of 1995 20,000 Pounds Sterling was lodged to the  
7 account -- an account of Mr. Ahern's, the details of which aren't relevant for  
8 the present purposes. However, Mr. Ahern tells the Tribunal that the source of  
9 the funds for the 10,000 Pounds Sterling and 20,000 Pounds Sterling was the  
16:35:06 10 purchase by him of 30,000 Pounds Sterling out of that 50,000 that he withdrew  
11 in January at some stage between January and June of 1995. Are you with me?

12 A. Yes.

13 Q. 1047 So the Tribunal went looking for bank records to establish whether Mr. Ahern  
14 had purchased Sterling in either O'Connell street or Drumcondra AIB and the  
16:35:31 15 bank records suggested that there was no such purchase. Certainly as one lump  
16 sum. Now, Mr. Ahern giving evidence to the Tribunal on day 762. Page 6 --  
17 sorry. You see there, Ms. Carruth, question 18, you see that?

18 A. Yes.

19 Q. 1048 I just want to read that into the record.

16:36:16 20  
21 "The next occasion upon which this becomes as a matter in which your response  
22 is dealt with is in your evidence on day 760 at page 96 where Judge Keys asked  
23 you a question at line 18 on the transcript" and this is to do with the  
24 purchase of the 30,000 Pounds Sterling.

16:36:32 25  
26 Mr. O'Neill day 761. Judge Keys sorry Mr. Ahern could I just ask you another  
27 question in relation to that transaction. Would you not have to notify the  
28 bank in advance if you are going to purchase such a large sum of Sterling?  
29 A: You would because the banks normally wouldn't have it and that's I think  
16:36:48 30 that's part of might have difficulty in trying to track down the amount.

16:36:52 1 Whether I did it that in whether it was done in installments or whether I did  
2 it through the bank at all. I have tried to track it down in some of the  
3 financial institutions that I normally use or ones that were beside me but you  
4 would have to. You couldn't walk in and just change it yes you would have to  
16:37:08 5 book it in advance Judge Keys.  
6 A: Yes.  
7 Q: You have no recollection of that?  
8 A: No, I don't. But it is very likely Justice Keys that as in a lot of things  
9 in that time I would have been out and around the country and would have given  
16:37:21 10 it to somebody to do it on my behalf.  
11 Q: So if we just dwell on that for a moment Mr. Ahern. I think in that  
12 exchange you seem to be acknowledging firstly that the incident albeit that the  
13 purchase of 30,000 Pounds no recollection at all isn't that so.  
14 A: I don't.  
16:37:38 15 Q: Could have included that you purchased it yourself or that you purchased it  
16 had through other persons doing it for you yes is that right yes and that may  
17 have been purchased in your own branch or any branch throughout the country  
18 where you may have been travelling is that right yes well I have been trying to  
19 track that down I wouldn't say any other branch but I would have thought in my  
16:37:58 20 own area. That's what I have been trying to track down.  
21 Q: Well I think you know from Judge Keys is correct. You wouldn't be able to  
22 walk in and just get that amount but if you ask back at that time because I  
23 have talked to the bank since about it they would have been asked neighbouring  
24 banks they have a different system now. At that stage they would have asked  
16:38:17 25 neighbouring banks to physically deliver to them or I could have given it to  
26 somebody who I asked to change it for them. I haven't been able to track it  
27 down. I am still trying to do that. There is not that many people I could  
28 have asked to do it for me."  
29  
16:38:30 30 Ms. Carruth, did Mr. Ahern ever ask you to purchase 30,000 Pounds Sterling for

16:38:36 1 him in 1995?

2 A. No.

3 Q. 1049 No. Mr. Ahern, as you can see, has told the Tribunal that in recent times, and

4 I mean this year, has been trying to track down the purchase of that money and

16:38:49 5 he identifies the fact that there were very few people that he would have asked

6 to do that?

7 A. Yes.

8 Q. 1050 Now, it's clear from your evidence today that Mr. Ahern was happy for you to

9 certainly do banking transactions for him?

16:39:03 10 A. Yes.

11 Q. 1051 Yeah. So it is possible that you would be in the list of people that he would

12 have asked to do this in the sense that you did banking transactions for him?

13 A. I never dealt in Sterling.

14 Q. 1052 Sure. Just as a matter of principle within the range of people that he -- he

16:39:19 15 says that there are very few people he would have asked to do it. I'm just

16 asking you if you would be happy that you would fall into that category of

17 possibly being somebody that he might have asked. I know he didn't but you

18 might have been one of the people that he might have asked?

19 A. Yes, I accept that.

16:39:35 20 Q. 1053 Thank you. Now, just leading to the final question, Ms. Carruth, and I

21 apologise for keeping you so long. In the recent time has Mr. Ahern been in

22 touch with you to establish whether in fact he had asked you back in 1995 to

23 purchase 30,000 Pounds Sterling and I mean this year?

24 A. This year, no.

16:39:53 25 Q. 1054 Ever?

26 A. No, no.

27 Q. 1055 Thank you, Ms. Carruth.

28

29 CHAIRMAN: All right. Mr. Millar.

16:39:58 30



16:39:58 1 MR. MILLAR: I have no questions, Mr. Chairman. Thank you.

2

3 JUDGE KEYS: Just one question. Do I take it then from your evidence that the  
4 only banking input that you had with Mr. Ahern was related purely to his

16:40:11 5 cheques arising from his salary, is that correct

6 A. Yes, Judge.

7

8 JUDGE KEYS: Nothing else

9 A. Nothing else, Judge.

16:40:25 10

11 JUDGE KEYS: Never asked to lodge monies, change currency or anything like  
12 that

13 A. No.

14

16:40:25 15 JUDGE KEYS: All right

16

17 CHAIRMAN: Thank you very much

18 A. Thank you, Judge Mahon.

19

16:40:26 20

21 **THE WITNESS THEN WITHDREW.**

22

23

24 CHAIRMAN: So we are sitting tomorrow at ten o'clock for Mr. Dunlop.

16:40:30 25

26 MR. MURPHY: Yes, Chairman.

27

28 CHAIRMAN: And then two o'clock for other witnesses.

29

16:40:34 30 MR. MURPHY: Yes. I think it might be 10.30 in the morning.

16:40:37 1

2 JUDGE FAHERTY: Ten o'clock.

3

4 MR. MURPHY: Oh, is it ten o'clock.

16:40:41 5

6 CHAIRMAN: It's ten o'clock.

7

8 MR. MURPHY: Very good.

9

16:40:44 10

11 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

12 **WEDNESDAY, 19TH DECEMBER 2007, AT 10: 00 A.M.**

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