

# **COMMISSION OF INVESTIGATION**

**into**

**The Dublin and Monaghan bombings of 1974**

**Seventh Interim Report**

**December 2006**

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Extract from *Iris Oifigiuil* 13<sup>th</sup> May 2005

## **1. Introduction**

The commission of investigation into the Dublin and Monaghan bombings of 1974 (hereinafter referred to as “the commission”) was established by Order of the Government made under section 3 of the Commissions of Investigation Act 2004.

Notice of the making of the Order of the Government was published in the 13<sup>th</sup> May 2005 issue of *Iris Oifigiuil*.

The terms of reference of the commission were published on the 13<sup>th</sup> May 2005 issue of *Iris Oifigiuil*. A copy of the terms of reference is set out in Appendix to this interim report.

The commission has decided, pursuant to section 6(6) of the Commissions of Investigation Act 2004, to request the Taoiseach,

as specified Minister under section 3(3)(b) of the Commissions of Investigation Act 2004, to consider a revision of the time frame for the submission of the final report of this statutory investigation.

This seventh interim report is submitted to the Taoiseach pursuant to section 33(3) of the Commissions of Investigation Act 2004.

## **2. The investigative task**

The terms of reference of this statutory investigation require the commission to investigate, in private, limited and specific matters concerning the criminal investigation by An Garda Síochána of the bomb explosions that occurred in Dublin and in Monaghan on the 17<sup>th</sup> May 1974.

The commission considers that it has completed the investigative task.

### **3. The current position**

The commission has had a number of instances where in this reporting stage further evidence, or other material, has been disclosed to the commission.

Where this late disclosure has occurred the commission's statutory process requires any interested person to have appropriate access to that material, an opportunity to make any submissions that they may consider relevant, and a reasonable time frame within which to exercise those rights. These processes all take time. This is especially so when the interests of those persons who reside out of the jurisdiction have had to be taken into account.

The requirements of fair procedures are an entitlement for all persons who are involved with the work of this investigation. The commission has the related duty of ensuring that those rights,

where they arise, are properly respected. To do otherwise would be unfair and might also give rise to the threat of litigation.

The fact that the matters being investigated relate to crimes that occurred more than thirty years ago is additionally a significant complicating factor.

#### **4. The final report**

The commission is concluding its report of the investigation.

This report must be completed in accordance with the mandatory statutory processes set out in the Commissions of Investigation Act 2004.

This last stage of the investigation concludes with the submission of the commission's final report to the Taoiseach pursuant to section 43 of the Commissions of Investigation Act, 2006.

The time-scale for the conclusion of this stage of the investigation has had to be reviewed.

The reasons for this review include the requirement on the commission to ensure that certain aspects of some relevant security and intelligence material are properly and appropriately dealt with. This has been a difficult and troubling aspect of the investigation.

The disclosure of additional evidence, and other material, at a late stage has also delayed the commission.

## **5. Timeframe**

The commission is required by section 32(4) of the Commissions

of Investigation Act 2004 to endeavour to submit its final report to the Taoiseach by the 11<sup>th</sup> December, 2006.

The commission is satisfied that, consistent with its duty to report properly to the Taoiseach on its statutory investigation of the specific matters contained in the commission's terms of reference, the time frame for the submission of its final report is no longer adequate.

The commission requests the Taoiseach, as specified Minister, to give consideration, under section 6(6) of the Commissions of Investigation Act 2004, to revising the time frame for the submission of the final report in this investigation to a date not later than the 14<sup>th</sup> February, 2007.



## **6. Legal costs**

The legal costs payable under the ‘General Guidelines on Payment of Legal Costs and Other Expenses to Persons Who Become Involved with the Commission of Investigation’ published by the Taoiseach, on the basis of the applications for legal costs and certain other expenses have not been, to date, a significant financial cost in the investigation.

Further applications for legal costs and certain other expenses may arise in relation to certain persons who had an involvement with the commission in this final report stage of the investigation. These further legal costs and certain other expenses will be determined by the commission in accordance with the general guidelines published by the Taoiseach under the Commissions of Investigation Act 2004.

## **7. Court proceedings**

There are no proceedings concerning this statutory investigation pending before the High Court, and no person, agency or entity has, to date, indicated to the commission an intention to apply to the High Court for relief concerning the final report stage of the investigation. The commission is also satisfied that a failure to accommodate properly the time needs of those concerned with the security and intelligence material may increase the risk of proceedings being commenced in the High Court concerning this aspect of the commission's function.

## **8. Conclusion**

In these circumstances I consider that I have a duty to report this development, and to express my view that it is in the interests of this investigation and its related public interest that I request the

Taoiseach, as specified Minister under section 6(6) of the Commissions of Investigation Act 2004, to consider a revision of the time frame for the submission of my final report to a date not later than the 14<sup>th</sup> February, 2007.

Dated this 7<sup>th</sup> day of December, 2006.

Patrick MacEntee, SC, QC

Sole Member

APPENDIX

**[Terms of Reference]**