

10:22:56 1  
2  
3  
4  
10:37:29 5  
6  
7  
8  
9  
10:37:38 10  
11  
12  
13  
14  
10:37:56 15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**THE TRIBUNAL RESUMED AS FOLLOWS ON FRIDAY,**

**14TH FEBRUARY 2008, AT 10:30 A.M:**

CHAIRMAN: Good morning, Mr. O'Neill.

MR. O'NEILL: Good morning, Mr. Chairman, Members of the Tribunal. The next witness to be called is Mr. Eamon Dunphy. Mr. Dunphy, would you come forward to the witness box.

MR. DOYLE: May it please the Tribunal. I appear for Mr. Dunphy with Mr. Rory White instructed by Ferrys solicitors and I ask the Tribunal for a limited grant of representation to appear here on behalf of Mr. Dunphy.

CHAIRMAN: Certainly, Mr. Doyle.

10:37:57 1 **MR. EAMON DUNPHY, HAVING BEEN SWORN, WAS QUESTIONED BY**

2 **MR. O'NEILL AS FOLLOWS:**

3

4 CHAIRMAN: Good morning, Mr. Dunphy.

10:38:09 5 A. Good morning.

6 Q. 1 MR. O'NEILL: Good morning, Mr. Dunphy.

7 A. Good morning.

8 Q. 2 I am over here. Mr. Dunphy, you are a broadcaster, journalist, you've had a

9 lifelong interest in football and you've played football professionally and

10:38:27 10 you've involved yourself in promoting football interests through your life, is

11 that correct?

12 A. That's correct.

13 Q. 3 And since these aren't the usual criteria for witnesses appearing before a

14 Tribunal of inquiry into planning and payments to politicians, but perhaps you

10:38:46 15 would set out in thumbnail sketch form, the background to your appearance

16 before the Tribunal today. And if you feel you want to correct me or intervene

17 at any time, please do so.

18 A. Okay.

19 Q. 4 I'll start, if I may. In 1995, I think you became involved in a project to

10:39:09 20 relocate Wimbledon Football Club, then an English premier league club to

21 Dublin, is that so?

22 A. That's correct.

23 Q. 5 And that was a club which didn't have its own stadium facilities in London,

24 isn't that correct?

10:39:23 25 A. That's correct.

26 Q. 6 And I think you were aware that Mr. Owen O'Callaghan had planning permission

27 for a stadium at Neilstown in County Dublin, adjacent to Quarryvale and what's

28 now the Liffey Valley Centre, isn't that right?

29 A. That's right.

10:39:37 30 Q. 7 And I think you were the person who effected the introduction between the

- 10:39:41 1 principals behind Wimbledon Football Club the Hammam brothers and the driving  
2 force in O'Callaghan Properties Limited, Mr. Owen O'Callaghan, is that so?
- 3 A. That's so.
- 4 Q. 8 And out of that introduction I think a relationship developed where over the  
10:39:59 5 next number of years you were part of a team which was endeavouring to bring to  
6 success the concept that Wimbledon Football Club would be based in Dublin and  
7 would participate in the league in the UK, is that right?
- 8 A. That's right.
- 9 Q. 9 And I think despite the best efforts of all the Irish promoters of this scheme,  
10:40:20 10 it didn't come to fruition, isn't that right?
- 11 A. That's right.
- 12 Q. 10 I think that the owners of the English club were in negotiations with other  
13 interested parties without your knowledge initially and they successfully  
14 disposed of their interest to new owners, who were not prepared to engage in  
10:40:41 15 the project that you had in mind, is that right?
- 16 A. Yes, they sold to a Norwegian consortium.
- 17 Q. 11 Yes. Now, over the course of time it took probably three years or so of  
18 negotiation and dealings to find yourselves at the point where the project  
19 wasn't going to proceed, isn't that right?
- 10:41:03 20 A. That's right.
- 21 Q. 12 And during that period you had a relationship with Mr. Owen O'Callaghan, is  
22 that correct?
- 23 A. Yes, that's correct.
- 24 Q. 13 And I think it's correct to say that that was a harmonious relationship and  
10:41:15 25 that it continued after the cessation of your intended project to be a  
26 harmonious relationship, isn't that right?
- 27 A. Yes, indeed.
- 28 Q. 14 Now, in the course of that relationship you had discussions on matters which  
29 extended beyond the Wimbledon project itself, is that so?
- 10:41:40 30 A. Normal conversations, most of them related to the project and the various

- 10:41:46 1 interests that we would have to lobby or persuade to support the project.
- 2 Q. 15 Yes. And included in those conversations I think, were exchanges of
- 3 information between Mr. O'Callaghan and yourself which touched upon his earlier
- 4 transactions in business and in particular, during a period when Mr. Bertie
- 10:42:10 5 Ahern was Minister for Finance between 1991 and 1994, is that so?
- 6 A. That's so.
- 7 Q. 16 Subsequent to the commencement of this Tribunal's inquiries, you had occasion
- 8 to discuss those conversations or instances in which you'd received information
- 9 from Mr. O'Callaghan with a friend of yours who was a journalist, an
- 10:42:38 10 investigative journalist, Mr. Frank Connolly, is that so?
- 11 A. That's so.
- 12 Q. 17 And as a result of those exchanges, is it the case that you found yourself
- 13 being invited to attend at a private interview of the Tribunal of Inquiry on
- 14 the 26th of February of last year?
- 10:42:56 15 A. Yes.
- 16 Q. 18 And that interview process was conducted by me and other members of the legal
- 17 team. And thereafter you were invited to provide a narrative statement to the
- 18 Tribunal of certain matters which it considered to be relevant. You did so and
- 19 that in turn has led to your being here today as a witness before the Tribunal,
- 10:43:19 20 isn't that right?
- 21 A. Yes.
- 22 Q. 19 I would like you now if you can, and in as concise a form as you can do so at
- 23 this point in time, to indicate to the Tribunal what it was that was said to
- 24 you by Mr. O'Callaghan in connection with his dealings with politicians, and in
- 10:43:40 25 particular Mr. Bertie Ahern that you considered to be relevant to the terms of
- 26 inquiry of this Tribunal?
- 27 A. Yes. Mr. O'Callaghan would frequently refer to politicians that we might lobby
- 28 or who may be supportive of what we were endeavouring to do. Notably Padraig
- 29 Flynn, who was the European Commissioner, and who also he referred to his good
- 10:44:13 30 relationship with Albert Reynolds and in the case of Bertie Ahern, he remarked

10:44:26 1 on several occasions that he was sceptical of Mr. Ahern, that he was wary of  
2 Mr. Ahern because Mr. Ahern was Taoiseach at the time, for some of the time  
3 when we were engaged in this project and his support would have been regarded  
4 as very, very significant and of course Mr. Ahern and the FAI both had separate  
10:44:55 5 stadium plans of their own. So there were times when Mr. Ahern's disposition  
6 towards our project was relevant and would be discussed.

7 Q. 20 Yes. To assist you and the Tribunal as regards fixing this in time, there was  
8 a General Election in 1997 and in that General Election Mr. Ahern was returned  
9 with the Fianna Fail party to government and he was the Taoiseach at that time,  
10:45:32 10 isn't that so?

11 A. That's so.

12 Q. 21 His previous position in government had ceased in December 1994, when the  
13 Labour/Fianna Fail coalition fell and was replaced by a Labour/Fine Gael  
14 coalition. You might remember that having occurred in December of 1994?

10:45:54 15 A. Yes, the Democratic Left were also in.

16 Q. 22 So between December 1994 and June of 1997 Mr. Ahern, was not a member of the  
17 government, isn't that right?

18 A. That's right.

19 Q. 23 Although I think it is correct to say that the concept of bringing Wimbledon to  
10:46:11 20 Dublin was one which became public knowledge in 1995?

21 A. Yes.

22 Q. 24 So that there was a period of time during which the promoters of this project  
23 would have no reason to be contacting the opposition if I might call it that,  
24 at the time, isn't that right?

10:46:30 25 A. Yes.

26 Q. 25 So in the context now of the exchanges which you had with Mr. O'Callaghan which  
27 concerned Mr. Ahern, were they exchanges which took place after June of 1997?

28 A. I would say so, yes.

29 Q. 26 And presumably, they ceased when the project itself ceased which was towards  
10:46:51 30 the latter part of 1998, isn't that right?

10:46:54 1 A. Yes.

2 Q. 27 So we're talking about a window of approximately 18 months or so, in which  
3 these exchanges that you are about to tell us about took place, is that  
4 correct?

10:47:05 5 A. Yes, yes.

6 Q. 28 Right. Now, what was it that Mr. O'Callaghan said to you in connection with  
7 his dealings with Mr. Ahern particularly?

8 A. He ... there is one particular occasion in which he elaborated upon what were  
9 previously though away remarks to the effect that Mr. Ahern couldn't be relied  
10 upon to do a deal, he may have agreed to. And when on one occasion I sought  
11 elaboration he told me a story about a project he had in Athlone where he felt  
12 that Mr. Ahern had not delivered on a promise and that the then Taoiseach,  
13 Albert Reynolds had had to put a gun to Mr. Ahern's head on the night before  
14 they left government and it was Albert that delivered and Albert that delivered  
10:48:27 15 and a point was made about, I said "delivered what?" and he said delivered on a  
16 commitment he had been taking care of, he had said he would do it but he wasn't  
17 going to do it without the pressure of the then Taoiseach, Albert Reynolds.  
18

19 I was struck by that and I drew an inference from that, that -- he also in that  
10:49:05 20 conversation told me that Mary O'Rourke, who was also a member of the  
21 government and the was the local TD, had been against the project, which I  
22 think was a shopping centre. And Mr. O'Callaghan had been seeking tax  
23 designation, which was also an issue in terms of the Neilstown project. So tax  
24 designation had been a matter of some importance in terms of the football  
10:49:31 25 project for Mr. Hamman in particular, and the context was discussion of tax  
26 designation and it was Mr. O'Callaghan, if you like, illustrating to me  
27 Mr. Ahern's unreliability in terms of a commitment he felt Mr. Ahern had made  
28 to him.

29 Q. 29 Right. And in the course of your early response, the earlier part of your  
10:50:06 30 response there, you indicated that he had been "taken care of".

10:50:10 1 A. Yes.

2 Q. 30 Now, what did you understand by that?

3 A. I drew an inference from that, and we must bear in mind this was in the context

4 of disclosures about Ray Burke and other Fianna Fail politicians after the

10:50:32 5 McCracken Tribunal and what we'd learnt there. The inference I drew was that

6 Mr. Ahern had been induced improperly by Mr. O'Callaghan to grant tax

7 designation to this project and had failed to deliver.

8

9 In other words, and it had been said on other occasions that by Mr. O'Callaghan

10:51:03 10 that Mr. Ahern would do a deal and not deliver.

11 Q. 31 Right. Now, what would the elements of a deal with? What did you understand

12 that to be or to mean? And I'm asking you particularly in the context of there

13 being a reward or an inducement which was tangible, passing as between the

14 parties in any deal?

10:51:29 15 A. Well, let me be very clear about this. Mr. O'Callaghan never said that he gave

16 Mr. Ahern money. He never said that he bribed Mr. Ahern. It was an inference

17 I drew over a period of time from remarks he made, that he had engaged with

18 Mr. Ahern, lobbied Mr. Ahern and possibly secured from promise to Mr. Ahern

19 that he would be favoured by tax designation for that project.

10:52:14 20 Q. 32 On what basis?

21 A. On, could you please ...

22 Q. 33 On what basis do you say that he had been favoured?

23 A. Well the phrase.

24 Q. 34 Favoured?

10:52:30 25 A. Well the phrase "looked after, taken care of" suggested to me that it had been

26 something that Mr. Ahern had received personally "looked after, taken care of"

27 suggested something to me.

28 Q. 35 Yes. There's always a suggestion I'm sure, Mr. Dunphy, capable of being drawn

29 from exchanges which one has with other individuals and I'm asking you

10:53:01 30 particularly in this instance was it the case that you believed that Mr.

10:53:05 1 O'Callaghan was telling you that he had paid money to Mr. Ahern and that  
2 Mr. Ahern takes the money but doesn't do the business. Is that your  
3 understanding of what was said to you by Mr. O'Callaghan in this instance?

4 A. Yes.

10:53:25 5 Q. 36 And was it on that basis that you believed that that information was  
6 information which should be brought to the attention of this Tribunal?

7 A. At the time I was told it and subsequent to that time. It was a private  
8 conversation, it was, I was not wearing a journalist's hat, I was there on  
9 other business, it was not something I would have disclosed to the Tribunal.  
10:54:11 10 It, in my mind and in my view its status is simply hearsay, gossip.

11  
12 There is no doubt in my mind when I remember the expression on Mr.  
13 O'Callaghan's face, not just on that occasion but on other occasions, it was  
14 sardonic, he was dismissive and sceptical of Mr. Ahern's good faith, shall we  
10:54:48 15 say.

16  
17 So when I, in particular, would say we must get the Taoiseach, we must lobby  
18 the Taoiseach we must say. He was never particularly animated about that as  
19 opposed to, for example, lobbying Pdraig Flynn in Brussels and -- and I as  
10:55:14 20 part of this. I drove this project in many respects because I knew both sides  
21 the English side and the Irish side. I went to Peter Sutherland and asked him  
22 about the position of this project in terms of European law and he advised me  
23 to go and see a solicitor called Philip Lee who specialises in European law.  
24 Philip Lee got involved in the project, he drafted a paper for us. And on the  
10:55:37 25 basis of his positive view it was decided to go to Brussels and Sam Hammam and  
26 Owen O'Callaghan went to Brussels to see the Commissioner, Pdraig Flynn to  
27 lobby him and get his support.

28  
29 Now, my usefulness to the project was that I understood the importance of  
10:56:01 30 European law in overriding the FAI's objection to the project and indeed if



10:56:08 1 necessary the Premier League's objection to the project. I was familiar with  
2 the Bosnan Ruling, which had been a landmark ruling in Europe several years  
3 before which had had huge implications for soccer. So I was always looking at  
4 all of the angles, politically and football wise.

10:56:32 5 Q. 37 Yes. Now, it was evident to you I think as it is to most people in Ireland,  
6 that Mr. Ahern is a very keen supporter of football, isn't that right?

7 A. Yes.

8 Q. 38 And he was an immediately identifiable potential supporter and a valuable  
9 person to have on board in any conflict that you may have with any of the Irish  
10 sporting associations or indeed internationally, isn't that so?

11 A. Yes, indeed and --

12 Q. 39 He would be an obvious person to approach and to seek support and there is  
13 absolutely nothing wrong in doing so. In fact it would be surprising if such  
14 an approach wasn't made, isn't that right?

10:57:12 15 A. Yes, and the FAI, who was our major stumbling block, because the English  
16 Premier League had given their consent to this project. The FAI were you are  
17 last remaining stumbling block.

18 Q. 40 Yes.

19 A. And given the grant aid support that government would give to the FAI and other  
10:57:32 20 sports organisations. Were the Taoiseach on our side, he would be able to  
21 exert or would have been able to exert, I believed, pressure on the FAI. Which  
22 is why he was very much the focus of our deliberations.

23 Q. 41 Yes. So that is the backdrop in which you were having your exchanges with Mr.  
24 O'Callaghan that you feel and felt merited being brought to the attention of  
10:58:00 25 the Tribunal, isn't that right?

26 A. Yes.

27 Q. 42 We needn't concern ourselves necessarily with that background but we are  
28 concerned with the substance of your exchanges with Mr. O'Callaghan and the  
29 extent to which your interpretation of what he said to you is an accurate  
10:58:19 30 interpretation, you understand?

10:58:21 1 A. Yes, I do.

2 Q. 43 And it is your evidence today to the Tribunal that your belief was from what

3 had been said to you, what had been articulated to you by Mr. O'Callaghan and

4 what you read from his body language, that he was telling you that he had paid

10:58:40 5 money to Mr. Ahern on an earlier occasion but that he didn't deliver, is that

6 what you are asking the Tribunal to accept?

7 A. What I'm asking is something slightly less than that.

8 Q. 44 I see.

9 A. I'm here to testify to what I heard and the language used, money was not

10:59:02 10 mentioned as such. Bribing was not mentioned as such. But my understanding of

11 the phrase "taken care of" or "looked after" is that somebody has received some

12 benefit in exchange for an outcome. And the outcome here that's most vivid in

13 my mind is the granting of tax designation for a shopping centre in Athlone

14 which was only granted.

10:59:41 15

16 Now, I don't know if that encounter between Mr. Reynolds and Mr. Ahern ever

17 took place. I don't know if it took place when Mr. O'Callaghan told me it took

18 place, the night before they left government. I don't know if tax designation

19 was ever granted. But I do remember that conversation. It was vivid. It was,

11:00:05 20 it stayed in my mind and the inference I drew from it, the impression that

21 remained in my mind was that Mr. Ahern had been given an inducement i.e. "taken

22 care of" to deliver the outcome Mr. O'Callaghan required. That coloured my

23 view of ... the best way to explain it is this.

24

11:00:42 25 The odd remark made by Mr. O'Callaghan that suggested skepticism about

26 Mr. Ahern that made from time to time -- this particular anecdote about the

27 shopping centre crystallised for me other remarks that had seemed like throw

28 away remarks in the past. It's quite opaque in a way but there is this

29 definite story recounted to me by Mr. O'Callaghan which he was giving me as an

11:01:14 30 illustration of why Mr. Ahern could not be trusted to deliver.

- 11:01:18 1 Q. 45 Now, of course it was, it is apparent to you that Mr. O'Callaghan to the point  
2 when you first met him had had a history of property development in Ireland  
3 which was being successful in most instances albeit that this particular  
4 project didn't come to fruition, isn't that right?
- 11:01:43 5 A. That's correct.
- 6 Q. 46 And in the course of your exchanges with Mr. O'Callaghan over the years '95 to  
7 '98, had he discussed with you in a general way, development in Ireland and the  
8 hurdles or obstructions that persons such as himself might find when seeking to  
9 develop property?
- 11:02:06 10 A. When allegations surfaced, which were made by Mr. Tom Gilmartin, I asked him  
11 about Tom Gilmartin and the allegations. There were also allegations about  
12 Liam Lawlor. And he replied that Tom Gilmartin was a head case and he  
13 elaborated slightly by saying that he didn't want to be involved with these  
14 people who were corrupt but that he was a developer. He wanted to develop in  
11:02:53 15 Dublin and this was the only way you could work as a developer and get your  
16 projects through by dealing with these people, these people being corrupt  
17 councillors I would say.
- 18 Q. 47 Now, in that exchange with Mr. O'Callaghan did Mr. O'Callaghan use the words  
19 "corrupt" or again is this?
- 11:03:19 20 A. No.
- 21 Q. 48 An instance in which you interpreted what was being said to you as meaning that  
22 there were obligations placed on him if he was to succeed in his developments  
23 to deal with corrupt politicians?
- 24 A. He did not use the word "corrupt" but it was my interpretation, my  
11:03:42 25 understanding that that was what he was referring to because that was the basis  
26 of our conversation, allegations of corruption being made about councillors and  
27 indeed about Mr. O'Callaghan by Mr. Tom Gilmartin.
- 28 Q. 49 So do I understand from that response that the words "corruption" and "corrupt"  
29 were used but they were used by you and it was in response to your having  
11:04:07 30 raised that subject that he dealt with the subject matter but didn't adopt the

11:04:11 1 words "corruption" or "corrupt" when replying to you?

2 A. That's correct and I may not have used the word "corrupt" myself. I may just

3 have referred to Tom Gilmartin, that morning's headlines and the whole question

4 of planning corruption in the, that this inquiry is concerning itself with.

11:04:33 5 But whether I used the word "corrupt" it's a very formal word. It's not

6 necessarily a word I would have used and I probably didn't use it.

7 Q. 50 Yes. We are, of course, at this point, Mr. Dunphy, seeking to examine in some

8 detail conversations which probably took place almost ten years ago or eleven

9 years ago in some instances, isn't that right?

11:04:56 10 A. Yes, it is.

11 Q. 51 And to that extent, of course, it must be very difficult for you to remember

12 the precise wording used in any of the exchanges that you have referred to so

13 far, isn't that right?

14 A. Yes, it is.

11:05:10 15 Q. 52 Do you have any doubt, however, about the conclusions which you drew

16 immediately upon the conclusion of those exchanges?

17 A. No, I don't.

18 Q. 53 All right. Have they changed in any way from the day that you walked out of

19 those discussions having formed a particular view?

11:05:28 20 A. No, they haven't.

21 Q. 54 And what is that view as to what Mr. O'Callaghan said to you in connection with

22 there being a payment of money to Mr. Bertie Ahern in connection with the

23 delivery of tax designation or other benefit in Athlone?

24 A. That Mr. Ahern had been "taken care of, "looked after", had agreed to grant tax

11:06:05 25 designation for that project, had not granted tax designation for that project

26 until the then Taoiseach, Albert Reynolds, had put a gun to his head. And that

27 expression remains vividly in my mind. At a quarter to twelve the night before

28 they left government. And I was struck by that. Mr. O'Callaghan's tone in

29 telling me that was humorous, if you like, or sardonic and he had on some

11:06:46 30 occasions before that spoken warmly about Mr. Reynolds, as indeed he did about

11:06:55 1 Mr. Flynn.

2 Q. 55 Now, if your interpretation of what was said to you is true, it would appear to

3 follow that Mr. O'Callaghan was telling you that he was involved in serious

4 corruption of an existing member of government at the time, isn't that so?

11:07:18 5 A. He was indicating that, yes.

6 Q. 56 That is a matter which you kept to yourself apparently until such time as you

7 discussed it with others including Mr. Frank Connolly, isn't that so?

8 A. That's so.

9 Q. 57 And when is it that you decided to tell Mr. Connolly these facts or the

11:07:45 10 substance of what you have indicated to the Tribunal here today?

11 A. It would have been several years ago as revelations or allegations surfaced in

12 this Tribunal and in newspapers. I would have recounted to Frank Connolly and

13 to perhaps two other people, my own experience with Owen O'Callaghan and that's

14 probably, it's difficult to put a date on that. But it would have been several

11:08:24 15 years ago because I knew Frank was working in this area. I told him on a

16 confidential basis and he assured me that that would be confidential. But he

17 was a colleague and a friend and I had no difficulty confiding in him what I

18 knew.

19 Q. 58 Yes. And I think it follows from that response, Mr. Dunphy, that for a period

11:08:51 20 of several years you did not disclose this information to the Tribunal, isn't

21 that so?

22 A. That's so.

23 Q. 59 And as a broadcaster I think that in the early stages of this Tribunal you

24 covered the Tribunal in particular the Gogarty Module of it almost on a daily

11:09:13 25 basis, isn't that right?

26 A. It is, yes.

27 Q. 60 And in essence, that was an instance where evidence was being adduced by an

28 elderly witness claiming there to be corruption on the part of certain

29 politicians, isn't that right?

11:09:39 30 A. It is, yes.

11:09:39 1 Q. 61 Essentially, evidence which was uncorroborated in the sense of it being one man  
2 who was making his claim of corruption against a battery of others who alleged  
3 amongst other things he was a fantasist, he was doing this for his own ends  
4 etc, isn't that right?

11:09:57 5 A. Yes.

6 Q. 62 At no stage throughout that process did you consider approaching the Tribunal  
7 and saying there may well be substance in what is being said about corruption  
8 at the time because this is my story, take it or leave it, isn't that right?

9 A. Yes, I never considered doing that. I believed it would have been treacherous  
11:10:20 10 almost to betray a confidence that I acquired during the Wimbledon project from  
11 a man I had a high regard for and I would have regarded it as the wrong thing  
12 to do and I'm not comfortable doing it and I certainly think it's very  
13 important for journalists to, and for the people that they associate with, to  
14 know that they will not break confidences, that people will be indiscreet, that  
11:11:05 15 they -- that when you stop working you take your journalist hat off and you can  
16 go out and behave like any normal citizen. I think it's wrong to betray  
17 confidences and I feel in the case and would have felt in the case of Mr.  
18 O'Callaghan and indeed Mr. Ahern but Mr. O'Callaghan in particular that I had  
19 behaved improperly.

11:11:34 20 Q. 63 You say behaved improperly had you disclosed the information --

21 A. Yes.

22 Q. 64 -- which you subsequently went on to do?

23 A. Yes, I don't like people who are treacherous and I feel that if you have an  
24 association with somebody that is agreeable, that if you learn something that's  
11:11:52 25 detrimental to that person you should keep it to yourself.

26 Q. 65 Right. And that then begs the question as to why it was that in the light of  
27 what you've said, that you did in fact come forward to the Tribunal with this  
28 information in 2007?

29 A. Well Mr. Donal King the solicitor for the Tribunal called me and asked me if I  
11:12:17 30 would come and have a conversation with the Tribunal. And I agreed to come.

- 11:12:27 1 And I should say, if the Tribunal had asked me at any time to come and discuss  
2 my involvement in the Wimbledon project and my knowledge of that project, I  
3 would have come. This Tribunal is set up by the Oireachtas and I would have  
4 done the right thing, as I said, and co-operated with the Tribunal. That is  
11:12:52 5 not to say I would have enjoyed or do enjoy doing it. I find it repugnant in  
6 many ways to have to do it.
- 7 Q. 66 Yes. The contact which was made with you, through the solicitor from the  
8 Tribunal, Mr. King, across from me here, was made as you know because your  
9 telephone number had been provided to the Tribunal and your name, isn't that  
11:13:15 10 right? Are you aware of that?
- 11 A. No.
- 12 Q. 67 No. Did you know prior to being contacted by phone by Mr. King, that Mr. Frank  
13 Connolly was the person who had indicated that you would have information that  
14 would be of assistance to the Tribunal? Did you know --
- 11:13:35 15 A. Did I know, no. Did I suspect, yes.
- 16 Q. 68 Yes. And why was it that you suspected that Mr. Connolly at this point in 2007  
17 was going to make this information, that is the fact that you might have  
18 information helpful to the Tribunal, known to the Tribunal at that time?
- 19 A. Well --
- 11:13:58 20 Q. 69 Was it because you had discussed it with Mr. Connolly in the period immediately  
21 prior to the contact that was made with you by the Tribunal's solicitor?
- 22 A. Yes, I had discussed it with Frank and he had said to me this is very relevant  
23 to the Tribunal's work and I had said yes but ...
- 24 Q. 70 Well it's relevance obviously, Mr. Dunphy, you will appreciate was obvious from  
11:14:29 25 the moment when the exchange took place between yourself and Mr. O'Callaghan  
26 and a Tribunal of Inquiry into planning and payments to politicians was set up  
27 in November of 1997, isn't that right?
- 28 A. Yes.
- 29 Q. 71 You didn't --
- 11:14:45 30 A. I was passive shall I say, I was passive and my inclination would have been not

11:14:53 1 to contact the Tribunal with this information.

2 Q. 72 Yes. Is it, therefore, to be concluded by a Tribunal that your contact or your  
3 being made available to the Tribunal stemmed from a belief on your part that it  
4 would be of assistance to Mr. Connolly to attend at the Tribunal?

11:15:22 5 A. No.

6 Q. 73 No.

7 A. No. Certainly not.

8 Q. 74 You know that Mr. Connolly is a journalist who has covered the affairs of the  
9 Tribunal and those who appear before it as witnesses extensively over a period  
11:15:36 10 of time, isn't that right?

11 A. Oh, yes, I do, indeed.

12 Q. 75 Yes. Was and is the evidence that you are providing to the Tribunal prompted  
13 in any way by an attempt or a wish on your part to bolster the evidence of  
14 others, that is others including Mr. Tom Gilmartin?

11:16:00 15 A. No.

16 Q. 76 The --

17 A. I am giving evidence here today not to bolster Frank Gilmartin (sic) or because  
18 Frank Connolly would want me to do so or anybody else. I am giving evidence  
19 here today because I was asked to be interviewed by the Tribunal to undergo an  
11:16:27 20 interview and in that circumstance I have no choices, except to tell what I  
21 know.

22 Q. 77 Yes.

23 A. And I am doing that to the best of my ability.

24 Q. 78 Yes. The interview process which you engaged in, Mr. Dunphy, is one which is  
11:16:52 25 recorded on a question and answer basis and you are provided subsequent to the  
26 interview with the transcript of that interview, isn't that right?

27 A. Yes.

28 Q. 79 After the interview was completed and you'd read the transcript, you didn't  
29 seek to correct anything in it as being erroneous in any way, isn't that so?

11:17:12 30 A. That's so, yes.



11:17:13 1 Q. 80 Ye.  
2 A. Although in my formal statement I did tighten up on the language.  
3 Q. 81 Yes. The formal statement that you drew up was one which was requested from  
4 you by the Tribunal to deal with those aspects of the interview which the  
11:17:37 5 Tribunal had considered would merit public inquiry, isn't that right?  
6 A. Yes.  
7 Q. 82 And perhaps we might look to the queries that were made of you immediately  
8 following the interview and your responses to them. At page 23382 on screen  
9 before you, Mr. Dunphy. There is a small screen in front of you.  
11:18:03 10  
11 CHAIRMAN: Mr. Dunphy there is a screen here.  
12  
13 MR. O'NEILL: There is a larger screen over here  
14 A. Yes.  
11:18:08 15 Q. 83 This was a letter which was written to you on the 1st of March 2007 by the  
16 Tribunal's solicitor Mr. King.  
17  
18 It says: "Dear Mr. Dunphy. Following the interview conducted in these offices  
19 on Monday 26th of February last, I am directed to request you to provide a  
11:18:23 20 narrative statement to the Tribunal setting out.  
21  
22 1. The circumstances in which you came to have dealings with Mr. Owen  
23 O'Callaghan in relation to Wimbledon FC and the proposed Stadium at Neilstown.  
24  
11:18:34 25 2. The details of the discussions which Mr. O'Callaghan had with you in  
26 connection with the obstacles or difficulties which presented themselves in  
27 relation to property developments in Dublin in the 1990s.  
28  
29 3. The details of Mr. O'Callaghan's conversations with you in relation to the  
11:18:50 30 following public representatives and their involvement in Mr. O'Callaghan's

11:18:55 1 proposed developments.  
2 Mr. Albert Reynolds.  
3 Mr. Bertie Ahern.  
4 Mr. Pádraig Flynn.

11:19:00 5  
6 4. The details of any references to payments, inducements or rewards being  
7 sought by or paid to any named or unnamed politicians or local representatives  
8 in the context of developments in Dublin or elsewhere."  
9

11:19:13 10 And on the following page.  
11  
12 "The details of any discussion." That's page 24620 on screen, please. 24620.  
13  
14 "5. The details of any discussions relating tax designation or the capacity of  
11:19:31 15 any development of Mr. O'Callaghan to receive tax designation and/or urban  
16 renewal status.  
17

18 As indicated to you at our meeting, the transcript of the interview is being  
19 provided to you for your assistance in preparing a narrative statement and is  
11:19:44 20 enclosed herewith. You should note that your narrative statement and the  
21 transcript of the interview may be made available to parties who may be  
22 adversely affected by their content in the event of the matter proceeding to a  
23 public hearing.  
24

11:19:56 25 Finally, please note that the Tribunal has directed that for the present, this  
26 documentation remains confidential as between you and the Tribunal. Neither  
27 the fact of such correspondence nor its content should be disclosed to any  
28 third party, save your legal advisor in the event that you deem it necessary to  
29 seek legal advice in respect of the matters herein.  
11:20:15 30

11:20:15 1 Thank you for your assistance to date. Yours sincerely."  
2  
3 That's the letter you received, isn't that right?  
4 A. Yes.  
11:20:21 5 Q. 84 That was shortly after the interview process. And there are a certain number  
6 of references within that interview process that I'd like to address with you  
7 in advance of seeing the response that you gave by way of narrative statement?  
8 A. Yes.  
9 Q. 85 So we will look at some of the Tribunal interview extracts now. If we look  
11:20:50 10 firstly to page 23352. Can you follow this on the screen in front of you?  
11 A. Yes, I can.  
12 Q. 86 In the course of the references to the Hammam acquisition you say and I quote  
13 "He used to" I think so we are we're talking here about Mr. O'Callaghan as  
14 being "he". isn't that right?  
11:21:34 15 A. Yes.  
16 Q. 87 Yes "He used, to he'd talk about McGuinness being decoration and stuff like  
17 that. He also told him about say Pdraig Flynn and he said Bertie well the  
18 thing about Bertie is he takes the money and he doesn't do the business" that's  
19 a quote."  
11:21:45 20  
21 And he told me a story over a meal about Bertie when Albert had to put the gun  
22 to his head to get tax designation (inaudible) on the night before they were to  
23 leave Government and he said he was wary of Bertie, he didn't trust Bertie. He  
24 also said to me on another occasion something that I found interesting and gave  
11:22:03 25 me a new perspective. He said Eamon Dunphy, he on the lunch wagon he said I  
26 wanted to do my business. I wanted to develop projects there was no other way  
27 than the way I do it and that was his explanation to me of the trouble that he  
28 felt, that he felt. Dunlop was another person who was around on a number of  
29 occasions.  
11:22:24 30

11:22:24 1 On one occasion in Mount Street in Dunlop's office, I had to go to the airport  
2 and there was a meeting and O'Callaghan and I said I'll have to order a taxi.  
3 He said don't worry about it Frank take Eamon to the airport. We got into  
4 Frank's big car and I don't think Frank was thrilled but, you know, that sort  
11:22:41 5 of thing. The thing of Bertie recurred a few times years during a couple of  
6 years and his unreliability but he made no bones about saying to me he can't  
7 rely on Bertie and on that one occasion he specifically said he would take the  
8 money all right, but he won't deliver. And the inference of that was Albert  
9 had also an interest in Bertie."

11:23:07 10  
11 So that was one exchange that took place at this interview, isn't that right?

12 A. Yes.

13 Q. 88 I would like to turn now to page 23358. And at the answer to question 87.  
14 Question 87 "I mean, did you get a feedback as to what the thinking of --

11:23:44 15 A: No.

16 Q: Bertie was?

17 A: No. The context for the O'Callaghan conversation I suppose, what was  
18 surprising was that O'Callaghan was reluctant to go near Bertie. I mean, he  
19 was explicit about that almost. You know, I dealt with this guy, you know, he  
11:24:00 20 takes money and he does nothing, it's more hassle than it's worth. His view of  
21 it was it's better to go around Bertie if you could because Bertie wouldn't get  
22 in the way and that's the way the discussion ended."

23  
24 If we can turn now to page 23359. And the answer to question 90. The question

11:24:26 25 "Q: Okay. When did you first that there was this reluctance on Owen  
26 O'Callaghan's part to make direct contact with Bertie Ahern and that he would  
27 prefer to achieve his end by going around him?

28 A: Well it wasn't something I went asleep thinking about, but it was evidence  
29 to me. I've been reflecting on this for some time now since I had the  
11:24:45 30 conversation. I've been reflecting on exactly that. It was clear, it's clear

11:24:50 1 to me now, things didn't seem particularly significant at the time. But at the  
2 time it was clear to me that O'Callaghan didn't trust or like him very much.  
3 Q: Right.  
4 A: And because he didn't go there.

11:25:02 5 Q: You remember a specific incident?  
6 A: I do.  
7 Q: And if we can try and work out when that happened, where it happened, who  
8 might have been present, can you assist me in any of those matters, was this  
9 likely to be firstly, a face-to-face meeting which had been set up?

11:25:20 10 A: No, because he talked to me. He told me a story. We spent a night in  
11 London I think. I just don't know to be honest with you now.  
12 Q: It could be in England or it could be in ...  
13 A: No, it was just the two of us I think, possibly Ambrose Kelly, possibly  
14 Ambrose because the three of us were a lot together. The other person would  
11:25:40 15 have been Ambrose Kelly. Where, I can't remember. I just, we were sort of  
16 laughing, you know. He didn't say, you know, Bertie's a bastard, he didn't.  
17 He just thought he lied to him.  
18 Q: I'm just trying to work out what the context it was for these conversations.  
19 A: Yeah. The context I think the context, yeah --

11:26:00 20 Q: I mean you've got a guy who is sober. You are satisfied that on the  
21 occasion that he was not speaking out of turn in any way?  
22 A: He had a rye smile on his face. I he just said I've been there".  
23  
24 Now it was in the context of where we were at that stage. What stage are we at  
11:26:19 25 at the project.  
26  
27 Further down on that page in the answer to query 49 about half way down you say  
28 "It may have been the likes of well Bertie or Bertie Ahern's name came up  
29 because he is into soccer he is a sports lover, it would be obvious as he would  
11:26:39 30 be a supporter and as for a place, I can't -- there were so many places that I

11:26:41 1 met them, you know, usually in Kelly's office, sometimes in the Berkley Court,  
2 sometime in Paul McGennis' office. But this wasn't a meeting in a room full of  
3 people. It was kind of he was confiding in me almost. It was a throw away  
4 remark but it was a pointed remark".

11:27:01 5  
6 Now, if we can turn now to page 23361. Sorry question 101 now he didn't  
7 actually tell you what he paid money for before your answer "he did actually".  
8 "Q: Well how did he express it?

9 A: Well he had, well he had an experience. "I had an experience with him".  
11:27:29 10 Because the tax designation for Neilstown was always on the table, it was a  
11 huge thing for Hammam. He was on about it all of the time. How can you be  
12 sure, how do you know? Now, I didn't and I'm sure what the connection is but I  
13 understand in connection with the construction I don't know but O'Callaghan did  
14 tell me that we had an experience and that Mary O'Rourke was involved in it.

11:27:53 15 This conversation took place in which he explains what this tax designation was  
16 what Bertie's role in it was how Albert had to get the gun out at a quarter to  
17 twelve whether that's the case or not, I don't know. And he did tell me that  
18 story.

19 Q: Well can you tell me as much of in a story as you can recollect?

11:28:11 20 A: The story was that an unspecified -- he said that Bertie had been bought,  
21 had taken money.

22 Q: Are they the words he used?

23 A: The words, yes, "taken care of" and he "doesn't do the deal". And I asked  
24 him what did he mean and he said it was Albert who delivered and Albert by  
11:28:32 25 putting pressure on Bertie. And that's the way he explained it to me.

26 Q: Where in that context do we hear the word money expressed or paid?

27 A: No, whatever the phrase was -- sorry. Whatever the phrase was, it's a long  
28 time ago he'd been "taken care of" I think is the expressed used. Money wasn't  
29 used but the clear inference was that he had reneged on a deal that wasn't just  
11:29:01 30 a commitment but there was, this was the way that the game was played he'd been

11:29:06 1 taken care of but he didn't. And so for the purpose of what we were doing he  
2 wasn't reliable even if he gave support he won't necessarily deliver what was  
3 being asked of him or required." Page 23362.

4 "Q: It might be suggested that as much as that was intended to be conveyed in  
11:29:24 5 that exchange, just was that a political donation had been made to Mr. Ahern in  
6 support of his political ambitions and that he had simply not taken that into  
7 account in his decision making. How will that sit with your impression of what  
8 you were being told by Mr. O'Callaghan at the time?

9 A: It wouldn't fit perfectly I must say. I had the, there was a rye sort of  
11:29:48 10 disparaging smile about Bertie. I didn't get the impression. I got the  
11 impression it was more than a political donation that a deal that didn't --  
12 sorry. That can't come under the foot of a political donation I wouldn't have  
13 thought that something had been agreed, taken care of, paid for that wasn't  
14 delivered. The impression was clear I think to me to him but money wasn't  
11:30:12 15 mentioned as such." And then --

16 "Q: And what mention was made about the Golden Island?

17 A: Well I asked him about --

18 Q: Was that in the same conversation?

19 A: I said, you know, what did he deliver and he. Sorry. And then he went on  
11:30:29 20 and he specifically said I have a project or had a project, didn't close that,  
21 Mary O'Rourke -- he told me the story about Mary O'Rourke positioning it or not  
22 positioning it and again the key to it was Albert. How Albert was reliable and  
23 Bertie wasn't reliable and he was very friendly with him and he said that  
24 Albert had put the gun to his head."

11:30:55 25

26 And again, if we may turn to page 2368. 23368 in the transcript, please. When  
27 reviewing the overall position you said well I would say no they didn't say --  
28 they did put me or even they did put me -- go even through the motions because  
29 they knew my view and we have established over a period of years that there  
11:31:39 30 was, I had a job and a career to look after. I had to get back to and

11:31:46 1 inevitably for me, I mean I could have written a book, I could have done a  
2 number of things that I was neglecting to do and save myself a lot of energy,  
3 time and hassle had I not been involved in this but I didn't mind. I mean  
4 these things happen. It had been a grand project to try and get here.  
11:32:01 5 Obviously disappointing. I felt that, they felt that and Owen O'Callaghan  
6 thanked me for everything and we remained on extremely good terms. I mean, I  
7 didn't see him very often but I had the highest regard for him I must say and I  
8 felt over a period of time that I met him in countless numbers of meetings and  
9 dealings with people, I felt him to be a first class person.  
11:32:23 10 Q: Now you indicated that there's a point in time you had probably or possibly  
11 at a more general discussion with him about life and how things go and the  
12 things you've got to do.  
13 A: Yes.  
14 Q: And you indicated to us that in the course of that you said he had to play  
11:32:40 15 it as it was and that he had to deal with it as it was, can you tell me when it  
16 was that that conversation, where?  
17 A: It would clearly be later in our time rather than earlier."  
18  
19 If we can turn to the following page 2368.  
11:33:00 20  
21 "And in what context did it arise that he seemed to be giving you an overall or  
22 a general view as to his operations and how he had to deal with matters?  
23 A: Well when Tom, Tom Gilmartin I'm pretty sure, I know maybe it was  
24 afterwards, I know that Tom Gilmartin so that I clearly remember him telling me  
11:33:19 25 that he the guy's a nut case. So Tom Gilmartin must have surfaced at that  
26 stage publicly.  
27 Q: The Sunday Independent or newspaper articles a loft them?  
28 A: Yeah, I said to him, who's this guy and he said he's a head case. The  
29 comment about he said to me and I believe it him that he said look Eamon I  
11:33:42 30 always wanted a clean hand. He said if you wanted to do business you had to do



11:33:47 1 this, there wasn't another way.

2 Q: And what was this way?

3 A: This was of corruption, payments. He didn't use the word corruption but

4 the way he said of, did he say that, you had to you have to deal with these

11:34:02 5 people and this was the councillors.

6 Q: We all have to deal, I know you've reached an interpretation. I want to

7 try and understand how it is and what it is that he said that allowed you to

8 reach the conclusion which you did, that it involved payments firstly?

9 A: There was definitely, there were definitely people talking about this and

11:34:26 10 it was after I think allegations were made about Quarryvale. It must have

11 been. And he, I think it was in the context of Gilmartin and he said what he

12 actually said was we and by that he meant anyone who wanted to do anything we

13 all had to deal with these people and I clearly understood him to mean that you

14 had to get involved with bribery to get planning permission to do anything.

11:34:53 15 Q: The references to these people --

16 A: It must have had a context in our conversation and I think the context was

17 Gilmartin and the allegations about him."

18

19 So those extracts, Mr. Dunphy, I think give the flavour of what you were

11:35:22 20 endeavouring to convey to the Tribunal in the course, the Tribunal legal team

21 in the course of that interview, isn't that right?

22 A. Yes.

23 Q. 89 Is there anything in that that you see to be in any conflict with your evidence

24 here today or is that a further elaboration upon the matter which is before the

11:35:40 25 Tribunal that you stand over?

26 A. Yes, I do stand over it. The only problem I have with is the word "money".

27 And in my long statement to you and the private statement I ... I assert that

28 the word "money" was used and I think this is an inference that I drew from

29 phrases like "taken care of, will do a deal but not deliver, looked after".

11:36:18 30 Q. 90 Yes.

- 11:36:18 1 A. So I think the only problem I have reflecting on the long interview and a  
2 meeting that I have discussed with you and Ms. Dillon is the word "money".
- 3 Q. 91 Yes.
- 4 A. And I think that word is used loosely, I think it's my impression clearly  
11:36:43 5 gained from numerous conversations with Mr. O'Callaghan is that favours were  
6 expected in return for being looked after, taken care of.
- 7 Q. 92 Yes.
- 8 A. And other than that -- that, those passages that you've read reflect accurately  
9 what I learnt in the course of my dealings with Mr. O'Callaghan.
- 11:37:08 10 Q. 93 Yes. I don't see a conflict I must say, Mr. Dunphy, between what you said in  
11 your interview and what you've said in your evidence here at the moment. In  
12 the interview you were asked specifically whether the word "money" was used and  
13 you indicated that it wasn't.
- 14 A. Yes, I did.
- 11:37:27 15 Q. 94 So that it is in conformity. Your evidence here today is in conformity with  
16 what you said at interview.
- 17 A. Yes.
- 18 Q. 95 Namely, that while the word "money" wasn't used you clearly understood that  
19 that was what was involved.
- 11:37:40 20 A. Yes.
- 21 Q. 96 And having reflected upon the transcript which was sent to you on the 1st of  
22 March of last year, you provided the Tribunal with a statement which was dated  
23 the 28th of March.
- 24 A. Yes.
- 11:37:56 25 Q. 97 Isn't that the so? And we'll now look to that statement on screen, please, at  
26 page 23385. I'll read it in its totality.
- 27 A. Okay.
- 28 Q. 98 Mr. Dunphy.
- 29
- 11:38:10 30 It's headed statement of "Eamon Dunphy 28th of March 2007. I reply to your

11:38:17 1 letter requesting a narrative statement as follows.  
2  
3 1. For between two and two and a half years in the mid 1990's, I was involved  
4 in a project to bring Premier League football to Dublin. My involvement began  
11:38:27 5 when Sam Hammam, owner of Wimbledon Football Club, approached me to inquire if  
6 any investors would be interested in such a project. In a social conversation  
7 I mentioned Hammam's interest to U2 manager, Paul McGuinness. He agreed to  
8 meet Hammam to discuss what was in theory an exciting and viable idea.  
9  
11:38:47 10 Hammam indicated that Wimbledon then in the Premier League could be purchased  
11 for 7 million Pounds Sterling. Hammam had no stadium and a small fan base.  
12 Long term Wimbledon in London was not able to compete with larger clubs.  
13 At this time there was much debate in Ireland about the need for a National  
14 Sports Stadium. Both the football Association of Ireland and the government  
11:39:08 15 had floated ideas for such a stadium. Providing an anchor tenant would pose an  
16 insurmountable problem, therefore Hammam's proposal seemed particularly  
17 interesting in that context.  
18  
19 For purely cultural reasons I was enthusiastic about the Wimbledon project as  
11:39:23 20 was Paul McGuinness.  
21  
22 After a number of meetings between Hammam and McGuinness which I attended, it  
23 became clear the finances to build a stadium could not be raised by either or  
24 both of them. I knew that Owen O'Callaghan had a stadium site with planning  
11:39:36 25 permission at Neilstown. I approached him with the idea of involving him in  
26 our project.  
27  
28 Owen was enthusiastic so I introduced him to Hammam and McGuinness. All agreed  
29 to proceed on the basis that A, Hammam would sell Wimbledon. B, the Premier  
11:39:48 30 League would sanction a Dublin club. C, that O'Callaghan would build the

11:39:53 1 stadium. McGuinness while supportive was not keen to be a major investor.  
2  
3 My role would be to coordinate aspects of the project such as lobbying Irish  
4 football figures for support. Also advising O'Callaghan and Hammam about  
11:40:06 5 things like marketing the idea and how for example European law could be useful  
6 in overcoming parochial football club rules.  
7  
8 Because I was a journalist publicly advocating support for Premier League  
9 football in Dublin I refused offers of remuneration for my work. Over the next  
11:40:22 10 two years I worked closely with the principals.  
11  
12 2. Unfortunately, I am unable to be precise about the dates of these events.  
13 However, at some point towards the end of our endeavourings Tom Gilmartin  
14 surfaced making allegations about Owen O'Callaghan and the number of  
11:40:38 15 politicians. Owen described Gilmartin as a head banger or a head case. In  
16 another conversation he conceded that planning was a tricky business and  
17 declared that he as a developer didn't make the rules. I am here far para  
18 phrasing.  
19  
11:40:52 20 3. Over the period we worked on the project, many discussions took place about  
21 people in football and politics we would need to have on side. Broadly  
22 speaking my recollection is as follows.  
23  
24 Owen O'Callaghan spoke warmly about Albert Reynolds and Pdraig Flynn. He  
11:41:05 25 seemed wary of Bertie Ahern telling me at one stage that Bertie might do a deal  
26 and not deliver. He embellished that story by telling me about a shopping  
27 centre in Athlone, which was seeking tax designation when Bertie was Minister  
28 for Finance. According to Owen it was only after "Albert put a gun to his head  
29 the night before they left government that Bertie delivered".  
11:41:28 30

11:41:28 1 4. Other than generalisations about planning being "tricky" Owen O'Callaghan  
2 made no overt reference to payments to anybody.  
3  
4 5. The questions of tax designation for Neilstown Stadium were of particular  
11:41:41 5 interest to Sam Hammam, as indeed were all money matters. He proved to be a  
6 very difficult partner for all concerned with the project especially  
7 exasperating in relation to the price of his club which kept increasing and he  
8 share of the proposed new entity which also kept increasing.  
9  
11:42:06 10 I had little knowledge of tax exemption or any of the business details involved  
11 in Wimbledon or for the Dublin -- in the Wimbledon for Dublin project. I had  
12 no discussions with Owen O'Callaghan about this subject.  
13  
14 In conclusion, I should say the following because of the passage of time, I am  
11:42:13 15 unable to provide a chronological account of the many conversations I had  
16 during this period. What on reflection I am able to furnish to the Tribunal  
17 consists of impressions gained over a considerable period of time."  
18  
19 2387. 23387.  
11:42:34 20  
21 "Throughout my dealings with him I found Owen O'Callaghan to be patient,  
22 businesslike and honest. At no stage during our project did he suggest  
23 anything untoward or in any way intimate that we might use inducements to  
24 achieve our objective.  
11:42:50 25  
26 Yours sincerely, Eamon Dunphy."  
27  
28 And that I think was your considered statement provided to the Tribunal in  
29 response to the letter from Mr. King which we have outlined a little earlier,  
11:43:03 30 isn't that right?

- 11:43:04 1 A. That's right.
- 2 Q. 99 And would you describe that statement as being more circumspect perhaps than  
3 the content of your interview?
- 4 A. Very much so.
- 11:43:15 5 Q. 100 Right. Do you intend to suggest in this statement that in any way you are  
6 retracting from anything said in your interview or its import?
- 7 A. No, I'm not retracting the essence and the substance of what I said in my  
8 interview. I am, I am endeavouring to be much more precise about language, in  
9 particular the use of the word "money".
- 11:43:45 10 Q. 101 I see. You may know from the circulation of documentation to you, Mr. Dunphy,  
11 that Mr. O'Callaghan who is the person with whom you had these conversations  
12 which are the subject of your evidence here today, has rejected at all times  
13 any suggestion that he ever paid any money to Mr. Bertie Ahern, whether by way  
14 of political donation or contribution or otherwise and in particular that he  
11:44:20 15 never paid him any money by way of a bribe or anything of that nature, you know  
16 that to be the case from what he has said, isn't that?
- 17 A. So I believe so, yes.
- 18 Q. 102 And you know equally that he rejects any suggestion or inference which may have  
19 been drawn from the conversations which he undoubtedly acknowledges took place  
11:44:41 20 between yourself and himself over time. That he at any time ever indicated  
21 that he was engaged in any corrupt activity with any politicians at any time,  
22 isn't that right?
- 23 A. I understand.
- 24 Q. 103 You are aware of that?
- 11:44:55 25 A. Yes.
- 26 Q. 104 Thank you.
- 27
- 28 CHAIRMAN: And just to add to that. And of course you are aware that  
29 Mr. Ahern denies receiving any money from Mr. O'Callaghan?
- 11:45:05 30 A. Yes, I believe so.

11:45:06 1 CHAIRMAN: All right. I am sure there are at least two parties who want to  
2 cross-examine.

3

4

MR. SREENAN: Yes, Chairman.

11:45:15 5

6

CHAIRMAN: We would normally take a short break shortly so we might take it  
7 now for about ten minutes and we'll come back. All right.

7

8

A. Thank you.

9

11:45:25 10

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

11

**AND RESUMED AS FOLLOWS:**

12

13

MR. O'NEILL: Mr. Dunphy, please.

14

11:58:36 15

CHAIRMAN: Now, Mr. Sreenan.

16

17

**THE WITNESS WAS QUESTIONED BY MR. SREENAN AS FOLLOWS:**

18

19

Q. 105 Good morning, Mr. Dunphy.

11:58:41 20

A. Good morning.

21

Q. 106 I appear for Mr. O'Callaghan. And if I could just ask firstly for document

22

23385 just to be put on the screen for a moment. This, Mr. Dunphy, is what was  
23 described a moment ago by Counsel for the Tribunal as your formal statement.

23

24

A. Yes.

11:59:02 25

Q. 107 And I think you indicated that in this document you were much more precise than  
26 in the transcript of your interview that has been recorded.

26

27

A. Yes, in terms of the language used.

28

Q. 108 Now, you've testified this morning as to the impression that you gained from  
29 things that you say Mr. O'Callaghan said to you, isn't that correct?

29

11:59:31 30

A. That's correct.

- 11:59:31 1 Q. 109 And I think you told us that that impression was a vivid one.
- 2 A. In relation to the shopping centre in Athlone, it was vivid and specific.
- 3 Q. 110 Yes. And if as you say you drew the inference at that time that Bertie Ahern
- 4 had been bribed by Owen O'Callaghan to deliver a tax designation for a property
- 11:59:59 5 in Athlone, it is bound to be something that was a vivid memory, isn't that so?
- 6 A. Yes, the words "taken care of, looked after" I believed there was an inference
- 7 there that Mr. Ahern had been induced, yes.
- 8 Q. 111 Yes. But you explained that. But let's not dance around things, Mr. Dunphy.
- 9 You inferred at the time and you were clear in your inference, that this was a
- 12:00:30 10 bit of information about bribery.
- 11 A. Yes.
- 12 Q. 112 That's how you understood it from the very beginning.
- 13 A. Yes.
- 14 Q. 113 And the bribery involved Mr. Owen O'Callaghan in your view giving the bribe.
- 12:00:48 15 A. Yes and the remarks Mr. O'Callaghan made to me suggested that he had not
- 16 received the result, the outcome i.e. tax designation that he had been assured
- 17 that he would receive.
- 18 Q. 114 All I asked you, Mr. Dunphy, was that your understanding, the impression you
- 19 took was that it was Mr. O'Callaghan was the person who gave the bribe?
- 12:01:15 20 A. Yes.
- 21 Q. 115 And that Mr. Ahern was the person who took the bribe.
- 22 A. Yes.
- 23 Q. 116 And that the bribe was to procure a tax designation in Athlone.
- 24 A. Yes.
- 12:01:27 25 Q. 117 And as you've told us, your memory of that conversation, the inference you drew
- 26 remained vivid, I think the words you used were vivid, stayed in my mind, an
- 27 impression that remained.
- 28 A. Yes.
- 29 Q. 118 And as you've said a moment ago, that was an allegation or it was an inference
- 12:01:50 30 you drew of serious corruption.



- 12:01:54 1 A. It was an inference I drew that a favour had been sought in return for an  
2 inducement.
- 3 Q. 119 Yes. But the words you used a moment ago, Mr. Dunphy, and if you want to  
4 retract them by all means I'll give you an opportunity of doing so, were  
12:02:10 5 serious corruption?
- 6 A. I accepted words that you posited, I agreed with you. And the nature of the  
7 corruption and the seriousness of it, I'm sure is a relative matter.
- 8 Q. 120 No, Mr. Dunphy, the words "serious corruption" were used by you earlier this  
9 morning in reply to Mr. O'Neill, Counsel for the Tribunal. You said you  
12:02:36 10 regarded it as serious corruption.
- 11 A. I may have been responding to Mr. O'Neill's words but the words "serious  
12 corruption" are not words that I've used here this morning.
- 13 Q. 121 Well let's give you another opportunity then. If Mr. O'Callaghan paid a bribe  
14 to the then Minister for Finance to procure a tax designation for a commercial  
12:03:00 15 development, would you or would you not regard that as serious corruption?
- 16 A. I would regard it as improper.
- 17 Q. 122 Would you regard it as corruption, do you have some difficulty with the words  
18 "corruption" or "serious"?
- 19 A. It's clearly a corrupt act.
- 12:03:22 20 Q. 123 It is, of course. And you knew it was a corrupt act when you heard about it.
- 21 A. Yes.
- 22 Q. 124 When you drew your inference?
- 23 A. Yes.
- 24 Q. 125 You knew it would be serious corruption, didn't you?
- 12:03:33 25 A. Well, of course if you wish to -- the words "serious corruption" did not form  
26 in my mind at that moment.
- 27 Q. 126 Did you regard it as serious either at that moment or subsequently when you  
28 reflected on it?
- 29 A. Well corruption is a serious matter.
- 12:03:54 30 Q. 127 If we just turn a bit further in your statement. Maybe if we go to 23387 in

- 12:04:04 1 this, to use your own words "much more precise statement". You say "throughout  
2 my dealings with him I found Owen O'Callaghan to be patient, businesslike and  
3 honest."  
4 Now can I stop there. Do you consider it to be honest of Mr. O'Callaghan if he  
12:04:27 5 was involved in bribing the then Minister for Finance?  
6 A. Well I'll explain the context of that statement. Throughout my dealings with  
7 him I found Owen O'Callaghan to be patient, businesslike and honest. And that  
8 is a matter of fact and that is what I stated in this statement and it's true.  
9 Q. 128 Well let's pause a moment, Mr. Dunphy, and give you an opportunity of  
12:04:58 10 reflecting on that and without wishing to be offensive to any religious  
11 organisation, I must suggest to you that that answer is a bit Jesuitical  
12 because during your dealings with Owen O'Callaghan you found out according to  
13 yourself that he had bribed the Minister for Finance to get a tax designation.  
14 Now, do you regard that as honest?  
12:05:20 15 A. Well with respect, with respect I didn't find out anything of that nature.  
16 What I heard from Mr. O'Callaghan was an anecdote in which he declared that he  
17 had taken care of Mr. Ahern, had looked after Mr. Ahern and a favour had not  
18 been done. I had no knowledge of that. I didn't know if he was telling the  
19 truth or telling a lie. I didn't know that any corrupt act had taken place.  
12:05:58 20 What I was -- what Mr. O'Callaghan said to me or asserted to me I didn't know  
21 to be true or untrue.  
22 Q. 129 Did you in any way doubt the inference you drew at the time?  
23 A. No. I believed that it had probably been the case but I couldn't be certain.  
24 Q. 130 Now, here is a man that you had dealings with over a number of years and you  
12:06:25 25 are telling the Tribunal that he told you in effect that he had bribed the  
26 Minister for Finance.  
27 Now, will you tell the Tribunal how can you reconcile that with saying in your  
28 formal precise statement that "throughout your dealings with him you found him  
29 to be honest"?
- 12:06:43 30 A. Yes, I will tell you very easily how I can do that. Because we dealt for a

12:06:51 1 long time in a project that had a very large prize at the end of it. And in  
2 all of my dealings with Mr. O'Callaghan I found him to be honest, I never saw  
3 him do anything dishonest, and that is what I assert in my formal statement.

4 Q. 131 And do you think that if you were asked to write a reference for Mr.  
12:07:14 5 O'Callaghan today, you would be able to write a reference saying that he was  
6 honest?

7 A. Well, that will have to await the outcome of this Tribunal's investigations but  
8 if I can put it to you another way. Would I be inclined to do business with  
9 Mr. O'Callaghan again, would I trust Mr. O'Callaghan and do I regard him as a  
12:07:47 10 trustworthy person, the answer is yes, I would do business with Mr. O'Callaghan  
11 again. I found him to be a likable, reliable, patient man.

12 Q. 132 And honest.

13 A. And an honest man in his dealings with me and indeed in his dealings throughout  
14 the endeavours to bring the Wimbledon project to Dublin. I found him to be  
12:08:12 15 thoroughly straight forward and honest.

16 Q. 133 Yes.

17 A. Which is what I assert in my formal statement.

18 Q. 134 But in relation to your second last answer, Mr. Dunphy. Your impressions do  
19 not have to await the formal determinations of this Tribunal. You formed your  
12:08:35 20 impressions at the time, isn't that correct?

21 A. I formed my impression of Mr. O'Callaghan over a period of two, two and a half  
22 plus years and those impressions, that impression is and remains that he is  
23 fundamentally an honest man. That he is a reliable person, that he honours his  
24 commitments and in all my dealings with him my dealings with him I found him to  
12:09:03 25 be extremely reliable and trustworthy and forthright.

26 Q. 135 Can I have 23347, please. At line 18 there and this is the transcript, Mr.  
27 Dunphy, of your interview in private session with counsel for the Tribunal.  
28 You say that "subsequently Liam Lawlor, I think made a statement saying I asked  
29 for a million pounds or something but I phoned Owen O'Callaghan the next  
12:09:42 30 morning and Owen issued a statement on the record saying I never took a penny

12:09:46 1 so he did that because he knew it was true" you are describing an incident  
2 there that happened.

3 A. Yes, I am.

4 Q. 136 And a false statement was issued about you which was damaging to your good  
12:10:01 5 name.

6 A. Yes.

7 Q. 137 And I take it, it was after Mr. O'Callaghan is supposed to have told you about  
8 bribing the Minister for Finance that you made this phone call to him?

9 A. Yes.

12:10:17 10 Q. 138 Could I suggest to you that if he is the sort of person who was engaged in that  
11 type of corruption he is the sort of person that you would want to stay well  
12 away from and not go to?

13 A. No, I mean, I had a cordial relationship with Mr. O'Callaghan for long after  
14 his remarks about the shopping centre. And I, when Lawlor made that  
12:10:52 15 suggestion, which was outrageous and untrue, I had no hesitation in calling  
16 Owen O'Callaghan and he had no hesitation in putting the record straight  
17 immediately.

18 Q. 139 And if we can go to page 23357 of the same interview, line 17. Again there you  
19 are discussing Mr. O'Callaghan and you say "sort of he was friendly and open  
12:11:28 20 and respectful, you know, because I was still a man's man. He didn't treat me  
21 like that. He treated me well, I looked him. I was impressed with his  
22 manners. He wasn't aggressive. He didn't react very quickly to things. He  
23 was thoughtful. He was well mannered. There were a lot of things, there were  
24 a lot of meetings with Hammam and he was a very tiresome man to do business  
12:11:51 25 with. He had huge patience, he wasn't the sort of fella that made idol  
26 remarks" you remember saying that about Mr. O'Callaghan?

27 A. I do.

28 Q. 140 And if we can go to page 23367. You are describing there the end of the  
29 project and line 15 you say "It had been a grand project to try and get here  
12:12:16 30 obviously disappointing. I felt that -- they felt that Owen O'Callaghan

12:12:19 1 thanked me for everything, that we remained on extremely good terms, I mean, I  
2 didn't see him very often but I had the highest regard for him I must say and I  
3 felt over a period of time that I met him in countless numbers of meetings and  
4 dealings with people I felt him to be a first class person."

12:12:45 5  
6 Now, can I ask you, would you regard a person who bribes the Minister for  
7 Finance to get a tax designation to be a first class person?

8 A. It's possible to simultaneously respect somebody, regard them as a first class  
9 person and believe that in order to get their business done and to operate a  
10 system that they could also find themselves having to engage in corruption.

11 Q. 141 Well how --

12 A. That's my view.

13 Q. 142 How could you possibly have the highest regard for someone who effectively  
14 confessed to you that he had bribed the Minister for Finance for personal gain?

12:13:30 15 A. Well, as I say elsewhere and as I think is noted and Mr. O'Neill has noted.  
16 Mr. O'Callaghan's position when he discussed this with me was that he had to do  
17 it in order to conduct his business as a developer. That it was pervasive,  
18 that everybody was doing it, and I fully understood what he was saying to me, I  
19 accepted what he was saying to me and therefore, I was in no position and had  
12:14:07 20 no inclination to make the kind of moral judgement about Mr. O'Callaghan's  
21 business practices that you are inviting me to make.

22  
23 I regard Mr. O'Callaghan, I regarded him at the time as an exceptionally  
24 thoughtful and thorough and well mannered person, a first class person. And I  
12:14:29 25 have met a lot of people in my life and very few people come into that  
26 category. So I think I'm quite a good judge at this stage of these matters and  
27 would be over a period of two to three years.

28 Q. 143 Had you ever met anybody before who admitted bribing a government minister?

29 A. That's a very good question. I get around the town, you know.

12:14:52 30 Q. 144 Well, I will accept your last answer as being correct, Mr. Dunphy, but

12:14:58 1 presumably if somebody did tell you that while you were getting around it would  
2 stick in your mind like Mr. O'Callaghan's remark is alleged to have stuck in  
3 your mind.

4 A. The question?

12:15:14 5 Q. 145 Can I take it that you can't remember anybody ever in your lifetime telling you  
6 that they had bribed a minister apart from the inference you drew from what Mr.  
7 O'Callaghan said?

8 A. Well I don't think you can take it that I have. I've mixed with all kinds of  
9 people and in --

12:15:34 10 Q. 146 I will accept that.

11 A. And a lot of them would have done things that might land them in the Tribunal  
12 in certain circumstances or even in a prison cell.

13 Q. 147 I --

14 A. So I really feel that there is a lot of stuff goes on and I was in no way  
12:15:57 15 shocked or stunned by the suggestion that Mr. O'Callaghan made to me. I  
16 regarded it as probably pretty commonplace.

17 Q. 148 Well I fully accept, Mr. Dunphy, you have lived life to the full and you have  
18 met all sorts of people. But my question was more precise than that. It was  
19 did anybody ever tell you, or did you draw an inference from anything anyone  
12:16:25 20 was ever told you before that they were involved in bribing a government  
21 minister, apart from what Mr. O'Callaghan said to you?

22 A. I can't be certain. I can't recall at this moment, meeting anyone who  
23 specifically said that they bribed a government minister and indeed Mr.  
24 O'Callaghan didn't use that word. So I've met a lot of people who I have no  
12:16:54 25 doubt have had underhand dealings with government ministers and with other  
26 business people.

27 Q. 149 And have you told the Tribunal --

28 A. The world as you are trying to depict it, is not divided between saints and  
29 sinners, shall we say.

12:17:15 30 Q. 150 Have you told the Tribunal about those other persons?

- 12:17:18 1 A. As I say, none spring into my mind at the moment.
- 2 Q. 151 And --
- 3 A. And none of them to the best of my knowledge are the subject of inquiries by
- 4 any Tribunal.
- 12:17:30 5 Q. 152 Maybe that's because the Tribunal doesn't know about them until people come
- 6 forward, Mr. Dunphy. None of the people I suspect that you might be referring
- 7 to in your own mind would be the sort of, or obeying respectful people that you
- 8 seem to describe Mr. O'Callaghan as. It must have come as quite a shock to you
- 9 to hear what you infer to be an admission of such bribery of a prominent
- 12:17:55 10 minister from him?
- 11 A. Well I wouldn't accept that the urbane, respectful business types that you
- 12 refer to wouldn't be engaged in inferius activity when it comes to business and
- 13 politics.
- 14 Q. 153 Can we have page 23375. Line 9 there you describe Mr. O'Callaghan as "a
- 12:18:23 15 thoroughly decent man".
- 16
- 17 Now, can I ask you again, do you regard somebody who was in bribing the
- 18 Minister for Finance for personal gain to be a first class person and a
- 19 thoroughly decent man. Is that your outlook on people's character?
- 12:18:43 20 A. Well I don't think that people come in cartoon like figures as your question
- 21 implies. So I think it's perfectly possible to hold in one's mind
- 22 simultaneously, two views of a person. A view in which, which is the view I
- 23 take of Mr. O'Callaghan, that he is and was a thoroughly decent man and that he
- 24 found himself in circumstances where in order to get his business done he had
- 12:19:16 25 to give inducements, not just to a politician but to many politicians.
- 26 Q. 154 So you are prepared to forgive him in those circumstances?
- 27 A. Yes, I am prepared to forgive him. I am not in the business of moral
- 28 judgements.
- 29 Q. 155 But I take it that you're not prepared to forgive the person who takes the
- 12:19:37 30 bribe, the politician?

- 12:19:39 1 A. Well, I am prepared to forgive anyone. I am a journalist. I am a citizen of  
2 this country and I reserve my own right to take every matter such as you've  
3 described, on a case by case basis, taking into account all the circumstances.  
4 The difference I suggest is, that a politician holds the public's trust and  
12:20:06 5 acts in the public interest. A businessman has a different imperative, he must  
6 get his business done or she must get her business done. And if there are  
7 impediments in the way, they must remove the impediments. A different standard  
8 applies in my view, to people who hold the trust of the public and you would  
9 apply a different standard to politicians but even that is not an absolute.
- 12:20:42 10 Q. 156 Well there are many people who would disagree with you, Mr. Dunphy, and expect  
11 that everybody should be honest, particularly in their dealings with public  
12 officials or in their behaviour as public officials. But we'll move on because  
13 I think something that you have written about and spoken about not infrequently  
14 is the concept of moral courage, isn't that correct?
- 12:21:07 15 A. Yes.
- 16 Q. 157 And it's an important quality.
- 17 A. Yes.
- 18 Q. 158 And it's a quality that you rate highly.
- 19 A. Yes.
- 12:21:16 20 Q. 159 It's something that you wrote about way back in 1976, I think in your first  
21 book "only a game".
- 22 A. Yes.
- 23 Q. 160 But the inquiries of this Tribunal into corruption and public life are not only  
24 a game, they are very serious, isn't that so?
- 12:21:34 25 A. Of course.
- 26 Q. 161 And if a politician has been guilty of what you describe in your own words as a  
27 breach of the trust that's owed to the public, not acting in the public  
28 interest, that's a serious matter?
- 29 A. Of course it is, yes.
- 12:21:51 30 Q. 162 And I take it, that you would consider yourself to be a person of moral



- 12:21:57 1 courage?
- 2 A. I am a very flawed human being, Sir.
- 3 Q. 163 But would you consider yourself as having the qualities of moral courage that
- 4 you demand of, for example, soccer players when you comment upon them on
- 12:22:12 5 television shows?
- 6 A. It's Mr. Giles who uses the phrase morale courage in relation to football
- 7 matter. I don't think that they are that important.
- 8 Q. 164 You don't think that moral courage is important or does not --
- 9 A. On a football pitch, it's not really.
- 12:22:28 10 Q. 165 Do you think that honesty is important?
- 11 A. Of course honesty is important.
- 12 Q. 166 And honesty in what you say in public is important?
- 13 A. Of course it is.
- 14 Q. 167 And how you behave.
- 12:22:37 15 A. Absolutely.
- 16 Q. 168 And particularly important for a journalist.
- 17 A. Absolutely.
- 18 Q. 169 Because the public rely on journalists, don't they?
- 19 A. Yes, they do.
- 12:22:46 20 Q. 170 And I suppose the qualities of moral courage when you apply them to journalists
- 21 would include things like coming up publicly with the truth, isn't that so?
- 22 A. Yes.
- 23 Q. 171 They wouldn't maintain silence in the face of someone else who is giving a
- 24 false impression?
- 12:23:04 25 A. Well, now, that depends on the circumstances. For example, in the case I think
- 26 that you are, the point you are getting to is about my conduct in relation to
- 27 the information I have disclosed to this Tribunal. I acquired that information
- 28 in a private capacity, when I was not working as a journalist and as I've
- 29 already explained this morning, it's important that when a journalist is not
- 12:23:39 30 wearing that particular hat and bearing that responsibility, that they do not

- 12:23:45 1 disclose confidential information that may come their way. It's a very  
2 important matter of personal conduct and there is ethical question as well.  
3 That if I were to trade as a journalist, information I acquired privately in  
4 confidential circumstances it would be quite wrong.
- 12:24:13 5 Q. 172 Well my question was somewhat different, Mr. Dunphy, I had put it to you that a  
6 person particularly a journalist of moral courage, wouldn't maintain silence in  
7 the face of someone else who was giving a false impression?
- 8 A. Well --
- 9 Q. 173 That they might say --
- 12:24:30 10 A. Let be me be clear about moral courage in journalism. Journalists are workers  
11 like everybody else. They have no particular status. They have no monopoly of  
12 moral courage or physical courage or any other kind of courage or indeed of  
13 wisdom. They are crafts people doing their job, serving the public interests  
14 as best they can. There is no saint hood or priestly qualities to journalisms.  
15 So if you are suggesting that journalists are uniquely imbued with moral  
16 courage, I'm afraid that I can't agree with that.
- 17 Q. 174 I was suggesting that it was a quality unique to journalists but I was  
18 suggesting that if a journalist had moral courage, one of the things he  
19 wouldn't do would be to maintain silence in the face of somebody else who is  
12:25:23 20 giving false impression about the characters or perhaps suitability for public  
21 office of a person.
- 22 A. Well --
- 23 Q. 175 Do you agree or disagree?
- 24 A. I disagree.
- 12:25:42 25 Q. 176 And would you accept that journalists are expected, at least, to be persons of  
26 integrity?
- 27 A. Of course.
- 28 Q. 177 And a person of integrity would not conceal the fact of public corruption.
- 29 A. That would depends on the circumstances.
- 12:26:02 30 Q. 178 You would know, you had no difficulty when contacted by the Tribunal in telling

12:26:08 1 them what your recollection of events many, many years before was, perhaps ten  
2 years before, isn't that so?

3 A. I wouldn't say no difficulty. I think if you read my statement and if you read  
4 the content of my interview with Mr. O'Neill and Ms. Dillon, I was extremely  
12:26:31 5 reluctant and it was with some considerable difficulty that I managed to  
6 persuade myself to disclose confidential, what I considered to be confidential  
7 conversations to this Tribunal.

8 Q. 179 Well could I suggest to, Mr. Dunphy, without reading the entire of the  
9 transcript of your interview which runs for a total of 43 pages, that there  
12:26:59 10 doesn't seem to be much trace of reluctance in your willingness to talk to the  
11 Tribunal?

12 A. Well I can direct you to a certain passage in the transcript of that where I  
13 express extreme reluctance and in fact I talk about it being almost treacherous  
14 to do what I was doing. So I think you are wrong there.

12:27:27 15 Q. 180 But your excuse for not doing it earlier was that you hadn't been contacted by  
16 the Tribunal.

17 A. No.

18 Q. 181 And as soon as you were contacted by the Tribunal you went to them and told  
19 your story.

12:27:38 20 A. May I say to you that I didn't make an excuse at all! I have nothing to excuse  
21 myself for. What I provided was an explanation.

22 Q. 182 Well why did you not go earlier? You knew that the Tribunal was investigating  
23 corruption in public life since 1997. Why not go to the Tribunal earlier?

24 A. Because I felt I'd acquired information in a private capacity, it was hearsay,  
12:28:14 25 I didn't know its value and I basically felt it would be the wrong thing to do.

26 Q. 183 Well could I suggest, Mr. Dunphy, that that answer doesn't stand up in the  
27 light of the fact that ten years later you did go to the Tribunal?

28 A. Well if the Tribunal had come to me at any point in those intervening ten years  
29 and asked me for to testify, then I would have come to the Tribunal and I would  
12:28:52 30 have testified. I would, and again I've used this word earlier in the morning,

- 12:29:01 1 I was "passive" in relation to the information that I had and reluctant to  
2 engage with this Tribunal because of the way in which I received it when I was  
3 engaged in this project to bring Wimbledon to Dublin, I was not work working as  
4 a journalist. I had laid aside my journalist's hat and I was there in another  
12:29:38 5 capacity. And I felt and I feel very strongly that you should not betray  
6 confidences, especially confidences that people are entitled to feel should not  
7 be disclosed, would be damaging to them.
- 8 Q. 184 Do you think you were wrong to go to the Tribunal in 2007?
- 9 A. I didn't go to the Tribunal, I accepted an invitation from the Tribunal and I  
12:30:04 10 don't think I was wrong to do so, no.
- 11 Q. 185 Okay. So if I rephrase my question, do you think you were wrong to go on  
12 invitation to the Tribunal in 2007, your answer is that you don't think that  
13 you were wrong?
- 14 A. No, I don't think I was wrong. I think that this Tribunal was set up by the  
12:30:21 15 Oireachtas and I think it is important to assist it if you are required to  
16 assist it.
- 17 Q. 186 If it's not wrong to go to the Tribunal on invitation in 2007, why is it not  
18 wrong to fail to go to the Tribunal earlier? Surely the fact of an invitation  
19 or no invitation doesn't prevent something being wrong or make it right.
- 12:30:49 20 A. Well, that's the way I feel and I can only tell you what my instincts were and  
21 what my feelings were about what was right and wrong and that's what I'm doing.
- 22 Q. 187 Well could another word for "passive" which you used be moral courage, were you  
23 lacking in moral courage to come to the Tribunal?
- 24 A. No, I don't think that's a fair depiction of it. The fact of the matter is  
12:31:16 25 that I was engaged in a project, this was hearsay, it was of dubious value  
26 shall we say.
- 27 Q. 188 Do you still think this piece of information which is now going to occupy a  
28 full day at this Tribunal is an information of dubious value?
- 29 A. Well that's for other people to decide. I'm telling you what I felt. Other  
12:31:42 30 people will decide.

12:31:43 1 Q. 189 I am asking for your opinion, Mr. Dunphy. Do you still think this piece was  
2 information that you have been telling us about for the morning is of dubious  
3 value?  
4 A. Other people have to measure that. I'm not in a position to measure it.

12:31:55 5 Q. 190 Other people are not in the business, Mr. Dunphy, of measuring your opinion. I  
6 am just asking you for your opinion. Do you think that the information that  
7 you have been giving to the Tribunal is of dubious value?  
8 A. Well again I shall refer you, shall I to I think page 37 of my testimony, in  
9 which I say that I have no idea. Yes, it's page 40. And this is what I said  
10 to Mr. O'Neill in my initial interview I said "I felt I could tell you what I  
11 know which would --  
12  
13 CHAIRMAN: Sorry, Mr. Dunphy, it's page 40, is it?  
14 A. Page 40.

12:32:33 15  
16 MR. O'NEILL: 23374 on screen, please.  
17  
18 CHAIRMAN: That's page 37.  
19 A. It's page 40 actually.

12:32:41 20  
21 CHAIRMAN: There we are now  
22  
23 MR. SREENAN: 40 is 23377. 74 is page 37.  
24  
12:32:53 25 MR. O'NEILL: Sorry. You might just clarify that for us, Mr. Dunphy. You are  
26 referring to the internal pagination of the interview.  
27 A. I am referring to the interview with you and Ms. Dillon.  
28  
29 MR. O'NEILL: Exactly. The internal pagination of that is on the top right  
12:33:08 30 hand corner of each page.

12:33:09 1 A. It's page 40.  
2  
3 MR. O'NEILL: Okay. Then it's 23377 on screen please. Thanks  
4 A. Now, if I can refer you in answer to your question to lines 2, 3 and 4. I say  
12:33:22 5 "but I felt I could tell you" that's Mr. O'Neill and the Tribunal "what I know  
6 which would be very little in the overall scheme of things, that the assistance  
7 of mine wouldn't hurt any people".  
8  
9 Now, there is obviously a problem there with the stenographer and the sense of  
12:33:41 10 it but it's very clear that what I am saying is that in the overall scheme of  
11 things in relation to this Tribunal, my feeling was that what I was  
12 contributing by way of testimony may be of very little over all ...  
13 Q. 191 Now, Mr. Dunphy, you can't possibly be believe that. That must be a lie. A  
14 suggestion that a developer bribed the Minister for Finance who is the current  
12:34:12 15 Taoiseach and you say that would be of very little importance in the overall  
16 scheme of things and wouldn't hurt any people. You can't believe that?  
17 A. Excuse me. Did you suggest I was telling lies.  
18 Q. 192 Yes I did, Mr. Dunphy. That must be a lie.  
19 A. Well I can assure you it isn't.  
12:34:30 20 Q. 193 Are you telling the Tribunal that coming out with an allegation ten years after  
21 the event that Mr. O'Callaghan is supposed to have said to you in effect that  
22 he had bribed the then Minister for Finance for personal gain, who is now the  
23 Taoiseach, is something that's of very little importance? What standards do  
24 you apply, Mr. Dunphy?  
12:34:48 25 A. I am telling you that as I told Mr. O'Neill and Ms. Dillon that I felt that in  
26 the over call scheme of things, the contribution I am making this morning would  
27 have very little value.  
28 Q. 194 Could I suggest to you as well that a person of moral courage particularly if  
29 he is a journalist wouldn't cosy up to corrupt politicians giving them a  
12:35:16 30 platform. Would you agree with that?

- 12:35:18 1 A. Well can I dispense with this notion that I am someone of exceptional moral  
2 courage. I am just a journalist and a person. So I am not sitting before you  
3 and this Tribunal proclaiming my moral courage.
- 4 Q. 195 No one was suggesting that you were of exceptional --
- 12:35:42 5 A. Nor have I ever proclaimed any particular distinctions in that area.
- 6 Q. 196 Would you agree that a journalist of integrity wouldn't work with corrupt  
7 people?
- 8 A. You mightn't get out of bed in the morning then.
- 9 Q. 197 Would you think that a journalist of integrity would out a corrupt politician?
- 12:36:16 10 A. Really, there are standards of proof, shall we say, that apply if you endeavour  
11 to expose corruption in this country. There are laws of libel that would be  
12 applied to a journalist were he or she to try to, as you say, expose a corrupt  
13 politician. Of course, journalists would and do endeavour to expose corruption  
14 where they can. But there are impediments to that, as I'm sure you know.
- 12:37:02 15 Q. 198 Yeah, well from my limited understanding of the law of defamation, Mr. Dunphy,  
16 I always understood that the law of libel didn't stop anybody telling the  
17 truth.
- 18 A. Well you better go back to journalism school then, because it does.
- 19 Q. 199 Well in the past I think --
- 12:37:15 20 A. What the law of libel prevents is people asserting.
- 21 Q. 200 In the past I think the law of libel hasn't stopped you publishing matters and  
22 you and your newspapers that you've worked for in the past have been at the  
23 receiving end of a number of defamation actions?
- 24 A. Well only one defamation action that was tried in a court.
- 12:37:40 25 Q. 201 Yes.
- 26 A. And it was a prolonged matter, it took some considerable time and three trials  
27 to resolve.
- 28 Q. 202 You are referring to the Proinsias De Rosa case, are you?
- 29 A. I am, yes.
- 12:37:55 30 Q. 203 But I think other plaintiffs have sued alleging defamation arising out of

12:37:59 1 things you've said in the past?

2 A. Yes, that's true.

3 Q. 204 Including Mr. Pat Kenny the journalist?

4 A. Uh-huh.

12:38:05 5 Q. 205 Mr. John Waters.

6 A. Yes.

7 Q. 206 Mr. Cathal Dervan?

8 A. Yes.

9 Q. 207 So the prospect of being sued for libel I suggest hasn't and is unlikely to

12:38:19 10 discourage you from saying something that you believed was true and that was

11 important to say?

12 A. Well those three cases were settled out of court. They were not tried and if

13 you are suggesting that I would be, I wouldn't be mindful of the laws of libel,

14 well then you are mistaken. I would be mindful, like every other journalist.

12:38:45 15 Q. 208 I am not suggesting that you wouldn't be mindful. But that if you believed

16 that something was true and that it was important to get it out there you'd get

17 it out?

18 A. Oh, no you can't operate like that I think.

19 Q. 209 Would you approve of a journalist who let's say pulled the wool over the eyes

12:39:03 20 of a public about a politician's good qualities about his fitness for office?

21 A. I think there is no answer to that I think.

22 Q. 210 The I think the answer is obvious isn't it, you couldn't approve of such a

23 person?

24 A. Well your definition of pulling the wool over the public's eyes you'd have to

12:39:34 25 take that on a case by case basis.

26 Q. 211 Okay well I'll give you a case of it in a moment.

27 A. Uh-huh.

28 Q. 212 But just sticking with the sense of the allegation in the first instance. If

29 what you said to the Tribunal and what you've been saying here is not simply a

12:39:51 30 careless attempt to impress people or something that you have to follow through



- 12:39:56 1 on or an attempt to cause controversy. If it's true, then it follows that at  
2 all times since you heard this from Mr. O'Callaghan that you knew that  
3 Mr. Ahern the Taoiseach was a corrupt politician?
- 4 A. Well it doesn't actually follow. I am not in a position to make an accusation  
12:40:17 5 of corruption against Mr. Ahern. I was told something by Mr. O'Callaghan that  
6 falls a long way short of any standard of proof. It was hearsay.
- 7 Q. 213 Did you believe it?
- 8 A. I did believe it, yeah.
- 9 Q. 214 You did believe it?
- 12:40:40 10 A. I did believe it insofar as he described it.
- 11 Q. 215 In your interview at page 38 of the internal pagination, you say at line 30  
12 about Mr. Ahern:  
13  
14 "I wrote a piece about two years ago I think, two heading Presidency of EU  
12:41:07 15 article saying it's a very, very it's a positive look at Bertie however that  
16 was a polemic choice but if I had a view of him it would be Tribunal matters  
17 aside, benign shall we say". What article are you referring to there?
- 18 A. I am referring to an article that I wrote for the Irish Daily Mail about three  
19 years ago after which Mr. Ahern had been a successful president of the EU for  
12:41:38 20 six months, which was a very positive article about pointing to his many  
21 political achievements.
- 22 Q. 216 You didn't have to write that article about somebody who you believed was  
23 corrupt, did you?
- 24 A. I felt I felt that whether Mr. Ahern was corrupt or not was something that  
12:42:03 25 would have to be established. It wasn't in my mind when I wrote the piece.  
26 Mr. Ahern as far as I know and as far as I'm concerned is not a corrupt  
27 politician.
- 28 Q. 217 So you do not believe Mr. O'Callaghan's allegation?
- 29 A. Well, again, it's not -- it's possible to believe what the story Owen  
12:42:25 30 O'Callaghan told me about the shopping centre in Athlone, whilst at the same

12:42:33 1 time believing that Mr. Ahern's status as a politician remains to be  
2 established.

3 Q. 218 Mr. Dunphy, I must suggest to you you can't have it both ways?  
4 A. I can't go around on the basis of a conversation with Owen O'Callaghan and  
12:42:52 5 declare Mr. Ahern to be a corrupt politician.

6 Q. 219 You told us a moment ago you believed what Mr. O'Callaghan said. Now, if you  
7 believed that surely your opinion of Mr. Ahern must be that he is a corrupt  
8 politician?  
9 A. Well I am going to await the findings of these investigations before I make  
12:43:18 10 that judgement.

11 Q. 220 Could I suggest to you that is a convenient double standard now to adopt?  
12 A. Well could I suggest to you that you are seeing the world in cartoon simplistic  
13 type terms and it's proving rather tiresome, to be frank with you.

14 Q. 221 Well it might get even more tiresome because I'm not finished yet, Mr. Dunphy.  
12:43:41 15 A. I look forward to it.

16 Q. 222 I think you interviewed Mr. Ahern again for Today FM, isn't that so?  
17 A. I did, yes. Perhaps it was for Newstalk, would it be?

18 Q. 223 20th of June 2000 I think.  
19 A. Oh, sorry okay.

12:43:55 20 Q. 224 You interviewed him for Today FM, would that be correct?  
21 A. It could be, yes.

22 Q. 225 And I think you've interviewed him at the European summit in Portugal.  
23 A. I wasn't at the European Summit in fact.

24 Q. 226 I see. Well it's described in an article as "this week in a pre-recorded  
12:44:16 25 interview with Eamon Dunphy from the European Summit in Portugal".

26 A. Mr. Ahern may have been there. I was in the Today FM studios.

27 Q. 227 I see. But maybe it may be that the words used are simply inappropriate in the  
28 report in question. But I think you remember that interview, do you?  
29 A. I don't. I interviewed Mr. Ahern several times so you'd have to refresh me as  
12:44:47 30 to my memory to the content and context.

- 12:44:51 1 Q. 228 Yes. It was an interview which was described as one in which the Taoiseach  
2 temporarily threw the government into chaos over the Hugh O'Flaherty  
3 controversy?
- 4 A. Yes, I do recall the interview, yes.
- 12:45:05 5 Q. 229 Yeah. And it's stated in an article and this is a commentary in the Irish  
6 Examiner at the time, that the fact that Mr. Ahern was forced to repeat what he  
7 said about Mr. O'Flaherty, namely, that would be useful if he came out with an  
8 explanation, that he was forced to repeat that four times was attributed to the  
9 tenacity of the interviewer, Eamon Dunphy. I think you would accept that you  
10 are generally and not just on this occasion, a tenacious interviewer?
- 11 A. Actually that's completely untrue. On the radio programmes and on  
12 television -- on radio programmes I have notably been courteous as an  
13 interviewer rather than tenacious. I think Vincent Browne would come into the  
14 tenacious or Sean O'Rourke would be much more tenacious and formidable  
15 interviewers than I. I was never a particularly aggressive radio interviewer.  
16 In fact I would say I would be a bit of a pussy cat on the radio.
- 17 Q. 230 Even a pussy cat can put to a Taoiseach has he taken a corrupt payment in  
18 relation to a particular development in Athlone. Why didn't you do that?
- 19 A. In the context of that interview?
- 12:46:24 20 Q. 231 Or any interview?
- 21 A. Just pop it in.
- 22 Q. 232 Or any interview that you had with Mr. Ahern?
- 23 A. Well it may surprise you to learn but there are courtesies and protocols when  
24 you, when politicians agree to be interviewed. There is usually a subject  
12:46:41 25 matter agreed and the interview is conducted on the basis of a pre-agreed  
26 agenda and it wouldn't be possible, even if I were inclined to do so, to, as  
27 you put it, pop the question.
- 28 Q. 233 Well let's accept that. If that's so then you don't have to give a platform to  
29 a politician that you yourself may believe is corrupt or about whom you have  
12:47:13 30 information indicating corruption?

- 12:47:15 1 A. I was continuing with my work as the presenter and editor of a radio programme  
2 for Today FM. I was subsequently to do so with Newstalk where I also  
3 interviewed Mr. Ahern. I interviewed him also on my TV programme on TV3, which  
4 didn't last very long, but he was a good catch. So I continued to do my work  
12:47:41 5 as a journalist and a broadcaster and Mr. Ahern was always a very welcome guest  
6 because he was the Taoiseach of the day.
- 7 Q. 234 And one of those interviews was on the Dunphy Show on the 24th of October 2003,  
8 a Friday.
- 9 A. Yes.
- 12:48:00 10 Q. 235 And it was subsequently covered in newspaper articles at the time and there was  
11 a will the of discussion about the Northern Ireland situation, the comment at  
12 the time was overall it was a serious night's work for Bertie and Eamon from  
13 the north to domestic politics with little room left for levity in between.  
14 You remember that interview?
- 12:48:25 15 A. I remember the television interview, yes.
- 16 Q. 236 Again, if what you say is correct, you willingly provided a platform for a  
17 politician that you had information that you believed indicating that he was  
18 corrupt?
- 19 A. I was doing my job.
- 12:48:46 20 Q. 237 Well, when you attended the reopening of Dobbins restaurant on the 30th of May  
21 2006, you weren't there in any official capacity doing your job?
- 22 A. That's correct.
- 23 Q. 238 And it was reopened by Mr. Ahern on that occasion?
- 24 A. That's correct.
- 12:49:09 25 Q. 239 He delivered a speech, you remember that?
- 26 A. I do.
- 27 Q. 240 Yes. And I think in the course of his speech you heckled him no doubt in a  
28 playful way shouting "up Enda Kenny".
- 29 A. Now that's completely untrue. And you are reading an article in the Evening  
12:49:28 30 Herald that was pure invention. I was sitting at a table with friends and that

12:49:35 1 story I'm afraid is untrue and I can, we can furnish witnesses to testify to  
2 the fact that that was an entire invention by the Evening Herald. Not that  
3 they do it very often but sometimes.

4 Q. 241 So I presume you sued over that, did you?

12:49:53 5 A. Pardon.

6 Q. 242 I presume you sued.

7 A. I didn't sue, no. I am not one of life's litigants.

8 Q. 243 Well you were quoted as saying when Mr. Ahern left Dobbins that you said to  
9 Mr. Ahern that you shook his hand and said "I love you Bertie".

12:50:11 10 A. I don't think that happened either.

11 Q. 244 I see.

12 A. I think that is, I think that article is probably not a very good source of  
13 material. It was written by Richie Taylor, who was a grand friend of mine.

14 Q. 245 Well the one I'm looking at is Breda Heffernan. So two journalists appear to  
15 have got it wrong?

12:50:29 16 A. Well I can assure you and indeed the Tribunal that that article was a  
17 fabrication.

18 Q. 246 Well can I draw your attention to another occasion when there can be no  
19 question of a fabrication because it was a television show that was broadcast  
12:50:52 20 on the 18th of May 2007, on The Late Late?

21 A. Yes.

22 Q. 247 Do you remember that?

23 A. Yes, indeed.

24 Q. 248 And in fact anyone who wants to see that television programme can see it on the  
12:51:04 25 RTE website RTE.i.e./tv/late late/20070518.html. And I think you appeared on  
26 the Late Late Show for some 25 minutes with Mr. Owen Harris and Mr. John  
27 Waters, do you remember that?

28 A. How could I forget it.

29 Q. 249 And we have it here on DVD. We will hand it in to the Tribunal and if the  
12:51:31 30 facilities are there we might be able to even watch it after lunch. But in the

- 12:51:35 1 course of that, that interview I think you would agree was credited by many  
2 afterwards as turning the last General Election, do you remember?
- 3 A. Yes. Well I couldn't forget it. It certainly Mr. Harris gave an outstanding  
4 performance and is now in the Senate.
- 12:51:55 5 Q. 250 Yes, indeed.
- 6 A. How could we forget.
- 7 Q. 251 And isn't it a sign of the generosity perhaps of the Taoiseach that when he has  
8 the constitutional privilege of appointing nominees to the Senate he would  
9 appoint a person who on public television said that he was a lifelong supporter  
10 of Fine Gael and Labour and that was the one and only time he'd vote for Fianna  
11 Fail?
- 12 A. I agree.
- 13 Q. 252 And in fact that performance by Owen Harris in which he extolled the virtues of  
14 the Taoiseach and his suitability for office, led to a complaint to the  
15 broadcasting complaints commission. You are aware of that?
- 12:52:34 16 A. I wasn't, no.
- 17 Q. 253 Well, it did in fact and I think the broadcasting complaints commission in its  
18 decision, the reference to which is 153/07 talking about yourself, Mr. Harris  
19 and Mr. Waters says "that all three guests are strong characters and are well  
20 known as commentators who are not afraid to express their own opinions".  
21  
22 I take it you that you would accept that you are a strong character not afraid  
23 to express your own opinions?
- 24 A. Well I am a person who is not afraid to express opinions in the appropriate  
25 circumstances.
- 12:53:15 26 Q. 254 And I should say for completeness, that that complaint was rejected by the  
27 Broadcasting Complaints Commission. I think you were introduced, the group of  
28 you were introduced by Pat Kenny on that night again perhaps playfully as  
29 "three grumpy old men" you might remember that line?
- 12:53:36 30 A. I certainly resent it, which I remember it.

12:53:40 1 Q. 255 And I think Owen Harris was invited to speak first and asked what for him was  
2 the highlight of the campaign and he said it was actually a low light?

3 A. Yes.

4 Q. 256 Do you remember that?

12:53:50 5 A. Yes.

6 Q. 257 And immediately afterwards he said and I will just read out these words "I am  
7 going to vote for the first time and very likely for the last time in my life  
8 next Thursday for Fianna Fail, although it's hard for me to do so because I  
9 want to put Bertie Ahern back for a third term for two reasons.

12:54:08 10  
11 1. Because he is the best man for the job and he has worked himself to the bone  
12 for Ireland and they will see it by walking around the streets of Belfast in  
13 freedom and the second reason I am going to vote for Fianna Fail next week to  
14 give Ahern a third term is to show my absolute content for the Irish media's  
12:54:26 15 campaign to downgrade and drag down the finest Taoiseach we have had in my life  
16 term certainly since Jack Lynch".

17  
18 And I think you probably agree that that opening salvo probably set the tone  
19 for the whole debate thereafter?

12:54:41 20 A. Yes.

21 Q. 258 And he continued "I am a lifelong Fine Gael/Labour voter. I didn't want to  
22 vote for Ahern but I think it's a terrible thing to see. I just think the  
23 whole campaign to sort of downgrade and harass this very modest man, a man who  
24 clearly hasn't much of a private life, who has given his entire public life and  
12:55:04 25 public service to Ireland. I thought that was something very mean spirited  
26 about a media campaign and something of the value of squinting windows that I  
27 thought that we had left behind" and you were then asked I think at a later  
28 stage for some memorable points for you over the previous three weeks in the  
29 election campaign.

12:55:25 30

12:55:25 1 And you responded by saying" I think that one of the defining moments of this  
2 week was Michael McDowell in Ranelagh being confronted by John Gormley when he  
3 was going up on a lamp post I think, that the campaign overall that the weekend  
4 when the PDs threatened to pull out of government and sent all of those signals  
12:55:43 5 out because they were unhappy with information leaked by the Mahon Tribunal at  
6 Bertie Ahern's house. Now they backed off that position and I think probably  
7 discredited themselves but they will be I think McDowell is an important figure  
8 and that I think that John Gormley confronted him a decent man who protested  
9 that you were lying him about and lying about his policies and it led the Six 1  
12:56:07 10 News and I think it was a very vivid image but of course it was last night's  
11 debate as well, which Bertie Ahern did win and I think quite comprehensively".  
12

13 Now you skated fairly close there to allegations against Mr. Ahern and the  
14 Mahon Tribunal and of course as we know, it was only two months previous to  
12:56:25 15 this interview when you gave your statement to the Mahon Tribunal?

16 A. You say I skated close to making very serious allegation as soon as.

17 Q. 259 You skated --

18 A. Could you read the passage again the relevant part.

19 Q. 260 I will just repeat the question that I was putting to you. That you skated  
12:56:44 20 close to the Mahon Tribunal and matters that are of concern to it relating to  
21 Mr. Ahern. What you said was "I think that one of the defining moments of this  
22 week was Michael McDowell in Ranelagh being confronted by John Gormley when he  
23 was going up on a lamp post, I think that in the campaign overall I think that  
24 the weekend when the PDs threatened to pull out of government and sent all of  
12:57:08 25 those signals out because they were unhappy with information leaked by the  
26 Mahon Tribunal at Bertie Ahern's house.  
27

28 Now they backed off that position and I think probably discredited themselves  
29 but they will be I think McDowell is an important figure and I think in fact  
12:57:24 30 that John Gormley confronted him a decent man who protested that McDowell was



12:57:28 1 lying about him and lying about his policies. It led the Six One News and I  
2 think it was a very vivid image but of course it was last night's debate as  
3 well which Bertie Ahern did win and I think quite comprehensively".  
4

12:57:40 5 Now, I was putting it to you that in that comment you went quite close to  
6 mentioning the -- and indeed you did mention the Taoiseach's involvement with  
7 this Tribunal and allegations against the Taoiseach that are being investigated  
8 by this Tribunal.

9 A. What I said was that the PDs had mentioned it. I didn't.

12:58:03 10 Q. 261 But not only did you say the PDs had mentioned it but you said that by  
11 mentioning it that they had discredited themselves. In other words, you were  
12 giving no credence to these allegations?

13 A. I'm afraid you'll have to read it again and probably again. I didn't make any  
14 suggestion about the Mahon Tribunal.

12:58:32 15 Q. 262 But you said --

16 A. Really, you have to get your act together. I mean, what are you saying?

17 Q. 263 I am saying, Mr. Dunphy, for the third time that you skated quite close to  
18 Mr. Ahern's --

19 A. I didn't skate any where. I was commenting on the pivotal moment of that week  
12:59:01 20 and I didn't make any valued judgement or any judgement at all about the  
21 Taoiseach or the Mahon Tribunal or anybody else.

22 Q. 264 Well it wasn't --

23 A. I was referring to a controversy involving the PDs.

24 Q. 265 Yeah well it wasn't very honest of you to be suggesting that the PDs had  
12:59:10 25 discredited themselves by raising issues when only a few months previously you  
26 had been to the Tribunal saying that Mr. O'Callaghan had told you information  
27 that you believed?

28 A. Well if you want to read it out again. The idea that the PDs had discredited  
29 them themselves. I wasn't saying that they discredited themselves with me. I  
12:59:31 30 said that they discredited themselves with the electorate. I'm not passing any

12:59:33 1 judgement on that. You'd want to read it out again so that there is no mistake  
2 about this.

3 Q. 266 I happily will. The relevant words are "the weekend when the PDs threatened to  
4 pull out of government and sent all of those signals out because they were  
12:59:49 5 unhappy with information leaked by the Mahon Tribunal at Bertie Ahern's house.  
6 Now, they backed off that position and I think probably discredited  
7 themselves."

8 A. Well that is the consensus about the PDs behaviour over that weekend because  
9 that they had did it and discredited themselves, yes.

13:00:09 10 Q. 267 And when you said on national television that the information had been leaked  
11 by the Mahon Tribunal, did you believe that?

12 A. I ... will you read that again, please? I did not accuse the Mahon Tribunal of  
13 leaking information.

14 Q. 268 I think that "the weekend when the PDs threatened to pull out of government and  
13:00:29 15 sent all of those signals out because they were unhappy with information leaked  
16 by the Mahon Tribunal".

17 A. That's the PDs who are saying that information was leaked by the Mahon Tribunal  
18 it's not me.  
19

13:00:40 20 JUDGE KEYS: Is there a copy of that article available?

21 A. Oh, come on that's ridiculous.  
22

23 JUDGE KEYS: It's very simple. Is there a copy of the article available to  
24 make it easy. Because I am somewhat lost as well and I would like to have a  
13:00:52 25 copy of the article.  
26

27 MR. SREENAN: I will provide which is here the DVD of it. I have --  
28

29 JUDGE KEYS: No just the article.  
13:01:00 30

13:01:00 1 MR. SREENAN: Oh, it's not an article. It's not an article because it's an  
2 internal transcript. Not a transcript but as accurate a record as possible  
3 that can be made by my solicitor.  
4

13:01:10 5 CHAIRMAN: It's but it's an extract.  
6

7 JUDGE KEYS: Have you a transcript.  
8

9 MR. SREENAN: I said it's not a transcript. I have a briefing note from my  
13:01:19 10 solicitors as to what the interview says. And I think we have the disc and  
11 perhaps it can be played after lunch.  
12

13 MR. O'NEILL: This --  
14

13:01:29 15 CHAIRMAN: We are not going to screen any DVD this afternoon. If you were  
16 anxious that that be done, some notice should have been given to the Tribunal  
17 before now. We can look at the DVD ourselves in our own time. You have given  
18 a website reference so that members of the public can look at it as well. And  
19 certainly if Mr. Dunphy wants to look at it, he can do so over lunch and if  
13:01:58 20 necessary we can delay returning until a quarter past.  
21

22 MR. O'NEILL: I suggest, Mr. Chairman, that the same would happen in relation  
23 to any other documentation which is intended to put to the witness. As  
24 Mr. Sreenan is well aware, the purpose of this hearing is to address issues  
13:02:16 25 which parties on are notice to. The opportunity of cross-examination exists of  
26 course in relation to every witness. But for that to be meaningful, it should  
27 be on the basis of information which has been provided to them.  
28

29 There have been a number of directions from the Tribunal over time that  
13:02:32 30 documentation which is intended to be referred to in examination of witnesses

13:02:35 1 whether in direct or in cross-examination, should be provided in the first  
2 instance to the Tribunal so the Tribunal can determine whether it's appropriate  
3 that it be considered before the Tribunal. And in the event that it is, that  
4 it be circulated to all other affected parties who equally have the  
13:02:52 5 opportunities of considering its content.  
6

7 It is unsatisfactory that at this stage we are receiving extracts from  
8 documents, interpretations by journalists of what may have occurred on other  
9 occasions. All of which is being put to a witness who apparently has had no  
13:03:10 10 opportunity of considering either the context in which these statements were  
11 made or the analysis which led to a particular person concluding that it had a  
12 particular meaning. And it is somewhat unsatisfactory. So I would ask  
13 Mr. Sreenan if there are documents that he intends to put to the witness, that  
14 they be now provided to the Tribunal, so the Tribunal may consider them, copy  
15 them if necessary or make such rulings as is appropriate in relation to it.  
16

17 MR. SREENAN: I think Mr. O'Neill knows that I am not putting any documents to  
18 the witness and serious allegations have been made by this witness against my  
19 client. I have to be entitled to cross-examine him. And if Mr. O'Neill's  
13:03:50 20 submissions was to be accepted it would be a serious impediment and  
21 obstruction.  
22

23 CHAIRMAN: Mr. Sreenan, your client fought what is now quite a well known case  
24 seeking the circulation where the credibility of a witness was concerned  
13:04:07 25 seeking as much facility as possible to allow such a witness deal with issues  
26 relating to credibility. You know that there is this practice in the Tribunal  
27 that documentation that is put to a witness should be effectively lodged with  
28 the Tribunal beforehand so that the witness will have an opportunity to deal  
29 with it. You've, you you say that you are not referring to but you've, you  
13:04:41 30 have invited the Tribunal to watch a DVD, you have given a website reference.

13:04:48 1 So it is not merely just a quotation from it. You seem anxious that we should  
2 watch the DVD. But we can't have a situation where that is just pounced on the  
3 Tribunal at the last moment.

13:04:59 5 So it would be helpful and I'm sure you can see why it would be helpful. It  
6 would be helpful if any further documentation that you are going to make  
7 reference to, in terms of articles and so on, would be made available to Mr.  
8 Dunphy over lunch. We can provide the photocopying facility if necessary. And  
9 then I think it would be much more, it would produce a much more efficient  
13:05:24 10 cross-examination then in the afternoon.

11  
12 MR. SREENAN: Chairman, what I am putting to the witness now is not any  
13 document. What I am putting to him are things that I suggest that he has said  
14 in the course of The Late Late Show and that he heard other people saying  
13:05:37 15 without in any way differing from the opinions to the extent of suggesting that  
16 Mr. Ahern was in any way corrupt. And I will be suggesting further that not  
17 only did he not differ but he actually supported the views that were expressed  
18 about Mr. Ahern.

19  
13:05:56 20 The DVD that I am referring to, I am offering to the Tribunal not with a  
21 request that it be played but simply out of courtesy so that the Tribunal would  
22 have it readily accessible if it wished to without going on to the web link.

23  
24 CHAIRMAN: But why not produce that before the hearing today?

13:06:14 25  
26 MR. SREENAN: Well I think --

27  
28 CHAIRMAN: How can we possibly in the middle of taking oral evidence set up a  
29 DVD facility?

13:06:23 30 A. Excuse me.

13:06:25 1 MR. SREENAN: Chairman, if I wanted it played I would of course have made the  
2 arrangements for it to be played in advance. I am not asking for it to be  
3 played and if I could respectfully suggest, Chairman, without wishing to in any  
4 way interrupt you, but the Tribunal is well aware from its own experience in  
13:06:43 5 practice of the importance of cross-examination and that one doesn't at the  
6 beginning or in advance of a cross-examination hand over whatever materials one  
7 may or may not use.

8  
9 CHAIRMAN: No but in the -- it is the practice in the Tribunal that if an  
13:06:59 10 article is to be put to a witness that he should have an opportunity to look at  
11 it before he has to deal with or field questions in relation to it.

12  
13 Anyway, it's now one o'clock. And we would ask that if articles are to be put  
14 to Mr. Dunphy, that he be given an opportunity to look at them and then deal  
13:07:20 15 with any issues that arise in cross-examination.

16  
17 So we'll sit again at two o'clock.

18 A. Thank you very much.

19  
13:08:07 20 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:**

13:08:11 1  
2  
3 CHAIRMAN: Mr. O'Neill. Good afternoon.  
4

14:07:00 5 MR. O'NEILL: Would you return to the witness box, please, Mr. Dunphy.  
6  
7 CHAIRMAN: Mr. Dunphy. Mr. Sreenan, could I just make reference to our brief  
8 exchange before lunch.  
9

14:07:11 10 MR. SREENAN: Sorry, Chairman, I can't hear you for some reason. Your  
11 microphone may not be on.  
12

13 CHAIRMAN: Oh. It's working now. Just in relation to what we spoke about  
14 just before lunch. It's important I think, that where articles or books or  
14:07:29 15 whatever are being referred to or being put to the witness in evidence. That  
16 at least shortly beforehand, a copy of the document in question would be made  
17 available so that it can be put up on screen for the convenience of the  
18 witness, who I think is entitled to see it particularly if there is a lengthy  
19 extract being referred to, and for ourselves and of course the public as well.

14:07:54 20  
21 And the purpose of the screens is to have that facility available. So can I  
22 just ask that some thought be, before you reach a particular article, that  
23 maybe shortly beforehand Mr. King, the Tribunal solicitor, would be furnished  
24 with a copy of it, so that it can be put up on screen.

14:08:16 25  
26 MR. SREENAN: Yes, Chairman, I'm happy to do that.  
27

28 CHAIRMAN: Good afternoon, Mr. Dunphy.

29 Q. 269 MR. SREENAN: Good afternoon.

14:08:24 30 A. Good afternoon.

14:08:25 1 Q. 270 Mr. Dunphy, courtesy of the Tribunal we now have a transcript of the interview  
2 on The Late Late Show, which is being provided to the Tribunal I think by  
3 Mr. Ahern's counsel and as a result I am in a position to do precisely what the  
4 Chairman has suggested, and I would ask that page 29095 be put up on the  
14:08:46 5 screen.

6

7

MR. O'NEILL: 26095.

8

9 Q. 271 MR. SREENAN: My apologies. 26095. And third paragraph from the end we have  
14:09:02 10 a comment there by John Waters that I want to draw your attention to. And he  
11 is going on about English politics there and I think we can take up on the  
12 second sentence "and I think that actually this election will bring out the two  
13 facedness or the duplicity of the Irish people because we feel we are now -- we  
14 are brow beaten into believing certain things and stating certain things in  
14:09:28 15 public but in our hearts we have more complex views. The story that Bertie  
16 Ahern tells of his affairs resonates with me and with lots of other people" and  
17 you were there and heard that comment being passed, isn't that so?

18 A. Yes.

19 Q. 272 And did it occur to you that that might be the time perhaps to challenge that  
14:09:51 20 rather than participate in what might be two facedness or duplicity and say  
21 hang on a second Mr. Ahern, to my knowledge, is not pure as the driven snow?

22 A. Well first of all I don't think John Waters suggested that Mr. Ahern was pure  
23 as you have the driven snow. I think what suggested and did agreed with him  
24 and I agree with him now. Is that these are complex feelings that the Irish  
14:10:21 25 people have nuanced views and that where we were at that time, what Mr. Ahern  
26 had to say about his affairs notably on the Brian Dobson interview, would  
27 resonate with a lot of people as John said it resonates with him.

28

29 And over lunch I had been thinking, I lunched alone and I reflected on our

14:10:52 30 earlier conversation. And your suggestion at the end of that question, that I



14:10:58 1 might at that point have interrupted and told a story that had been told to me  
2 by Owen O'Callaghan in order to establish that Mr. Ahern was not pure as driven  
3 snow is really quite wrong headed. Had I repeated that anecdote on The Late  
4 Late Show or in print, or anywhere else in the public domain, I would have  
14:11:29 5 broken the law of libel. I would have slandered somebody. I would have not  
6 been able to furnish proof that what Mr. O'Callaghan said to me was true or  
7 indeed that Mr. Ahern had acted in any way improperly.

8  
9 So with the greatest of respect to you, it would not have been possible to  
14:11:53 10 place into the public domain as a journalist, what I knew or believed I knew  
11 what I had heard. It would have been unreasonable, outrageous and it was  
12 simply not on. At no point, not only on this occasion but at no other point  
13 could I have gone to an editor of a newspaper and said I have here, some  
14 hearsay that I want to publish in order to denigrate Mr. Ahern and Mr.  
14:12:24 15 O'Callaghan. It would not have been possible to do that. It would have been  
16 outrageous and a flagrant abuse of the laws of libel.

17 Q. 273 So instead you decided to come here to the Tribunal with this piece of hearsay  
18 and you don't regard that as an abuse?

19 A. No, I don't. I have no difficulty in my own mind making the distinction  
14:12:47 20 between a work of this Tribunal and the business of journalism.

21 Q. 274 But even accepting what you've just said in your second last answer, that  
22 wouldn't justify you in giving Mr. Ahern a positive endorsement of approval if  
23 you felt you couldn't come out with the knowledge that you believed you had of  
24 his corruption you didn't have to endorse him.

14:13:14 25 A. The anecdote recounted to me by Owen O'Callaghan ten years ago established  
26 nothing. I parked it, it was there in my mind but it did not colour my  
27 attitude to Mr. Ahern unduly. It didn't either colour my attitude to Mr.  
28 O'Callaghan unduly. I continued my work as a journalist and the conversation  
29 that I had with Mr. O'Callaghan and indeed all of the conversations that I had  
14:13:56 30 with Mr. O'Callaghan were there, they were the past and I was not going to draw

14:14:02 1 on them because they were not reliable in terms of source material or indeed in  
2 terms of an overall portrayal of Mr. Ahern or a depiction of Mr. Ahern or an  
3 assessment of Mr. Ahern. They were no more than a small piece in a very large  
4 jigsaw.

14:14:20 5 Q. 275 Well if we go over the page 26096, we can see how you responded to those  
6 comments from Mr. Waters. And you spoke about what you believed was the  
7 arrogance of the government and we can take it up five lines down where you  
8 say:

14:14:38 9  
10 "And if you make this as Owen is trying to, a story about a decent man brought  
11 down by the media, this is really not accurate. This decent man I've praised  
12 him in the past, he is for all we know a decent man. But it's not about him  
13 and the Mahon Tribunal and the media, it's about the quality of life for people  
14 in this country and the kind of society that we have. John said it's  
14:15:00 15 defining."

16  
17 And you went on then to deal with the health service and matters such as that.  
18 So here you were not just not disclosing what you believed to be true about  
19 Bertie Ahern but describing him as for all we know a decent man.

14:15:18 20 A. Yes.

21 Q. 276 Did you think that that was something honest or morally courageous to do?

22 A. It was an observation within the context of the discussion we were having and I  
23 think it's a reasonable observation. As I say it is not possible for me to  
24 take an assertion by Owen O'Callaghan and allow that to forever alter my view  
14:15:53 25 of Bertie Ahern.

26 Q. 277 Well let's see. Let's see how Owen Harris responded to this in what I've  
27 already put to you turned out to be perhaps the defining moment of the election  
28 campaign. You said "Well I think that's kind of politically correct" applause.

29

14:16:09 30 CHAIRMAN: Sorry where is this?

14:16:11 1  
2 MR. SREENAN: 26096 further down the same page. It's in an applause that you  
3 got as a result of your last comment that we looked at.  
4

14:16:21 5 "Well I think that's kind of politically correct. Applause. In a social  
6 democracy like we are, you could hardly put a sheet of A4 paper between the  
7 main parties in the country. There is a general consensus in the west about  
8 social democracy. But what matters in a General Election fundamentally more  
9 and more across Europe people are voting for the character of the party's  
10 leaders and parties. Politics is becoming more and more presidential. There  
11 isn't much on tax between Pat Rabbitte, Bertie Ahern and Enda Kenny. The truth  
12 is what matters is the character of our leader."  
13

14 So that was very much the theme of Owen Harris was all about the election  
15 character and he was endorsing Bertie Ahern's character, isn't that so?

14:17:01 16 A. Yes.

17 Q. 278 And he continued "So the media made Bertie Ahern the centre of this election  
18 and he quite rightly hung a lantern on his problem and made himself the centre.  
19 He is the issue. For me the defining issue is whether the Irish Republic takes  
20 whether RTE or the Irish Republic picks the Taoiseach and that should not be  
21 done because neither the Irish Independent or the Irish Times or the Irish Mail  
22 nor anyone else, except the Irish people should pick the Taoiseach. And there  
23 was a very strong media stampede as of this morning for example, there is a  
24 huge across the board media consensus.

14:17:44 25  
26 My voice is singular in supporting Ahern. There is not many of us at the  
27 moment. But the fact is that there has been a media consensus and there has  
28 been for three weeks to drag down Ahern and Ahern does define Irish politics  
29 because if Ahern is dragged down, then we are going to set a new puritanism in  
14:18:05 30 place in Ireland."

14:18:08 1 And Pat Kenny asked "Are you talking about the American experience where any  
2 kind of a skeleton -- answer and Owen Harris says "that's right. Who would  
3 want to go into politics? What young man or young woman has clean tax records?  
4 Who always filled in their tax bill? Who always had a proper sexual life? Who  
14:18:29 5 always had a proper married life? Not one of us has that kind of platonic  
6 perfection. And around the Irish tut-tut times and Fintan O'Fault finder and  
7 Fintan O'Finger-wagger and Fergus I'll fix your ethics for a fact fat brief in  
8 the law library and all of these people are trying to set in place a standard  
9 of perfection to which no human could reach.

14:19:03 10  
11 And when I look at Bertie Ahern I don't see the arrogant man that Eamon talks  
12 about. I watched him Westminster and what I saw was quite a small battered  
13 man from Drumcondra, like getting praised abroad and coming home to the most  
14 squalid and sordid and mean minded campaign that I have seen in my lifetime."

14:19:09 15  
16 And then you respond with an excellent line if I may say so, Mr. Dunphy: "Owen  
17 I'm from Drumcondra too and I'm Battered but I don't think that's a good reason  
18 to make me Taoiseach."

14:19:24 20 Now you sat there and you listened to Owen Harris extolling the character of  
21 the Taoiseach. And all along you believed what you understood Mr. O'Callaghan  
22 to have told you about him, isn't that correct?  
23 A. Well, let me take what you said there about -- Owen Harris talked about a media  
24 consensus that was forming to attack Mr. Ahern and his character. I was not  
14:19:53 25 part of that media consensus. And as I've said to you before, my view of  
26 Mr. Ahern was much broader than any anecdotal evidence that Mr. O'Callaghan had  
27 supplied. It was much wider much broader much deeper.

28  
29 And what Mr. O'Callaghan said to me was an assertion. I believed him when he  
14:20:27 30 said it. But I also believe that Mr. Harris is right when he talks about a

14:20:36 1 form of puritanism, and I wasn't a party to any of that. If you are suggesting  
2 that at that moment I could have interjected and said I know because a  
3 businessman told me that Bertie Ahern is corrupt, I think I'd have been taken  
4 off the set of The Late Late Show and put in a ... in a bag.

14:21:08 5 Q. 279 And --

6 A. You can't go around making assertions like that about somebody even though  
7 you've heard them. In journalism and indeed in a certain circles in Dublin,  
8 you hear rumours and innuendo and all the time about people in public life.  
9 And if you were to go around allowing them to inform your view of the subjects  
10 you'd be in a pretty bad place.

11 Q. 280 Yeah, well very well, Mr. Dumpy. I must suggest to you that this is more than  
12 rumour or innuendo that you're talking about. You're talking about something  
13 that you infer from something Mr. O'Callaghan you say said directly to you.

14 A. He did, yes.

14:21:55 15 Q. 281 And you went on to say on page 26098, third paragraph, fourth paragraph down.

16  
17 "Well just a moment now because the information was in the public domain. The  
18 media ultimately are the friend and the advocate for the people of this  
19 country. You won't get Michael McDowell and Mary Harney, Martin Cullen and  
14:22:15 20 Dick Roche. This is a hard faced government has ten years and blundered it's  
21 way for 10 years and squandered an awful lot of resources. Owen I would agree  
22 with you, that Bertie Ahern has been an outstanding Taoiseach and I wrote three  
23 years ago in my own column in the Irish Daily Mail in praise of Bertie Ahern  
24 and against the snobbery and begrudgery that he is facing."

14:22:34 25  
26 So again there you are endorsing Mr. Ahern and his character, isn't that so?

27 A. In the particular piece in the Daily Mail I did take a long-term view of  
28 Mr. Ahern's career as Taoiseach. And I pointed to its many outstanding  
29 achievements including the peace process, the holding together of three  
14:23:00 30 coalition Governments, these were unprecedented and historic achievements and

14:23:07 1 also in that column, I referred to his character and his demeanour in a very  
2 positive and favourable way. And that was a polemic I wrote for the Daily Mail  
3 in I think it would 2004.

4 Q. 282 Had and you continue down at the end of that page that we see on the screen:

14:23:28 5  
6 "No, let me finish the point there are two of you guys give me a break and  
7 Mr. Waters there are two of you guys. And you said my point is this Owen and  
8 it's a serious point, Bertie Ahern has been a master politician and in the  
9 north with many other people Albert Reynolds, John Hume, Charles Haughey, Gerry  
10 Adams, Martin McGuinness, Ian Paisley, David Trimble" and Owen Harris says "but  
11 not the same" and you say "Just a moment, let me try to convey this. I think  
12 in the last three years Bertie has given two of the most powers ministers of  
13 this country to Michael McDowell and Mary Harney and you can certainly put a  
14 sheet of paper Michael McDowell and Mary Harney and the rest of the people in  
14:24:05 15 this country between them and Pat Rabbitte. You have to change direction the  
16 way those people are taking us, we won't get a hospital bed, the -- haven't got  
17 classrooms, it will be every man for himself in society and that's what  
18 happened don't want and I don't want it and Bertie Ahern has let it happen".  
19

14:24:20 20 So you are criticising him there.

21 A. That's 2007.

22 Q. 283 And Mr. Harris then says "I think the so-called issues that people talk about  
23 any chance of talking about these issues is pretty much spoiled on week one of  
24 the campaign by the obsession with Ahern's alleged corruption".

14:24:46 25  
26 So now we have here Mr. Harris raising in your face the issue of corruption in  
27 the context of Mr. Ahern and he continues by saying "Now all you've to figure  
28 out are ye still -- he still is the issue of this election because it will  
29 define the kind of country we want to live in. He is the kind of man we pick  
14:24:59 30 as Taoiseach. If we don't put Bertie Ahern back we are giving in to a whole

14:25:04 1 culture of puritanism and of political correctness that is going to blight  
2 Irish politics because Bertie Ahern could not be corrupt. You can't end up  
3 with a small semi detached house in Drumcondra that most builders wouldn't even  
4 do up and sell on, compare with Haughey's mansion in Kinsealy. Albert Reynolds  
14:25:24 5 15 million house in Ailesbury Road, the truth is the proof of the pudding is in  
6 the eating. He lives in modesty and humility in a semi detached house. He  
7 could have made millions had he been a corrupt minister.

8  
9 The man is consumed by passion for the public service. He is very little  
14:25:42 10 happiness in his personal life. It's clear to anybody with any human  
11 sentiments whatsoever, that apart from the pleasure he takes in his daughter,  
12 his love affair with Celia Larkin fell by the wayside in this. He has given  
13 his all for Ireland. No other prime minister, Blair said he could put up with  
14 the insults and the arrogance of Adams. He listened to Adams and he put up  
14:26:01 15 with all that stuff, McGennis, Paisley, even the trade union movement the  
16 greatest weapon is in his political armory is his modesty. Now, you can say he  
17 might not have much to be modest about but I think that kind of modesty and  
18 that humility in public service is very important."

19  
14:26:15 20 Now, you sat there and listened to Owen Harris at a defining moment in the  
21 election telling the Irish people that this was not a corrupt person, that as a  
22 minister he could have made millions. According to your evidence, you believed  
23 Owen O'Callaghan when he inferred to you that he had bribed Bertie Ahern. How  
24 could you have sat there and kept quiet?

14:26:42 25 A. Well there is two answers. First of all, as you point out, what Mr.  
26 O'Callaghan did was infer. He provided no evidence or facts to back up his  
27 assertion and the second point is that it would not have been, it would have  
28 been insane of me to say at this point a businessman told me ten years ago that  
29 he had induced Mr. Ahern to do him a favour. That would have been simply  
14:27:16 30 preposterous and I'm sure you know that, with respect.

- 14:27:21 1 Q. 284 If you regarded that as preposterous, if we could go to page 26100, the second  
2 paragraph there. The ends of the third line:  
3  
4 "I don't decry anything that Owen has said about Bertie Ahern".
- 14:27:40 5  
6 Now, this is not a question of you having to disclose what you believed Owen  
7 O'Callaghan had told you. This is you giving an endorsement to Owen Harris who  
8 said this man is not corrupt. This man could have made millions as a minister  
9 and didn't. This man lives a very modest lifestyle. This is a man of  
10 character. And you said I can't decry anything that he has said. In other  
11 words, I can't denounce it as wrong.
- 12 A. Well Owen Harris had to say about Bertie Ahern was comprehensive. It covered  
13 the peace process. It covered his personal modesty. His personal persona,  
14 which has always been relatively speaking modest. And I could not and didn't  
15 wish to at that moment decry it.
- 14:28:28 16 Q. 285 But --
- 17 A. Well you must accept that this was a 25 minute television segment. There were  
18 three people involved. Mr. Harris did most of the talking because he had the  
19 most passion on the occasion. And this was not the occasion for me to  
20 introduce as I say, an anecdote which a businessman had told me ten years ago.  
21 It would not simply have been possible and if you are familiar with television,  
22 things happen very quickly. You have to be spontaneous and you have to be  
23 fair. This was a debate really. This was Owen Harris' polemic for which he  
24 was regarded and John Waters and I only regretted we hadn't engaged in a  
25 polemic, we might be in the Senate today.
- 14:29:27 26  
27 But the point is, this was a polemic Owen Harris was offering. I had no wish  
28 to contest the essence of what he was saying.
- 29 Q. 286 This was no question of introducing an anecdote. Mr. Harris had spoken  
14:29:47 30 glowingly, not just of Mr. Ahern's modest standard of living but of his



14:29:52 1 character, his lack of corruption and you said I don't deny anything that he  
2 has said. How could you sit there and say that to the Irish people who may be  
3 influenced by your views, when you were sitting on knowledge that you believed  
4 that Bertie Ahern while minister had taken a bribe? How could you do that?

14:30:15 5 A. Well first of all I had no belief that the Irish people were paying any  
6 attention to do me, whatever they do about Owen Harris.

7  
8 The circumstances I was in at the time and before that time and after that time  
9 precluded me introducing into my work, information that had passed in a  
10 conversation that could or could not be true, I did not factor Mr.

11 O'Callaghan's assertion about Mr. Ahern into my work or indeed into my view of  
12 Mr. Ahern. It would not be possible to objectively continue your work as a  
13 journalist if you had, if you were carrying around with you a prejudice or a  
14 belief and I am introducing a belief such as that into your work. It simply is  
15 not practical.

14:31:05 16 Q. 287 Well can I suggest to you that you followed what, to use your own words, you  
17 regarded as treachery two months earlier, with what in this Late Late debate  
18 was hypocrisy?

19 A. Well people will make their own mind up. If you believe I was being  
14:31:25 20 hypocritical, you are perfectly entitled to that view. What I am trying to do  
21 here is assist this Tribunal insofar as I can.

22 Q. 288 Well --

23 A. And your reference to treachery is this. I have, I am a human being first and  
24 a journalist second. As a human being, and not a journalist, I was engaged  
14:31:51 25 with Owen O'Callaghan in a project. I acquired information that has basically  
26 the status of gossip and I did not use that as a journalist and I am reluctant  
27 to disclose it now. But I have disclosed it and I will stand over that. You  
28 can call me a hypocrite but if, I think anyone in this room who is listening to  
29 you pursue this line of questioning will have to judge. I am saying to you  
14:32:29 30 definitively it would not have been possible for me to publish in a newspaper

14:32:34 1 gossip. It would not have been possible for me to decry what Owen Harris said  
2 about Mr. Ahern on the basis of a conversation I had ten years ago with a  
3 businessman. That's my belief and I believe I acted properly and  
4 professionally.

14:32:56 5 Q. 289 Where do you say this conversation took place?  
6 A. I am not exactly sure where the conversation took place. It took place I think  
7 when we were having a meal rather than, most likely when we were having a meal,  
8 possibly in the presence of Ambrose Kelly, possibly not.

9 Q. 290 You say, I think it was while I was having a meal. Are you not sure whether  
14:33:23 10 you were having a meal or not the at the time?  
11 A. We could have been having meal or a cup of coffee. There were many occasions  
12 when where he had coffee to discuss the developments or the latest details of  
13 the project, how it was going. It -- I can't provide a location and a  
14 circumstance. But it was when we were sitting down together discussing an  
14:33:49 15 aspect of this project.

16 Q. 291 Okay. You can't provide a location. You can't provide a circumstance. You  
17 don't know whether it was a meal or a cup of coffee or perhaps neither but you  
18 were just sitting down, is that it?  
19 A. That's it.

14:34:02 20 Q. 292 You don't know a date.  
21 A. No, I don't. I don't know a date. I could, no, I couldn't give you a date.

22 Q. 293 You don't know who was there.  
23 A. I know that there were either two or three people there.

24 Q. 294 Okay. So you don't know who was there.  
14:34:20 25 A. That's fair enough, yeah.

26 Q. 295 You don't know whether Ambrose Kelly was there or not.  
27 A. No, I'm not sure if he was there or not.

28 Q. 296 You don't know what country this conversation is supposed to have taken place  
29 in?  
14:34:30 30 A. I think it took place in Ireland but there's a possibility that it took place

14:34:35 1 in London.

2 Q. 297 Do you know what city it took place in?

3 A. There are only two possibilities. London and Dublin.

4 Q. 298 And you don't know which it is?

14:34:43 5 A. I believe it was in Dublin.

6 Q. 299 Can you remember anything about the room where you were at the time?

7 A. No.

8 Q. 300 But nevertheless you say this made a vivid impression on you?

9 A. It did.

14:34:54 10 Q. 301 Did you note anything down about it at the time?

11 A. No, I didn't.

12 Q. 302 And did your journalistic instinct not encourage you to make a record of it in

13 any way?

14 A. It did, no. My journalistic instinct wasn't in play at that time. I was

14:35:11 15 involved in a project that required indeed confidentiality.

16 Q. 303 And as you've indicated, you've told a number of others about it and one of

17 those others was Frank Connolly.

18 A. Subsequently I did, yes.

19 Q. 304 When did you tell him?

14:35:42 20 A. I would say some considerable time after the Wimbledon project ended which

21 would have been '98. It could have been two to three years later. It's

22 difficult to say precisely when.

23 Q. 305 Did you discuss it with him on more than one occasion?

24 A. Yes, I did. I discussed it with him on the basis that it was for his own

14:36:10 25 information only. It was on a confidential basis. These matters were in the

26 news and I discussed it with him.

27 Q. 306 And would you have discussed it with him over a number of years?

28 A. We would have talked occasionally over the years about it, yes.

29 Q. 307 And would he have also shared information with you about what he had heard

14:36:38 30 about corruption in politics in Ireland?

- 14:36:42 1 A. Probably not very much, no.
- 2 Q. 308 Well when you say "not very much" do I take it that the answer is yes, he would
- 3 have?
- 4 A. He, I can't remember Frank saying anything to me that wasn't in the public
- 14:36:54 5 domain.
- 6 Q. 309 When you say Mr. O'Callaghan told you about this, this was after Mr.
- 7 Gilmartin's allegations had become public?
- 8 A. Yes.
- 9 Q. 310 Yes.
- 14:37:10 10 A. Yes, yes.
- 11 Q. 311 Why then would Mr. O'Callaghan be telling you that he himself was involved in
- 12 corruption if those allegations were out there?
- 13 A. Well, on another occasion Mr. O'Callaghan said to me that he was involved in
- 14 dealing with the corrupt councillors.
- 14:37:31 15 Q. 312 And did he use that word "corrupt"?
- 16 A. No, the words he used were there was no other way to do my business unless I
- 17 could, unless I dealt with these people. I didn't want to be dealing with
- 18 these people but it was necessary in order to get my business done, I wanted to
- 19 be a developer, I wanted to develop and there was no other way.
- 14:37:54 20 Q. 313 You see --
- 21 A. And he said that to me in a conversation in which he also said that Mr.
- 22 Gilmartin was a head case. So that was after the Gilmartin allegation surfaced
- 23 and Mr. O'Callaghan was quite prepared to say to me that yes, of course he had
- 24 dealt with these people.
- 14:38:15 25 Q. 314 Yes. Aren't you in the habit of not being particularly careful when you are
- 26 recounting what Mr. O'Callaghan said to you. Because this is the second time
- 27 now today when you have said that Mr. O'Callaghan said that he had to deal with
- 28 corrupt councillors and you've embellished the statement of Mr. O'Callaghan to
- 29 you by introducing this adjective "corrupt"?
- 14:38:44 30 A. I have already said to you that Mr. Equal call never used the word "corrupt."

- 14:38:49 1 Q. 315 But device today you told the Tribunal that he had said that he had to deal  
2 with these corrupt councillors?  
3 A. Well he did.  
4 Q. 316 But I thought you said he didn't use the word corrupt?  
14:38:59 5 A. I have already said that he didn't use the word "corrupt", Mr. Sreenan. What I  
6 am saying to you is that he said that he had to deal with these people and  
7 these people were the people who were in the papers accused of corruption.  
8 Q. 317 When you heard this, how soon afterwards do you believe you told Mr. Connolly  
9 about it?  
14:39:20 10 A. Oh, I would say a considerable period of time elapsed before I ever discussed  
11 any of this with Frank Connolly or anyone else for that matter. When I was  
12 engaged in this project with Mr. O'Callaghan I was not a journalist. I was  
13 engaged in the project. I was not disclosing conversations I had with Mr.  
14 O'Callaghan to anybody.  
14:39:46 15 Q. 318 Is there Mr. Connolly a friend of yours?  
16 A. Yes he is.  
17 Q. 319 Has he been a friend of yours for a long time?  
18 A. He has been a colleague for a long time, somebody I admire greatly. And I  
19 would say he is a very good friend of mine. I have agreed admiration for him.  
14:40:06 20 Q. 320 And you would have been well aware so that he had published a disastrous  
21 series of articles in the Sunday Business Post in April 2000, about the  
22 (Starry) O'Brien allegations?  
23 A. I was aware of that.  
24 Q. 321 Which subsequently led to Mr. Ahern's name being cleared in court and the  
14:40:25 25 Business Post having to apologise for it?  
26 A. Yes, I was aware of that.  
27 Q. 322 Now was it before or after that publication that you told Frank Connolly these  
28 allegations?  
29 A. Well if you say the Sunday Business Post published this in the year 2000.  
14:40:45 30 Q. 323 Yes, April 2000.

- 14:40:47 1 A. Yeah my belief is that it would have been sometime afterwards.
- 2 Q. 324 Can you assist us with your memory at all by telling us what sometimes
- 3 afterwards means? Was it a month or a year or two years?
- 4 A. I think it would be in the order of a couple of years, rather than a month or
- 14:41:14 5 so. I finished the Wimbledon project I'd say in '88 perhaps it overlapped a
- 6 little into '99. Sorry. '98/'99. And I would -- I suspect I didn't speak to
- 7 Frank about the thing. So I knew for two or three years after that.
- 8 Q. 325 But you would have known of course that the publication of these very dramatic
- 9 allegations involving Bertie Ahern and (Starry) O'Brien, which ultimately
- 14:41:50 10 proved to be false were a major embarrassment for Frank Connolly and his
- 11 reputation?
- 12 A. Well of course for any journalist who is on the wrong side of a libel it is a
- 13 matter of some consequence.
- 14 Q. 326 And are you telling the Tribunal that you didn't go along to your friend Frank
- 14:42:14 15 Connolly there and then and say look I have information that Bertie Ahern
- 16 actually did take a bribe from Owen O'Callaghan but on a different occasion?
- 17 A. I am telling you that, yes. I didn't have any inclination to rush to Frank
- 18 Connolly or to go to Frank Connolly at that time, no.
- 19
- 14:42:35 20 I mean, when I would see Frank quite infrequently. We were extremely good
- 21 friends and good colleagues but I was buried in work, usually in radio studios.
- 22 I didn't socialise much with Frank but we were good friends and colleagues.
- 23 Q. 327 But as we know Frank Connolly then had a position with the centre for public
- 24 inquiry from which he was dismissed, isn't that so?
- 14:43:04 25 A. That was some time subsequent to that, yes.
- 26 Q. 328 Were you annoyed about that?
- 27 A. I was very, very disturbed by the use of Dail privilege to damage Frank
- 28 Connolly. I thought it was a disturbing and sinister and the leaking of a
- 29 document to a journalist that was hugely damaging to Frank Connolly I thought
- 14:43:39 30 was wrong, yes.

- 14:43:41 1 Q. 329 And did you decide then to come to the Tribunal in order to wreak revenge for  
2 what you believed had been inflicted on your friend Frank Connolly?  
3 A. Certainly not.
- 4 Q. 330 Can we have document 23351. This is the transcript of your interview with the  
14:44:10 5 Tribunal. And at line 16 you are saying "We need to go and see Pdraig Flynn  
6 to get support in Europe and in the context of the question, that's the  
7 question of Bertie and his disposition arose which is I am I was very friendly  
8 with O'Callaghan, I liked him. I should preface this by saying that until what  
9 happened to Frank Connolly happened, I was not going to furnish this. I  
14:44:35 10 didn't know the value of it but I certainly wasn't inclined to reveal it to  
11 anybody, private conversations I had when I wasn't wearing my journalist hat.  
12 I think it's wrong, it's unprincipled and it's wrong. So my reluctance to be  
13 here is considerable on that ground. However, I had information that Frank  
14 persuaded me was important and I think you should know it."
- 14:45:01 15  
16 Now, in using those words that you weren't going to furnish the information  
17 until what happened to Frank Connolly happened are you referring to his  
18 dismissal from the Centre for Public Inquiry?  
19 A. No, I'm not.
- 14:45:19 20 Q. 331 What are you referring to?  
21 A. I'm referring to the use of Dail privilege. The leaking of damaging  
22 information which had the effect I would say of damaging his career, his  
23 prospects to earn a living, which I considered to be a pretty dreadful act.
- 24 Q. 332 Well now you gave if I may suggest to you, Mr. Dunphy, a very different  
14:45:48 25 impression this morning. You gave the impression that the only reason you came  
26 in contact with the Tribunal was because the Tribunal had written to you. Had  
27 they written to you at any time you would have come and spoken to them and told  
28 them exactly the same thing. Can I suggest to you now that it's clear that you  
29 approached the Tribunal, either directly or indirectly, because of what you say  
14:46:10 30 happened to Frank Connolly?

14:46:12 1 A. That's not strictly speaking true. I didn't -- the Tribunal didn't write to  
2 me. The Tribunal -- Donal King telephoned me and subsequently wrote to me.  
3 And what I said this morning and what I say now is that if at any time the  
4 Tribunal had asked me to testify, I would have testified and I would have  
14:46:36 5 testified truthfully. What changed is the ... I was very, very reluctant to  
6 disclose confidential information. I was less reluctant to disclose that  
7 information after what happened to Frank. And I'd be very, very candid about  
8 that.

9  
14:47:02 10 It is my, it was, there was a change in my disposition. That's the fact of the  
11 matter and far from me seeking to hide that fact, I declared to Mr. O'Neill.  
12 And I am declaring to this Tribunal that what happened Frank Connolly did  
13 effect me.

14 Q. 333 And in fact Frank Connolly was the one who persuaded you that the information  
14:47:37 15 was important according to you.

16 A. Frank Connolly and I discussed the information and as I have said in my  
17 testimony to Mr. O'Neill in private, as I've said here this morning, my own  
18 belief was, and it's on the record from the -- also Ms. Dillon was there. I  
19 believed what I had was of little relevance in the overall scheme of things.  
14:48:07 20 Are you perfectly clear about that? Because I can draw your attention to it.  
21 It's on page 40 of my ...

22 Q. 334 We dealt with it this morning.

23 A. I want you to be very clear about it. I believed it was not in any way a  
24 smoking gun, something that would determine the outcome of this Tribunal, I  
14:48:26 25 believed it was a piece of hearsay and I wasn't convinced of its value. In a  
26 conversation with Frank he persuaded me that it wasn't as insignificant as I  
27 thought it was.

28 Q. 335 And is it he persuaded you to go the to the Tribunal?

29 A. No, I didn't to got to the Tribunal as I have again said. What happened was  
14:49:00 30 the Tribunal contacted me.



- 14:49:02 1 Q. 336 As a result of a contact from Frank Connolly.
- 2 A. I have no idea why they contacted me. As I already said to Mr. O'Neill this
- 3 morning, that's possible but I don't know that.
- 4 Q. 337 Can I have page 23374. And line 10 there you say "but I think it's a kind of
- 14:49:40 5 pressuring almost but I noted what happened to Frank, who I like and I know the
- 6 whole story.
- 7 Q: For the record, that's Frank Connolly journalist friend of yours.
- 8 A: Well a colleague of mine and a friend of mine as well but a colleague and
- 9 someone who I have a high regard. I told him this stuff some years ago and I
- 14:50:00 10 told him just, you know, for his own information. Fancy that, you know, I'm
- 11 not surprised or stunned at all. It's my strongest, it would damage me hugely
- 12 to do this." And then you went on to say you feel bad about it etc. But
- 13 who was pressuring you?
- 14 A. With respect, "I think that's probably" if you look at that again. "But I
- 14:50:28 15 think it's kind of pressuring almost". I think that's probably not what I said
- 16 and maybe the stenographer has got that's not a sentence in the English
- 17 language. There is no ... there is no suggestion there that I was being
- 18 pressured at all. Nobody is going to pressure me and again as I say, if you
- 19 look at the line "but I think it's kind of pressuring almost but I noted what
- 14:50:55 20 happened". I don't really think that makes sense in the English language.
- 21 Q. 338 All right. Well it wouldn't be unknown for a mistake to creep into a
- 22 transcript.
- 23 A. It's evident if you look at the whole transcript there are passages that don't
- 24 make sense.
- 14:51:09 25 Q. 339 If you go to page 23376. You say there at line 7 in the answer to a question
- 26 "No, no well so far as I know he did me numerous favours like going on the
- 27 premiership when I was first setting up and coming on the radio programmes with
- 28 my own TV show. Basically he has always been, when it suited him of course,
- 29 obliging and it suited me. So it's kind of I have no personal hostility
- 14:51:37 30 towards him although I must say and this is important" and what you are

- 14:51:41 1 referring to there is Mr. Ahern "although I must say and this is important when  
2 Frank and the CPI were closed down, the way they were closed down, then I think  
3 I would feel and this is critical and true that that was a dastardly act" and  
4 the question from Tribunal counsel was "And is that the trigger factor for your  
14:52:05 5 being here effectively?  
6 A: Yes, it is."  
7 A. Yes.  
8 Q. 340 Isn't that different to what you were saying a moment ago that you came because  
9 you were contacted and although it was an element of you being more prepared to  
14:52:25 10 talk, it wasn't the trigger factor?  
11 A. Well in fact the phrase trigger factor. It was a "factor". It was an  
12 important fact, factor but when you -- when I reflected on it. When I reflect  
13 on it now and when anybody reflects on it I couldn't possibly having been  
14 contacted by a Tribunal set up by the Oireachtas refuse to co-operate with that  
14:52:51 15 Tribunal. What I am declaring there is perhaps a willingness an enthusiasm for  
16 cooperating that might otherwise have been missing.  
17 Q. 341 But Mr. O'Neill's question there is very careful and very precise and he asked  
18 you "is that the trigger factor for your being here effectively" to which you  
19 said "yes it is".  
14:53:22 20 A. Well I could not not be there with the greatest of respect. If I was asked to  
21 testify, then I was obliged to testify.  
22 Q. 342 Your feelings about what happened to Mr. Connolly and the way it happened  
23 obviously run quite deep to judge by your language because you have described  
24 it as disturbing, sinister, dastardly.  
14:53:48 25 A. Yes.  
26 Q. 343 And you say it was "critical" in terms of your decision being there. That's  
27 the word you use. And this is "critical" and true. This was a dastardly act.  
28 And is that the trigger fact factor for you being here yes, it is.  
29 A. Yes well I'm prepared to live with that. I'll accept that. I think the  
14:54:10 30 interpretation you put on it is slightly different. It would, in terms of my

14:54:16 1 demeanour and in terms of my enthusiasm for disclosing what I knew, it was some  
2 iron entered my soul after what happened to Frank that had not been there  
3 before.

4 Q. 344 So at that stage you got some moral courage to come forward, is that it?

14:54:39 5 A. As I've said to you before, and I think it's important that you understand. I  
6 was contacted by the Tribunal. I came forward to give my testimony. The  
7 testimony would have been the same whenever I was asked to give it. The degree  
8 of enthusiasm for doing it might have been less.

9 Q. 345 But isn't it obvious that you were contacted by the Tribunal because Frank  
14:55:07 10 Connolly contacted the Tribunal and said you were now willing to talk and he  
11 wouldn't have done that without your approval?

12 A. Well I think you are probably right but I don't know you're right.

13 Q. 346 And --

14 A. I don't know why the Tribunal contacted me. I was involved very closely in  
14:55:25 15 this project with Mr. O'Callaghan and the Quarryvale site for that stadium, the  
16 Neilstown site for that stadium, is the subject of investigations by this  
17 Tribunal. So I didn't think it was in any way extraordinary that I would be at  
18 some stage asked if I had anything that would be useful to the work of this  
19 Tribunal.

14:55:48 20 Q. 347 Well of course Neilstown is central to the work of this Tribunal and it's  
21 central to the Quarryvale investigation, it's been mentioned many times. You  
22 were publicly associated with it for a long number of years. Are you telling  
23 us that this Tribunal left ten years lapse before they contacted you about such  
24 an important part of their inquiries?

14:56:10 25 A. Well I could suggest to you that the Quarryvale Module has been postponed many  
26 times and it's only recently been addressed.

27 Q. 348 Oh, but the Tribunal has been investigating it in private session from the very  
28 beginning. Are you telling us you were not approached for ten years by the  
29 Tribunal about an aspect that's central to their work, when you were so  
14:56:33 30 publicly involved with it?

- 14:56:35 1 A. Well I am clearly telling you it's the case and it clearly is the case.
- 2 Q. 349 Well is the Tribunal contacting you therefore as a result of whatever contact  
3 was made by the Tribunal by whoever really a way of wreaking revenge for what  
4 happened to Frank Connolly?
- 14:56:51 5 A. If you are suggesting for one minute that I would come to this Tribunal and  
6 perjure myself and damage the Taoiseach of this country and a businessman for  
7 whom I have the highest regard in order to wreak revenge as you put it, for  
8 what was done to Frank Connolly. I don't want to be in any way bad mannered,  
9 but that is outrageous! And you must surely know it. It is a preposterous  
10 allegation to make. And if that's what you are suggesting, well, then, you  
11 must be pretty short of material I have to say.
- 12 Q. 350 Well is it equally preposterous to suggest that maybe you are being used  
13 wittingly or unwittingly by Frank Connolly to get revenge on somebody for the  
14 manner of his dismissal or for the fact that the (Starry) O'Brien story didn't  
15 stick many years ago?
- 14:57:53 15 A. With the greatest of respect to you, Sir, that is absolute nonsense! The idea  
16 that Frank Connolly would either wish to use me or that I would allow myself to  
17 be used, that I would concoct a story at length about Owen O'Callaghan, a man  
18 for whom I have the highest regard, that would damage the Taoiseach of this  
19 country, gratuitously in order to get revenge? You must be mad!
- 14:58:19 20 Q. 351 And if I can ask for page 23352, and what I am going to do now, Mr. Dunphy, is  
21 I am going to look at a number of extracts from your private conversation with  
22 the Tribunal to see what you specifically told the Tribunal about Mr.  
23 O'Callaghan. This is page 15 and at line nine you are referring Mr.  
24 O'Callaghan. And you say and he said "Bertie, well the thing about Bertie is  
25 he takes the money and he doesn't do the business".  
26  
27  
28 Now, you have told us this morning that Mr. O'Callaghan never mentioned the  
29 word "money".
- 14:59:22 30 A. Yes.

- 14:59:22 1 Q. 352 Were you just careless about such an important matter when you told the  
2 Tribunal about it for the first time?
- 3 A. No, I will explain it precisely to you. When Mr. O'Callaghan talked about his  
4 relationship with Mr. Ahern, the phrases used were, and in this particular  
14:59:46 5 contact, it should have read "the thing about Bertie is he does the deal but  
6 then he doesn't do the business".  
7
- 8 Now, in my long statement to the Tribunal and I've eluded to this earlier  
9 today. Language is used loosely. I drew an inference from conversations and  
10 particularly from the conversation about the shopping centre, that Mr. Ahern  
11 had received money as an inducement to do a favour for Mr. O'Callaghan. And  
12 when I sat down with Mr. O'Neill and Ms. Dillon I used the word "money" on a  
13 number of occasions. But on page 34, which is about half an hour into my  
14 discussions with them, which was an exercise in recalling something that had  
15:00:10 15 happened ten years before on page 34 I explicitly say that Mr. O'Callaghan did  
16 not use the word "money".  
17
- 18 That the terms he used were he'd been "looked after". "He had been fixed up."  
19 Or "he'd do a deal". So I am perfectly prepared to concede that that is loose  
15:01:05 20 language and I conceded that and clarified that on the very first encounter I  
21 had with Ms. Dillon and Mr. O'Neill.
- 22 Q. 353 Well, you see, it's not just capable of being dismissed as loose language  
23 because it's loose language in relation to the most important thing that you  
24 had to say critically important to the good name of Mr. Ahern and Mr.  
15:01:30 25 O'Callaghan. And you purported to quote at that point of the transcript what  
26 Mr. O'Callaghan had said to you.
- 27 A. Yes and I ... a few pages later in that long statement on page 34 when  
28 Mr. O'Neill encourages me to clarify and to be clear and precise. I say to  
29 Mr. O'Neill he did not use the word money, the words used were "looked after,  
15:02:03 30 fixed up".

15:02:04 1  
2 MR. O'NEILL: Sorry to interrupt Mr. Sreenan. Mr. Dunphy mentions page 34 in  
3 the internal pagination, in fact it's page 24 so that we can ...  
4 A. Oh, forgive me.

15:02:15 5  
6 MR. O'NEILL: Page 23361.  
7

8 Q. 354 MR. SREENAN: But before --  
9 A. If I can just complete my answer, please.

15:02:22 10 Q. 355 Sorry, I didn't realise you hadn't completed your answer, Mr. Dunphy. Please  
11 do.  
12 A. Sorry. I just want to make it crystal clear that the early part of that  
13 interview was the first detailed discussion I'd had about this matter and it  
14 was the first discussion in which I was encouraged to be precise and  
15 Mr. O'Neill insisted that I was precise and he said where was the word "money"  
16 used and I actually at that point said the word "money" was not used. And I  
17 did explain the terms that were used. So that's the end of my answer. Forgive  
18 me.

19 Q. 356 Yeah well we'll going back to page 24 in a moment. But I want to start with  
15:03:17 20 page 15 which we were on, 23352. Because having been encouraged by Mr. O'Neill  
21 to be precise, you were purporting to quote Mr. O'Callaghan and we have now  
22 established that you quoted him incorrectly and in a damaging way by saying  
23 that he had said that Bertie takes the money?  
24 A. Yes, that's -- you're right, that was incorrect.

15:03:42 25 Q. 357 And it wasn't just incorrect once but at the bottom of the same page line 27 he  
26 said "but he" this is what you say, Mr. Dunphy "but he maid no bones about  
27 saying to me he can't rely on Bertie and on that one occasion he specifically  
28 said that he would take money all right but he won't deliver".  
29

15:04:07 30 So here for the second time you repeat it and you say he specifically said it.

15:04:12 1 That was wrong, wasn't it?

2 A. That was wrong.

3 Q. 358 And then going over to page 24 line 16, you are asked by Mr. O'Neill "well can  
4 you tell me as much of that story as you can recollect" and your answer "the  
15:04:31 5 story was that an unspecified he said that Bertie Ahern had been bought had  
6 taken money." And then you are asked "are they the words he used?" and the  
7 answer the words "yes, taken care of and he doesn't do the deal".  
8  
9 You were then asked "where in the context do we hear the word money expressed  
15:04:54 10 or paid?" and it was then you said "No, whatever the phrase was it's a long  
11 time ago he'd been taken care of. I think is the expression used. Money  
12 wasn't used but the clear inference was that he had reneged on a deal that  
13 wasn't just a commitment but there was, this was the way the game was played.  
14 He'd been taken care of but he didn't".

15:05:16 15  
16 So here we have a third occasion where you very specifically said that the  
17 story was that Bertie had taken money and you were asked are they the words he  
18 used. And you said the words "yes taken care of and he doesn't do the deal"  
19 and it was only when pressed where the word money was that you said no that  
15:05:38 20 that word wasn't used.

21 A. That's correct.

22 Q. 359 So your story, even though in that short period of time with Tribunal counsel  
23 has been inconsistent?

24 A. It's fair to say that when I was pressed I, and this was a process of going  
15:06:07 25 from loose talk to precise terms. That I clarified immediately and made no  
26 attempt to attribute to Mr. O'Callaghan words he did not use. I was seeking at  
27 that moment with, on the questioning by Mr. O'Neill and Ms. Dillon, I was  
28 seeking to be as clear and as precise as I could possibly be. I was not  
29 seeking, as is obvious from that, correcting myself with the encouragement of  
15:06:41 30 Mr. O'Neill and I am very happy to correct myself. So, yes, the language was

15:06:48 1 loose. Yes, I was taking an inference and interpreting it wrongly. And I am  
2 quite happy to concede to you that this language I attribute it to Mr.  
3 O'Callaghan. It's wrong but I should point out to you that I made that  
4 clarification that adjustment in the course of my first encounter with this  
15:07:20 5 Tribunal.

6 Q. 360 Yes. I can see that, Mr. Dunphy --

7 A. I was anxious to be as honest as I could be and words ten years afterwards are  
8 difficult.

9 Q. 361 But like the reference I gave you earlier to the councillors about being  
15:07:40 10 described as "corrupt". I must put it to you that this is another example  
11 where not once but twice or three times you embellished the story by referring  
12 to Mr. O'Callaghan saying he had given money to Mr. Ahern.

13 A. Would you repeat that question?

14 Q. 362 That you embellished the story just like using the term "corrupt" in relation  
15:08:07 15 to councillors.

16 A. No, I didn't use the word "corrupt" in relation to the councillors. There were  
17 stories about corrupt councillors in the newspapers, there were allegations of  
18 corruption made by Mr. Gilmartin. I discussed this with Mr. O'Callaghan and he  
19 talked about these people. I didn't call them corrupt people and neither did  
15:08:29 20 he. And as for embellishment. I think you will find towards the end of my  
21 statement that, my long statement that I made in private to the Tribunal, I  
22 talk about embellishing things and the uselessness of it and my anxiety not to  
23 embellish things.

24 Q. 363 On page 23352, line 12, you volunteer where you were allegedly told this and  
15:09:00 25 you say "and he" being Owen O'Callaghan "told me a story over a meal about  
26 Bertie, about Albert".

27 Now you tell us that you don't know whether it was a coffee or a meal or maybe  
28 nothing at all?

29 A. That's fair enough.

15:09:16 30 Q. 364 Again, was that just carelessness on your part?



- 15:09:18 1 A. Well, it was perhaps over a cup of coffee or a meal.
- 2 Q. 365 Can we go to page 23359. Line 16 you are asked and "if we can try and work out
- 3 when that happened, where it happened, who might have been present. Can you
- 4 assist me in any of those matters was this likely to be firstly a face-to-face
- 15:09:50 5 meeting, which had been set up?" And your answer was "No because he talked to
- 6 me. He told me a story and we spent a night in London I think. I just don't
- 7 know to be honest with you now it could be in London or it could be in" and
- 8 then you are cut off and you say "possibly Ambrose Kelly might have been there
- 9 where you can't remember".
- 15:10:09 10
- 11 So there you seem to think it was more likely to have been in London than in
- 12 Dublin.
- 13 A. I said it could have been in England.
- 14 Q. 366 But your memory for this is really quite bad, isn't it?
- 15:10:21 15 A. Well my memory of the location as I've already indicated to you earlier this
- 16 afternoon is I don't know it was and I don't know in precisely what setting. I
- 17 mean you asked me before if I could remember the decorations in the room, no, I
- 18 can't.
- 19 Q. 367 Well I take it you would have been aware of the fact that Mr. O'Callaghan had
- 15:10:48 20 gone to see Mr. Ahern sometime back about the stadium project before you became
- 21 involved?
- 22 A. I didn't know that, no.
- 23 Q. 368 Were you not told that in November 1994, he had been to see Mr. Ahern about it?
- 24 A. Not that I can recall but it's possible that he told me.
- 15:11:16 25 Q. 369 Were you aware of the involvement of Chilton & O'Connor as financiers for its
- 26 project?
- 27 A. No.
- 28 Q. 370 Or did you know of Mr. Bill O'Connor?
- 29 A. No.
- 15:11:30 30 Q. 371 Well if in fact as Mr. O'Callaghan says in November 1994, he brought Mr. Bill

15:11:37 1 O'Connor of Chilton & O'Connor along to see the then Minister for Finance,  
2 Mr. Ahern, to try and persuade the government to support a project of a Stadium  
3 in Neilstown and if the meeting lasted a mere ten minutes when it was a  
4 abruptly terminated by Mr. Ahern saying that there would be no government  
15:12:11 5 support for a stadium there, Mr. O'Callaghan would have had good reason to be  
6 wary of going back to Mr. Ahern about the project again wouldn't he?  
7 A. Yes.  
8 Q. 372 And if we could have page 19 of your transcript which I think is page 23356.  
9 Line 15, there and you were saying "it wasn't, it wasn't ever stated explicitly  
15:12:31 10 that the context of Owen O'Callaghan's remark to me was a wariness of Bertie  
11 Ahern a kind of once bitten twice shy".  
12 A. Yes.  
13 Q. 373 And that wariness could welcome from a meeting like I've just described.  
14 A. Absolutely.  
15:12:48 15 Q. 374 Mr. Ahern had his own project in terms of stadium that he was hoping to build  
16 on the north side of Dublin?  
17 A. Yes, that's right.  
18 Q. 375 And there really was only going to be space for one major soccer stadium?  
19 A. Yes, that's correct.  
15:13:04 20 Q. 376 And if I could then ask you to turn to the next page. Sorry. The second next  
21 page, page 23358. You say there at line 18. "No the context for the  
22 O'Callaghan conversation I suppose what was surprising was the O'Callaghan was  
23 reluctant to go near Bertie Ahern. I mean, he was explicit about that almost,  
24 you know, I dealt with this guy, you know, he takes money and does nothing it's  
15:13:44 25 more hassle than it's worth. His view of it was it's better to go around  
26 Bertie if you could because Bertie wouldn't get in the way" that presumably  
27 should be "would get in the way" and that's the way the discussion ended".  
28  
29 Now here again we have you mentioning Owen O'Callaghan as having said that  
15:14:06 30 Bertie takes money. That's not true, isn't that so?

- 15:14:14 1 A. I think it's fair to say that I wouldn't want to stand over that. The word  
2 money in that context.
- 3 Q. 377 And going to page 22 which is 23359. You come back to the topic again at line  
4 25 and you say "he didn't say, you know, Bertie's a bastard, he didn't, he just  
15:14:58 5 thought he lied to him."  
6  
7 You're, I take it inferring what Mr. O'Callaghan might have thought on the  
8 basis of what you say you heard, is that correct?
- 9 A. If I could see a bit of text before line 24.
- 15:15:19 10 Q. 378 Certainly.
- 11 A. Perhaps line 23, 22 yeah. Yeah, I think the context there was that again  
12 Bertie would not be a good person to do business with because he would not  
13 honour a deal. This was something that O'Callaghan remarked upon on a number  
14 of occasions.
- 15:15:53 15 Q. 379 And might that be that if Bertie Ahern did promise some support for this  
16 stadium he mightn't honour that support or that promise, he might revert back  
17 to the north Dublin proposal if he got the opportunity?
- 18 A. Yes, it could well be.
- 19 Q. 380 And going to page 23368. At line 10 there you deal with the allegations about  
15:16:37 20 councillors and you said "look Eamon, I always wanted a clean hand. If he said  
21 if you wanted to do business you had to do this there wasn't another way and  
22 you were asked then what was this way and you said the way presumably are of  
23 corruption payments. He didn't use the word corrupt but the way he did said it  
24 he did say that you had to deal with these people and this is the councillors."
- 15:17:05 25  
26 And further at line 23 you say and he said it was in the context of Gilmartin  
27 and he said what he actually said was we and by that he meant anyone who wanted  
28 to do anything we all had to deal with these people and I clearly understood  
29 him to mean that you had to get involved with bribery to get planning  
15:17:20 30 permission to do anything".

15:17:23 1  
2 Again this is something that you understood from his statement that you had to  
3 deal with councillors rather than something that he specifically said.  
4 A. No, he specifically said that he did not want to deal with these people.

15:17:35 5 Q. 381 Yes.  
6 A. There were stories of corruption in the papers that day or that week that we  
7 were talking about that were Mr. Gilmartin's allegations. And he said that he  
8 had to deal with these people. He didn't want to deal with these people but  
9 there was no other way of doing this business as a developer except for dealing  
10 with these people.

15:17:54 11 Q. 382 Yes but you yourself would be familiar with the process and presumably have in  
12 the past lobbied for various projects?  
13 A. Well I haven't done much lobbying in my life but I ...

14 Q. 383 You lobbied for this project?  
15 A. For this project, yes.

15:18:07 16 Q. 384 And you know that if you are to get major private projects adopted through the  
17 planning process or to get involvement government support for them whether by  
18 way of tax incentives or anything else you have to lobby for it, isn't that  
19 correct?  
20 A. Yes.

15:18:25 21 Q. 385 Of course. And if it involves getting the Development Plan changed it means  
22 you've got to go around to all of the councillors and lobby them?  
23 A. Yes.

24 Q. 386 And that might be something that developers would prefer not to spend time  
15:18:47 25 doing and could be just distasteful. Trying to knock on people's doors  
26 persuading them to support something.  
27 A. Yes it's possible to put that interpretation on it, yes.

28 Q. 387 And as a decent first class, quiet person that you say Mr. O'Callaghan, was he  
29 might have found that distasteful having to chase councillors and persuade them  
15:18:58 30 to support a project.

- 15:18:59 1 A. Yes, that's possible.
- 2 Q. 388 But he himself did not use the word "corruption" or "bribery" he just said
- 3 "deal with these people".
- 4 A. Exactly.
- 15:19:16 5 Q. 389 And you go to the next page, 23369. And you are asked at the top of that page
- 6 about what he said about Mr. Gilmartin but on the one hand you say he said "he
- 7 is a nut case that would appear to suggest oh, yeah oh, he did say that
- 8 everything he is saying is untrue, is wild, is insane". Right and you said yes
- 9 then on the other hand you are saying that this is what you had to do at the
- 15:19:47 10 time in the context of the admission seems to be running totally contrary to
- 11 the ...
- 12
- 13 So what Mr. O'Neill is putting to you there and I'll go back to your answer in
- 14 a moment, is that it seems to be contradictory. On the one hand you are
- 15:20:03 15 drawing an inference of corruption from what Mr. O'Callaghan said and at the
- 16 same time you are saying Mr. O'Callaghan said that Mr. Gilmartin in his
- 17 allegations that he is a head case.
- 18 A. Yes.
- 19 Q. 390 And your answer was well I wanted to try to be helpful to you I don't want to I
- 15:20:21 20 certainly won't be helpful to you, I certainly won't be helpful to you if I
- 21 embroider anything but I remember him saying to me about Gilmartin is he is a
- 22 head case that's all I remember I didn't pursue it.
- 23 A. Yes.
- 24 Q. 391 Did it occur to you at all that by not stopping with the words used and instead
- 15:20:38 25 going on to the inferences that you drew, that you might be embroidering
- 26 things?
- 27 A. Could you ... which line am I on now?
- 28 Q. 392 No not on any particular line, Mr. Dunphy.
- 29 A. Oh, I'm sorry.
- 15:20:52 30 Q. 393 I'm just asking you a general question. Did it occur to you that by not

15:20:58 1 stopping and simply recounting the words that you say you heard and instead  
2 introducing your own inferences whether of involvement of corruption with  
3 councillors or bribing Mr. Ahern, that you might in fact be embellishing things  
4 and wrongly embellishing them?

15:21:11 5 A. I'm still not clear where I -- where you suggest I should have stopped.

6 Q. 394 With the words that you say you remember Mr. O'Callaghan using and not what  
7 inferences you drew in your own mind.

8 A. Is this overall point or related.

9 Q. 395 It's an overall point.

15:21:32 10 A. Well ... I don't wish and never have wished to damage Mr. O'Callaghan unfairly.  
11 The inferences I drew primarily relate to one conversation and one quite  
12 detailed story he told me, which is about the shopping centre. Others were  
13 often throw away remarks that he made but I was with this man a lot over a  
14 period of two to three years.

15:22:18 15  
16 The phrases used that I remember that Mr. Ahern was "looked after taken care of  
17 that he would do and deal and not deliver, that Albert had to put a gun to his  
18 head". There's quite a number of phrases that are, that "Mr. Gilmartin was a  
19 head case". There is quite a number of things that are fixed in my mind and in  
15:22:44 20 the context in which they were said led me to draw inferences.

21 Q. 396 And could --

22 A. I can't -- if I could try and answer your question. I can't, and this is why  
23 to go back to the questions you were asking me about The Late Late Show and  
24 corruption and why didn't I intervene and said ... I can't say for sure that  
15:23:10 25 Mr. O'Callaghan did or did not do anything or that Mr. Ahern did or did not do  
26 anything. I am telling you as I told this Tribunal what I experienced, what I  
27 know was said and I can't put it any higher than that.

28  
29 I have no wish to unfairly damage Mr. O'Callaghan as I have made crystal clear  
15:23:40 30 here today. He is somebody I would have the highest regard for but I have been

15:23:45 1 asked to testify to this Tribunal. I do believe that I am obliged to do that  
2 to the best of my ability and your question as to the inferences I drew is a  
3 fair question but you have to believe me, I am either credible or not as a  
4 witness here. I drew those inferences and I think I was reasonable and  
15:24:16 5 entitled to.

6 Q. 397 You had dealings with Mr. O'Callaghan in terms of going to see Mr. McDaid then  
7 Minister for Sport.

8 A. Yes.

9 Q. 398 You were aware he went to see Mr. Flynn in Brussels.

15:24:28 10 A. Yes.

11 Q. 399 But you weren't on that trip, Mr. Hammam and others went with him. There is a  
12 reputable firm of solicitors involved in those approaches as well, isn't that  
13 correct?

14 A. Yes, indeed.

15:24:45 15 Q. 400 And in all of that there wasn't a whiff to you of Mr. O'Callaghan suggesting to  
16 pay anybody any money.

17 A. No, there wasn't.

18 Q. 401 Why then on this page that we're looking at line 20, do you say "whether it was  
19 in relation to Neilstown the stadium or Glynn anyone I mean at one stage will  
15:25:06 20 we have to bribe the FAI and he said well it won't take much I mean it wasn't,  
21 he just said it wasn't a take with these guys".

22  
23 And Mr. O'Neill said you mentioned the word bribe there. That's very specific  
24 and then you said he didn't say bribe. Again unspoken, he didn't use the word  
15:25:23 25 bribe he said how do we go about this fellow he was the general secretary at  
26 the time.

27  
28 Now, were you trying to suggest there that Mr. O'Callaghan had suggested to you  
29 bribing the general secretary of the FAI?

15:25:36 30 A. No, not at all. I think first of all there is a problem there with the English

15:25:41 1 again with the stenography. I don't know what "Glynn" is. "Whether it's in  
2 relation to Neilstown the Stadium or Glynn anybody I mean at one stage."  
3  
4 No, no, no. I think perhaps there was a joke at some stage when we were going  
15:25:59 5 into a meeting with Bernard O'Byrne but I can assure you that Mr. O'Callaghan  
6 did not suggest that we bribe anybody from the FAI. There is some confusion  
7 there.

8 Q. 402 Well certainly Mr. O'Neill didn't take it as a joke because he responded as you  
9 would expect very sharply about the word "bribe" and saying that's very  
10 specific.

11 A. Well --

12 Q. 403 He didn't mention there or you are not recorded as mentioning that there was  
13 anything about a joke?

14 A. Well I can't make sense of this passage to be -- to be honest with you. It  
15 doesn't seem to make sense.

16 Q. 404 Can we go to your statement, your formal statement you see, as we've seen  
17 looking at your transcript, you gave a number of different versions of what you  
18 say Mr. O'Callaghan said to you about Mr. Ahern. That he would take the money  
19 all right but wouldn't deliver, that he thought he'd lied to him and that  
15:27:16 20 Bertie had been bought and had taken the money. And then he said that money  
21 wasn't used. That Bertie had been taken care of and he didn't deliver, that  
22 councillors were corrupt, that we just didn't need Bertie Ahern. That he had  
23 said had he had an experience with him.

24

15:27:36 25 And in testimony you told about Bertie being looked after and that Mr.  
26 O'Callaghan said that he would do a deal and not deliver or couldn't be relied  
27 on to do a deal that he had agreed to go. I just want to see what you've said  
28 now in your considered statement that you wanted to be very precise about on  
29 these issues. And if we go to page 23386, Roman 3 there contains your answer  
15:28:10 30 to the Tribunal's questions about conversations in relation to Mr. Reynolds,



15:28:14 1 Mr. Ahern and Mr. Flynn.

2

3 And you say "Over the period we worked on the project many discussions took  
4 place about people and football and politics. We would need to have on side,

15:28:25 5 broadly speaking my recollection is as follows. Owen O'Callaghan spoke warmly  
6 about Albert Reynolds and Pdraig Flynn. He seemed wary of Bertie Ahern

7 telling me at one stage that Bertie might do a deal and not deliver. He

8 embellished that story by telling me about a shopping centre in Athlone which

9 was seeking tax designation when Bertie was Minister for Finance. According to

15:28:49 10 Owen, it was only after Albert put gun to his head the night before that they  
11 left government, that Bertie delivered.

12

13 Other than that generalisation about planning being tricky Owen O'Callaghan

14 made no overt references to payments to anybody".

15:29:06 15

16 And at the end of that page you say "because of the passage of time I am unable  
17 to provide a chronological account of many conversations I had during this

18 period. What on reflection I am able to furnish to the Tribunal consists of

19 impressions gained over a considerable period of time.

15:29:26 20

21 And throughout my dealings with him I found Owen O'Callaghan to be patient,

22 businesslike and honest. At no stage during our project did he suggest

23 anything untoward or in any way intimate that we might induce that we might use

24 inducements to achieve our objective."

15:29:45 25

26 CHAIRMAN: That's on the next page.

27

28 MR. SREENAN: Sorry on the next page. Just highlight that there for you, Mr.

29 Dunphy.

15:29:58 30

15:29:58 1 Now, having said in your transcript about taking money, that he didn't use  
2 money as a term, that Bertie had been bought, that he had been taken care of,  
3 none of that is in your written statement that we have here. The furthest it  
4 goes is that "Bertie might do a deal and not deliver".

15:30:28 5 A. Yes, that's correct.

6 Q. 405 So can we take it that now, that your statement contains your accurate  
7 evidence because that was considered over a period of months before it was put  
8 into the Tribunal, not anything that you might have said during your private  
9 interview?

15:30:50 10 A. Well what I said in my private interview was a recollection of events, the  
11 language was loose initially but I very quickly clarified that to Mr. O'Neill  
12 about the use of the word "money" for example.

13 Q. 406 Yes but --

14 A. And the formal statement is simply that; a formal statement upon which I am  
15 prepared to be questioned. It's broad and not of course as detailed or as long  
16 as the informal statement.

17 Q. 407 Yes but phrases like "Bertie had been looked after, had been taken care of"  
18 those phrases are not in your formal statement and those phrases are the ones  
19 that you have used to infer some impropriety. Why are they not in your formal  
20 statement that you had a full month to consider?

15:31:51 21 A. Well, my formal statement was drafted after consulting with senior counsel and  
22 my solicitor. And my advice was to draft it as economically as possible and my  
23 advice also was that I would be questioned on my long statement. So there is  
24 no sinister explanation, there is no ... the two statements are there.

15:32:25 25  
26 I knew I would be questioned on both statements so I ... I don't quite ... I  
27 wasn't sure what the purpose of the formal statement was except to broadly  
28 outline my role. I was asked some questions by the Tribunal and I was asked to  
29 respond to the questions, at question 1, 2, 3 and 4. And I addressed the  
30 questions that the Tribunal had asked me to address in my formal statement.

15:32:50

15:32:55 1 Q. 408 Yeah but isn't the first thing that your lawyers would have told you about this  
2 statement is, tell the truth?  
3 A. Yes, of course.

4 Q. 409 And if the truth was that Owen O'Callaghan had said Bertie has been looked  
15:33:08 5 after or Bertie has been taken care of, you would have put that into your  
6 statement, they were the critical words?  
7 A. Well if I could see the letter sent by Mr. Donal King of the Tribunal to which  
8 I was responding, then I can explain better why, what the nature and the format  
9 of my formal statement.

15:33:29 10  
11 CHAIRMAN: Okay.  
12  
13 MR. SREENAN: 23382.

14 A. I don't have that letter here.

15:33:33 15  
16 CHAIRMAN: It will go up on the screen now, Mr. Dunphy. This is the letter of  
17 ...  
18 A. Yes, in answer to your question.

19 Q. 410 MR. SREENAN: Question 3 it was.

15:33:46 20 A. Well "Mr. Dunphy, further to your interview conducted in these offices on 26th  
21 of February last, I am directed to request you to provide a narrative statement  
22 to the Tribunal, setting out the circumstances of which you were dealing with  
23 Mr. O'Callaghan, the details of discussions with Mr. O'Callaghan and in  
24 connection with obstacles or difficulties which presented themselves to the  
15:34:10 25 property development in Dublin, the details about Mr. Reynolds, Mr. Flynn and  
26 Mr. Ahern and the details of any reference payments inducements sought by."  
27 Could you go up please?  
28 Q. 411 Can we just stop with 3 and 4 there for a second. Because we have glossed over  
29 the crucial words. We are looking at the answers to paragraphs 3 and 4 and  
15:34:35 30 the questions were "the details of Mr. O'Callaghan's conversations with you in

15:34:40 1 relation to the following public representatives and their involvement in Mr.  
2 O'Callaghan's proposed developments" and one of those is Mr. Bertie Ahern. And  
3 four was "the details of any references to payments, inducements or rewards  
4 being sought by or paid to any named or unnamed politicians or local  
15:34:56 5 representatives in the context of development in Dublin or elsewhere".  
6

7 Now, will you agree with me that both of those questions adequately gave you  
8 the opportunity to tell the Tribunal in your careful narrative statement made  
9 after legal advice, that the words used by Mr. O'Callaghan were "Bertie had  
10 been taken care of or Bertie had been looked after".

11 A. Well, when I drafted the statement after taking legal advice I took it back to  
12 my legal advisors and they said it was fine. I didn't consciously omit  
13 anything, I just covered the ground as briefly as I could, as succinctly as I  
14 could. I didn't see, for example, the point of writing a very long narrative  
15:35:56 15 account that would be something like the informal statement I gave in private  
16 to Mr. O'Neill and Ms. Dillon.

17 Q. 412 It doesn't need to be, Mr. Dunphy, very long. It merely has to be one line  
18 which says that the words used by Mr. O'Callaghan about Mr. Ahern was that he  
19 had been taken care of or he had been looked after, whichever it was. It's not  
15:36:18 20 there.

21 A. Well with respect I didn't ... I didn't realise that was required.

22 Q. 413 And the reference to "Albert put a gun to his head". Is that something that  
23 you heard not from Mr. O'Callaghan but perhaps from Mr. Connolly as something  
24 that Mr. Gilmartin was saying?

15:36:39 25 A. No.

26 Q. 414 We looked earlier on in your cross-examination at references to how you  
27 evaluated Mr. O'Callaghan that you described him as honest, first class and a  
28 thoroughly decent person. You remember those references?

29 A. Yes, I do.

15:36:58 30 Q. 415 Is that still your view of him?

15:37:00 1 A. Yes, it is.

2 Q. 416 And if Mr. O'Callaghan comes in here and says look, Mr. Dunphy just drew the  
3 wrong inference from whatever I said, I've never paid a penny to Bertie Ahern  
4 for any purpose whatsoever, whether in relation to Athlone, Quarryvale or  
15:37:19 5 anything. Will you accept what Mr. O'Callaghan says that you just drew the  
6 wrong inference?  
7 A. Well I will accept firstly the findings of the Tribunal.

8 Q. 417 That wasn't my question.

9 A. I understand it wasn't your question. I'll accept -- first of all, I would  
15:37:39 10 insist that my inferences were honestly drawn and --  
11 Q. 418 Okay let's accept that as part of the question. Honestly drawn but mistaken.  
12 If Mr. O'Callaghan as an honest, first class thoroughly decent person says look  
13 I never paid a penny to Bertie Ahern will you accept that? That you just must  
14 have been mistaken but honest in your inferences.

15:38:08 15 A. Uh-huh that's an interesting question. I believed him when he expressed or  
16 made those remarks about his relationship with Mr. Ahern. But I also accept  
17 that the inference I drew was an inference. And if Mr. O'Callaghan were to  
18 come in here and say that I was mistaken well yes I would accept that.

19 Q. 419 No further questions, Judge.

15:38:43 20  
21 CHAIRMAN: Mr. Ó hOisín?  
22  
23 MR. Ó HOISIN: Thank you, Chairman.  
24

15:38:46 25 CHAIRMAN: Sorry. Just before you start. Can you just indicate approximately  
26 how long?  
27  
28 MR. Ó HOISIN: I think about twenty minutes half an hour at the outset.  
29  
15:38:54 30 CHAIRMAN: I think we may just take a break for about five minutes.

15:38:59 1 MR. Ó HOISIN: Thank you, Chairman.

2

3 **THE WITNESS WAS QUESTIONED BY MR. OHOISIN AS FOLLOWS:**

4

15:46:36 5 Q. 420 MR. Ó HOISIN: I appear for Mr. Ahern and I have just some questions for you.  
6 First of all, just to make it clear, obviously, my client wasn't present for  
7 any conversations between you and Mr. O'Callaghan. You and Mr. O'Callaghan and  
8 any possible other third party you might have been there, are the only people  
9 who can give evidence as to what precisely was said. But there are some  
10 questions I would like just simply to test your evidence, you understand?

15:47:01 11 A. I do

12 Q. 421 And I think in fairness, Mr. Dunphy, you said in the private interview that in  
13 the overall scheme of things you didn't know how significant this was, in fact  
14 you were really playing down the evidence that you have to give --

15:47:30 15 A. Yes.

16 Q. 422 -- in the scheme of things.

17 A. Yes.

18 Q. 423 I think you said earlier on that to some extent this is gossip.

19 A. Yes.

15:47:43 20 Q. 424 And hearsay in that as well, isn't that correct?

21 A. Yes, it is correct, yes.

22 Q. 425 And I don't know whether you'd agree with me with this but, do you think that  
23 there is something of the ridiculous in some way about all of this with a very  
24 significant team of lawyers here --

15:48:07 25 A. Yes.

26 Q. 426 -- and three learned judges and the press gallery over there and then public  
27 here, all hearing evidence about a conversation that took place somewhere we're  
28 not quite sure, over ten years ago, where nothing express was stated but where  
29 you took an inference --

15:48:35 30 A. Yes.

- 15:48:36 1 Q. 427 -- from what was said?
- 2 A. Yes, I think if you consider in the round and in the scale of the world that we  
3 live in, there is something overblown and ridiculous about it.  
4
- 15:48:53 5 However, I'm also conscious that it is a very serious matter for everybody  
6 concerned and I have at length I think today, expressed the reservations that I  
7 feel about my own, about my own part in it. I have sincerely expressed those  
8 reservations to you.
- 9 Q. 428 Yes. Just in relation to the statement itself. Again, it's an inference that  
15:49:32 10 you took from what you believe Mr. O'Callaghan said to you. That's correct  
11 isn't it?
- 12 A. Yes.
- 13 Q. 429 And would I be right also in thinking you don't know precisely what words Mr.  
14 O'Callaghan said at this remove, you are doing your best to try and state what  
15:49:56 15 it is but really and it's apparent from your private interview that you use  
16 different formulations of words. You seem to be quite certain that the money  
17 was not mentioned but the precise formulations in the alternative to that are  
18 different?
- 19 A. Yes, I get where you're coming from. I take the point you're making. The  
15:50:38 20 words "taken care of, looked after, doing deals" are words that I believe were  
21 used but ... and I am certain that conversations took place over a period of  
22 time that were, that implied or suggested that there was a relationship between  
23 Mr. O'Callaghan and Mr. Ahern that was unsatisfactory to Mr. O'Callaghan and  
24 because Mr. Ahern didn't fulfil his side of the bargain.
- 15:51:26 25 Q. 430 Did you --
- 26 A. And that was explicit in relation to that shopping centre. And it was explicit  
27 in terms of Albert delivering and Bertie not delivering in that instance.
- 28 Q. 431 Yes, but again to summarise, what you are doing is or what you have is an  
29 impression of what was said by Mr. O'Callaghan, not a verbatim recollection of  
15:51:55 30 the precise words used but an impression of what was said to you, is that

- 15:51:59 1 correct?
- 2 A. I think what is fair to say is that after that conversation I understood that
- 3 something had happened.
- 4 Q. 432 Yes.
- 15:52:10 5 A. And I have communicated to this Tribunal and to you today what I understood to
- 6 have happened.
- 7 Q. 433 Yes.
- 8 A. I think I have also said today that I have no evidence that it happened. I
- 9 have no proof that it happened. And that what I learnt and what I understood
- 15:52:30 10 did not unduly influence my view of Mr. Ahern in my work, in the writings about
- 11 Mr. Ahern or indeed in commentary about Mr. Ahern.
- 12 Q. 434 I think would you agree with me, that whenever somebody takes an inference from
- 13 what somebody else says, when something isn't said expressly or whatever, it's
- 14 quite possible for somebody to make a mistake, a reasonable mistake or for the
- 15:53:03 15 two parties to be a little bit at cross purposes, isn't that correct?
- 16 A. It is correct.
- 17 Q. 435 Now, are you aware that in 1994, Mr. O'Callaghan had made a substantial
- 18 contribution to Fianna Fail, this is in the, is in the public domain, the
- 19 Tribunal has dealt with it and that happened some time in the middle I think of
- 15:53:27 20 1994. Are you aware of that?
- 21 A. I am aware of that, yes.
- 22 Q. 436 Now, I just want to suggest to you again in the context perhaps of what
- 23 Mr. Sreenan mentioned to you earlier on which was that there was a meeting in
- 24 the November of 1994, between Mr. O'Connor and Mr. O'Callaghan and Mr. Ahern
- 15:53:54 25 who was then the Minister for Finance and the prospect of this stadium was
- 26 discussed and Mr. Ahern indicated relatively soon into the meeting that it
- 27 wasn't something that government would can be supporting or that he would be
- 28 supporting.
- 29
- 15:54:13 30 Can I suggest to you that taking that and the fact that in subsequent meetings



15:54:21 1 with Mr. Ahern which I will deal with subsequently, Mr. O'Callaghan didn't get  
2 any satisfaction in relation to the stadium either. That Mr. O'Callaghan may  
3 have felt in some ways, I understand he denies that he has used these words  
4 with you. But just taking your evidence in relation to it, that he may have  
15:54:40 5 felt a little bit let down in that he had made a substantial contribution to  
6 Fianna Fail, to the not to Mr. Ahern, and that he wasn't even getting support  
7 for a stadium that he had proposed?

8 A. Yes.

9 Q. 437 And can you conceive that that could be a basis for a misconception on your  
10 part of what he intended to say and yet be consistent with no contribution  
11 being made personally to Mr. Ahern by Mr. O'Callaghan?

12 A. Yes, I think it's possible to put that construction on it and there was  
13 certainly a consistent wariness evident in Mr. O'Callaghan's attitude towards  
14 Mr. Ahern, yes. And it's perfectly consistent with the circumstances you  
15:55:34 15 described.

16 Q. 438 Yes. And I think again, Mr. Ahern has given details to the Tribunal of meeting  
17 Mr. O'Callaghan I think in early 1996 and then later in 1998, I think when Mr.  
18 Dunlop was present and certainly in relation to the meeting in May of 1998, in  
19 his constituency office. He told Mr. O'Callaghan that it was his plan for a  
15:56:08 20 National Stadium to be built and that there really was no, there would be no  
21 support whatsoever forthcoming for this stadium.

22  
23 So in that sense it would be understandable wouldn't it, that Mr. O'Callaghan  
24 would not be particularly warm about the idea of trying to lobby Mr. Ahern any  
15:56:30 25 further in relation to this stadium?

26 A. Yes.

27 Q. 439 And I just want to ask you about the circumstances in which you came to give  
28 evidence to the Tribunal. Mr. O'Neill suggested to you or indicated to you  
29 earlier on, that your telephone number had been given to the Tribunal by  
15:57:05 30 Mr. Connolly. Were you aware of that up until Mr. O'Neill saying it to you

- 15:57:19 1 this morning?
- 2 A. I wasn't aware of it, no. But I had discussed with Frank Connolly the value of
- 3 my information and I had indicated to him that I had no particular wish as
- 4 indeed I have indicated to you today and Mr. O'Neill and Ms. Dillon when I
- 15:57:37 5 spoke to them, that I had no particular wish to breach these confidences in
- 6 this arena. And yet as I've said before, I was affected by what happened to
- 7 Frank Connolly, and I am being candid and open about that, some iron entered my
- 8 soul at a certain point and I was more willing subsequently to testify.
- 9 Q. 440 I might try and come back to that in a moment. But just on the point of
- 15:58:24 10 Mr. Connolly giving the Tribunal your telephone number and presumably he must
- 11 have said something to them otherwise why would they, why would he be giving
- 12 the information and why would they telephone you in that regard. Did you
- 13 discuss at any stage with Mr. Connolly or did you, did you give him permission
- 14 at any stage to pass on your details to the Tribunal?
- 15:58:49 15 A. I didn't expressly give him permission to pass on my details to the Tribunal.
- 16 I think what I probably indicated to Frank at one stage, was exactly what I'm
- 17 indicating to you and indicated to Mr. Sreenan before, that I was more
- 18 inclined, shall I say, to disclose this information after what happened in the
- 19 Dail and what happened to Frank.
- 15:59:24 20 Q. 441 So do you think that you said something to him that gave him the green light to
- 21 approach the Tribunal and indicate that you might be a witness --
- 22 A. Yeah.
- 23 Q. 442 -- of relevance?
- 24 A. Yeah, it's possible that he drew an inference from our conversations.
- 15:59:40 25 Q. 443 I see. Which might have been a reasonably mistaken inference?
- 26 A. Not necessarily mistaken. I mean we are dealing here with human beings.
- 27 Q. 444 Yes.
- 28 A. And I am telling you that I was more inclined to testify after the treatment of
- 29 him, of Frank Connolly. There is no question in my mind about that and I
- 16:00:10 30 declare it openly and I know that it's prejudicial, shall we say. But I, it's

- 16:00:17 1 the truth and I'm prepared to stand over it.
- 2 Q. 445 Were you surprised when you got the phone call from the Tribunal or was it
- 3 something you were expecting having spoken to?
- 4 A. I wasn't waiting for it. I wasn't surprised. I actually thought that because
- 16:00:31 5 of my involvement in this project for this site, which is the site that the
- 6 Tribunal is enquiring into, I would not have been surprised at any stage if
- 7 they had sought testimony from me about my dealings on the Wimbledon project,
- 8 no, no, no.
- 9 Q. 446 Did you know that Mr. Connolly appears to have had some line of communication
- 16:00:55 10 with the Tribunal insofar as he felt able to pass on details of witnesses to
- 11 the Tribunal that they might interview?
- 12 A. Well I didn't know that he had any more access than some other journalists,
- 13 although I did know that he was very well informed about this Tribunal, yes.
- 14 Q. 447 Did he discuss with you any dealings that he had with the Tribunal?
- 16:01:22 15 A. No, he didn't. I mean, I wouldn't see him very often. He never told me
- 16 anything that wasn't in the public domain that I can recall, no.
- 17 Q. 448 Did he tell you anything about any of his sources or where he may have got some
- 18 of the documentation that he has referred to in his articles?
- 19 A. He didn't.
- 16:01:51 20 Q. 449 About the Tribunal or anything like that?
- 21 A. No.
- 22 Q. 450 Did he -- did you ever meet him -- did you ever meet Mr. Gilmartin at any
- 23 stage?
- 24 A. No, I didn't.
- 16:02:00 25 Q. 451 And did he tell you anything about his dealings with Mr. Gilmartin?
- 26 A. He didn't really, no. I wouldn't see Frank that often.
- 27 Q. 452 Uh-huh.
- 28 A. I would have seen him much more regularly when I had radio programmes that he
- 29 was a contributor to. But there would be long periods many many, months when I
- 16:02:24 30 wouldn't see him at all. I mean he wasn't a close confidant. He was just

- 16:02:28 1 somebody in this business that I like very much respect very much and we're  
2 good pals.
- 3 Q. 453 He was on when the you had the Last Word programme?
- 4 A. Yes regularly. Regularly.
- 16:02:39 5 Q. 454 He was a regular contributor on that?
- 6 A. Yes, he was.
- 7 Q. 455 And that would go back, the last word was with Today FM.
- 8 A. From '97 to 2002.
- 9 Q. 456 2002. So particularly I suppose in the period from the time the Tribunal's  
16:02:57 10 hearing started maybe 1999 through to 2002, he would have been a regular  
11 contributor and somebody who was commentating on the matters before the  
12 Tribunal and making reference as well to allegations against Mr. Ahern?
- 13 A. Yes, he was a regular contributor to the programme and the programme spent a  
14 considerable amount of its time covering the work of this Tribunal.
- 16:03:25 15 Q. 457 Yes. Do you think it is in that context that you told him about the  
16 conversation and the inference that you had taken from conversation with Mr.  
17 O'Callaghan?
- 18 A. No, I think it was after, quite some time after I had finished dealing with the  
19 Quarryvale Stadium project and dealing with Mr. O'Callaghan. When I was  
16:03:53 20 involved with this project with Mr. O'Callaghan and others I did not disclose  
21 information to other people and for some time afterwards, I would not have felt  
22 inclined to discuss the particular matters we were discussing here today or the  
23 allegations that arise from them with Frank Connolly, no.  
24
- 16:04:22 25 But there is, there was a time I guess three or four years ago at some point  
26 triggered perhaps by speculation about Mr. O'Callaghan, Mr. Ahern, Mr.  
27 Gilmartin and all of that in which I would have said to Frank, this is what I  
28 know. This is what, this conversation took place and I drew these inferences.
- 29 Q. 458 Could that have been Quarryvale I hearings where Mr. Gilmartin gave evidence  
16:04:57 30 and Mr. Ahern gave evidence initially to the Tribunal way back in March of

- 16:05:02 1 2004, and in the ensuing months. Could it have been around it that period?
- 2 A. It could have been.
- 3 Q. 459 And I think the statements in the Dail that you were talking about, from
- 4 Minister McDowell about Mr. Connolly I think were possibly the beginning of
- 16:05:19 5 2005 I think was it or sometime in 2005?
- 6 A. No, they were much more recent than that I think. They would have been within
- 7 the last 12, 18 months I'm sure.
- 8 Q. 460 Well we can come back to that.
- 9 A. Yes.
- 16:05:31 10 Q. 461 I just want to go to a slightly different area. In terms of the information
- 11 that or recollection that you have of the conversation and particularly the
- 12 anecdote that was given to you by that you recollect as having been given to
- 13 you by Mr. O'Callaghan about Golden Island in Athlone. Just when I want you
- 14 to, to examine that in this light, in light of the known information.
- 16:06:09 15
- 16 Your recollection is that Mr. O'Callaghan said that Albert Reynolds put the gun
- 17 to Mr. Ahern's head close to midnight I think on the night they were leaving
- 18 government.
- 19 A. Yes.
- 16:06:28 20 Q. 462 To make the decision on tax designation for their project in Athlone, isn't
- 21 that right?
- 22 A. Yes.
- 23 Q. 463 And the facts as we know it don't accord with that at all. Are you aware of
- 24 that or?
- 16:06:43 25 A. I'm not. I may, as I made it clear earlier in the day, I had no idea or have
- 26 no idea. Well as to the veracity of that particular story. I don't know if
- 27 that ever happened.
- 28 Q. 464 The decision in relation to tax designation was essentially one for Mr. Stag
- 29 who was the junior minister and he has since then justified that decision and
- 16:07:12 30 stood over that decision. Are you aware of that?

- 16:07:15 1 A. No, I'm not, no.
- 2 Q. 465 And I think subject to correction on this. But the decision or the actual  
3 order in relation to designation is sometime in November of 2004, when in fact  
4 subject to correction on that, the government at the time Mr. Reynolds resigned  
16:07:40 5 you will recall in relation to the Brendan Smith affair. I think the Labour  
6 Party were, who had been coalition partners were for a period then out of  
7 government. There was then the prospect of a new coalition government with  
8 Mr. Ahern as Taoiseach, but the prospect of that evaporated at the last moment  
9 I think in or around the 5th of December. So there wasn't a period just  
16:08:13 10 leading up to midnight where Mr. Reynolds and Mr. Ahern were about to go out of  
11 government in that way. Do you accept that?
- 12 A. Yes, just as well I didn't jump in on The Late Late Show then there and decry  
13 Senator Harris.
- 14 Q. 466 So the islands of fact as one Judge, Mr. Justice Hardiman, has used that phrase  
16:08:35 15 before. The islands of fact that are there don't accord with the anecdote, if  
16 that is what Mr. O'Callaghan said. So if he did say that, it's not a correct  
17 version of what happened.  
18
- 19 MR. O'NEILL: I'm afraid I have to interpose at this point. I am sorry to  
16:08:55 20 interrupt Mr. Ó hOisín. But he did preface the question that he was putting to  
21 the witness about an assumption of certain matters being fact. And I'm afraid  
22 that they are not factual.  
23
- 24 The facts of the matter are that there were two orders made in relation to the  
16:09:12 25 designation of Athlone. There is the No. 1 order, which was made on the 30th  
26 of November by the Minister for the Environment, counter signed by the Minister  
27 for Finance and Mr. Ahern. It's the Urban Renewal Act, 1986 designated areas  
28 Athlone order No. 1. That was made on the 30th of December.  
29
- 16:09:35 30 The second --

16:09:35 1  
2 CHAIRMAN: 30th November.  
3  
4 MR. O'NEILL: Sorry. 30th of November I beg your pardon.  
16:09:40 5  
6 The second order, that is the Minister's order of the 14th of December was the  
7 Athlone No. 2 order. That designated Golden Island for the purpose of the Act.  
8 It had not been designated in the earlier order. And that I believe was  
9 probably the last ministerial act of Mr. Ahern. I can't say that it was the  
16:10:02 10 last one but certainly it did happen at that time.  
11  
12 The change of government then took place on the 15th of December the following  
13 day without dissolution of the Dail. So the premise upon which the question  
14 was placed and the inference that the facts do not support the contention that  
16:10:27 15 there was a meeting is factually incorrect.  
16  
17 CHAIRMAN: All right.  
18  
19 MR. O'NEILL: So I just draw the attention of the Tribunal and of Mr. Ó hOisín  
16:10:35 20 to this, if he wasn't aware of it.  
21  
22 CHAIRMAN: Very good.  
23  
24 MR. Ó HOISIN: Thank you for Mr. O'Neill's assistance in relation to that.  
16:10:42 25 But despite the additional detail that we have from Mr. O'Neill, the suggestion  
26 made by Mr. O'Callaghan, as you recollect it, couldn't have been true.  
27 Firstly, because Mr. Stag, Minister Stag, Junior Minister from Labour Party has  
28 indicated that he took the position he was in favour of the decision, whether a  
29 Minister signed it or not or the technical reasons is neither here nor there.  
16:11:07 30 And Mr. Reynolds, who was Taoiseach, had resigned back in November and if he

16:11:15 1 was still for in some sort of formalistic way in a position, again Mr. O'Neill  
2 might have all of the details on that. He wasn't de facto in power any more  
3 because he had already resigned certainly as leader of the Fianna Fail party at  
4 that stage. So, in any event, I don't know that there is any -- if you have  
16:11:39 5 any comment to make in relation to it Mr. Dunphy, please do so.

6 A. No. The only comment that I have to make is that I had no knowledge as to  
7 whether what Mr. O'Callaghan said had happened had happened or not. I didn't  
8 know if it had happened or not.

9 Q. 467 Yes?

16:11:59 10 A. I simply remembered it and because it was a striking enough revelation.

11 Q. 468 Now, I just want to go on to one other point. I think I don't want to deal  
12 with the transcript in any great detail because Mr. Sreenan has already done  
13 that. But I think if we could to page 23376, towards the bottom of the page  
14 there starting at 168.

16:12:52 15  
16 And you were asked "have you any belief or knowledge that Frank Connolly might  
17 use the opportunity of your being here for the purposes of writing articles  
18 that would be immediately directed towards the evidence that you might give in  
19 the event that it came to public hearing.

16:13:05 20 A: I have no reason to believe that he would and I would be shocked if he  
21 did. I think that I've spoken to Frank about the reasons why it shouldn't on a  
22 number of occasions but I felt if I could tell you what I know which would be  
23 very little in the overall scheme of things that the assistance of mine  
24 wouldn't hurt any people".

16:13:24 25  
26 Now just in relation to the first part of your answer there. Details about  
27 your evidence were published by Mr -- were published by his newspaper by  
28 Mr. Connolly's newspaper on the 12th of October last year which was a very,  
29 very short time after that evidence had been circulated to the relevant  
16:13:55 30 parties. Do you have any comment to make about that in the context of your



- 16:13:59 1 statement to the Tribunal that you would be shocked if he would write articles  
2 in relation to the evidence that you have to offer?
- 3 A. Well I think there were probably a number of articles in a number of newspapers  
4 about the -- that were based on leaks about the testimony I would be giving.
- 16:14:26 5 So I didn't feel in any way surprised that the Daily Mail should public an  
6 article in the Sunday Independent and many other newspapers did as well.
- 7 Q. 469 Uh-huh. Well it seemed the first newspaper that had the detail was actually  
8 the Star the previous day, the 11th of October, which is on page 26091. Do you  
9 have any idea how the Star, Mr. Dunphy, could have had that information on the  
16:15:13 10 11th of October?
- 11 A. Where is the 11th of October in relation to the circulation of these documents.
- 12 Q. 470 The documents I think were circulated at the beginning of October in or around  
13 the 1st of October?
- 14 A. Well I have no idea. They certainly no newspaper got any information from me.
- 16:15:33 15 Q. 471 Yes. I am not suggesting that you are the source of it.
- 16 A. Not at all, no.
- 17 Q. 472 In relation to the -- Mr. Connolly's newspaper. His article is on page 26087.  
18 And Mr. Connolly has an article headlined "Dunphy's bombshell for Bertie. Owen  
19 O'Callaghan has also told me Ahern had been bought says broadcaster Eamon  
16:16:12 20 Dunphy has come forward to back the most damning allegations made by Tom  
21 Gilmartin against Ahern".  
22 And Mr. Connolly clearly had access to the transcripts and to the information  
23 which had been circulated by the Tribunal, isn't that correct, when you look at  
24 that page and then at the following page 26088, which appears to have  
16:16:45 25 quotations from your transcript?
- 26 A. Yes.
- 27 Q. 473 Do you have any knowledge of what the source was for that?
- 28 A. I don't, no.
- 29 Q. 474 I'm sure Mr. Connolly can be asked the question when he will give evidence to  
16:16:55 30 the Tribunal, although he hasn't been here yet.

- 16:17:01 1 A. I didn't speak to any journalist about my testimony to the Tribunal.
- 2 Q. 475 Just, I don't have many more questions to ask you, Mr. Dunphy. Just one matter
- 3 in relation to your recollection. And again, I can understand going back and
- 4 dealing with these matters, it's not that easy to recollect all of the detail
- 16:17:53 5 but there is a, there was a book about soccer in Ireland which you gave an
- 6 interview to and if we go to written by Darragh Whelan I think.
- 7 A. Yes.
- 8 Q. 476 If we go to page 24055. Sorry I suppose the quotation begins on the previous
- 9 page 26054. If that page could be turned around. I think on the left-hand
- 16:18:28 10 side the first full paragraph begins "Eamon Dunphy took it that we had no
- 11 regret seeing as it was yet another occasion when little Ireland shot down a
- 12 good idea. He explains his own thinking on the matter" and then there is some
- 13 detailed quotation from you and if we then go to the following page.
- 14
- 16:18:54 15 In the last paragraph there "despite all of the football opposition to it the
- 16 government". Sorry -- it's the on the left-hand side of the page in the first
- 17 full paragraph there. "Despite all of the football opposition to it the
- 18 government were supportive. Mary Harney was very supportive. Bertie was
- 19 supportive, very supportive. Harney was supportive as it was in her
- 16:19:18 20 constituency but not just for that reason. Jim McDaid was supportive, Padraig
- 21 Flynn was very supportive because he went to the EU. He was an EU Commissioner
- 22 at the time and the EU was key to it. They set up it up and they said yes this
- 23 will happen".
- 24
- 16:19:35 25 The reference there to Mr. Ahern being supportive. Do you accept you were
- 26 mistaken in relation to that or do you think the quotation is inaccurate from
- 27 the writer or ...
- 28 A. I accept that I must be mistaken. There doesn't appear to be any evidence that
- 29 Mr. Ahern was supportive at any stage.
- 16:20:06 30 Q. 477 Yes. I suppose when one is being interviewed by somebody at length it's

16:20:13 1 difficult to be accurate about all of the details particularly when you are  
2 going back in time and trying to reconstruct.

3 A. Well I should be able to be accurate on this matter.  
4

16:20:28 5 CHAIRMAN: Sorry, Mr. Ó hOisín, is that a reference, you see the bit above it.  
6 Is that a reference to Wimbledon coming to Ireland or the Neilstown Stadium?  
7

8 MR. Ó hOISÍN: I think the two were wrapped up entirely together.

9 A. I think I made a mistake there. If I said Bertie was supportive, very  
16:20:49 10 supportive, I think I must have ... mistake.

11 Q. 478 And likewise, and again I'm not going to go into the transcript but there are  
12 quite a few inconsistencies in your private transcript or private hearing  
13 before the Tribunal.

14 A. Yes.

16:21:09 15 Q. 479 And Mr. Sreenan has gone through those in quite a lot of detail. Mr. O'Neill  
16 didn't ask you any questions at all about them but we'll leave that for the  
17 moment. But you would accept that there are quite --

18 A. Yes, I would.

19 Q. 480 -- a few inconsistencies?

16:21:28 20 A. Yes I do. I welcome the opportunity to put it on the record that for ten years  
21 an assumption I made or an interpretation I had of a conversation, a series of  
22 conversations but one in particular and of serious of remarks made to me by  
23 Owen O'Callaghan had formed in my mind, in which Mr. Ahern had been induced to  
24 do something and had failed to do it.

16:22:07 25

26 When I began my conversation with Mr. O'Neill and Ms. Dillon, I used language  
27 that was really more to do with the inferences I had drawn. Half way through  
28 that conversation I, with Mr. O'Neill's very simple question where was the word  
29 "money" used? It crystallised for me that I was talking loosely and that what  
16:22:47 30 had been an impression in my mind had words such as "money" in it that was

16:22:55 1 incorrect.

2 Terms used were "looked after taken care of". There was body language

3 involved, a look on the man's face when he said it and various things of that

4 nature. So I clarified it for Mr. O'Neill and Ms. Dillon at the time and I'm

16:23:21 5 happy to clarify it for you now and for this Tribunal.

6 Q. 481 I don't know whether you've ever heard a figure of speech or a statement from

7 the late Mr. Lenihan who talked about the tyranny of consistency. Would you be

8 an ascriber to that philosophy?

9 A. Consistency being hob goblin of a mediocre mind?

16:23:54 10 Q. 482 Yeah.

11 A. I have given my evidence to this Tribunal. It is truthful, it is not, there

12 are contradictions in that long statement and if I was endeavouring to do

13 something else, something malevolent I would have come here and indeed I would

14 have gone to the Tribunal in the first place with a short path story that had

16:24:18 15 no contradictions in it. That is not what I did.

16

17 I went to talk to the Tribunal in private and I've come here to talk publicly

18 acknowledging the contradictions, the opaqueness of some of what we're talking

19 about and I don't pretend that it is a simple story. I've done my best to tell

16:24:52 20 this Tribunal what I know. That's contradictions and all.

21 Q. 483 I want to suggest to you finally, Mr. Dunphy, that in fact what happened really

22 is that whatever view you had in relation to what was said to you at the time,

23 changed in emphasis when the whole Frank Connolly story came out, you became

24 very annoyed at that, and that that probably led to colour your recollection of

16:25:31 25 it and led to your anxiety to add your evidence to the mix following that

26 incident.

27 A. Well with the greatest of respect to you, that would be a deeply irresponsible

28 thing of me to do and it simply isn't true. I don't want to be disrespectful

29 but it would be an act of monumental irresponsibility and folly to embellish a

16:26:03 30 story because something happened to Frank Connolly. And it simply did not

16:26:11 1 happen.

2 Q. 484 Well there is no question but that the incident with -- involving Frank

3 Connolly was something that effected you?

4 A. It did.

16:26:20 5 Q. 485 In a very significant way and you felt a wrong had been done to him and it

6 changed your position?

7 A. Changed my disposition.

8 Q. 486 And your disposition significantly.

9 A. Yes but not to the point where I would invent a story, embellish a story or

16:26:41 10 damage the Taoiseach of this country or a man for whom I have the highest

11 regard, Owen O'Callaghan, or that I would in any way undermine the operation of

12 this Tribunal and that I would ever underestimate the importance.

13

14 I would not get up here, I would not have gone to see Mr. O'Neill and in any

16:27:06 15 way do anything other than recall to the best of my ability, the truth as I

16 understood it.

17 Q. 487 Thank you, Mr. Dunphy. Thank you.

18

19 CHAIRMAN: All right. Thank you.

16:27:23 20

21 MR. O'NEILL: I have no questions.

22

23 CHAIRMAN: Do you want to ask your client any questions?

24

16:27:27 25 MR. DOYLE: No, no questions, Chairman.

26

27 CHAIRMAN: Thank you very much, Mr. Dunphy

28 A. Thank you.

29

16:27:35 30 **THE WITNESS THEN WITHDREW.**

16:27:35 1

2

CHAIRMAN: We are sitting on Tuesday.

3

4

MR. O'NEILL: Half past ten.

16:27:37 5

6

**THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

7

**TUESDAY, 19TH FEBRUARY 2008, At 10:30 A.M.**

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30