



Tithe an Oireachtais

**An Comhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint
agus Cearta na mBan**

**Tuarascáil Eatramhach ar an Tuarascáil ón gCoimisiún
Fiosrúcháin Neamhspleách faoi Bhuamáil Theach Tábhairne
Kay, Dún Dealgan**

Iúil, 2006

Houses of the Oireachtas

**Joint Committee on Justice, Equality, Defence and Women's
Rights**

**Interim Report on the Report of the Independent Commission of
Inquiry into the Bombing of Kay's Tavern, Dundalk**

July, 2006

Joint Committee on Justice, Equality, Defence and Women's Rights.

**Interim Report on the Report of the Independent Commission of
Inquiry into the Bombing of Kay's Tavern, Dundalk**

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Joint Committee on Justice, Equality, Defence and Women's Rights.

**Interim Report on the Report of the Independent Commission of
Inquiry into the Bombing of Kay's Tavern, Dundalk**

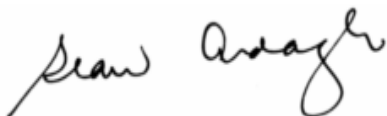
The Joint Committee conveys its deepest condolences to the victims and families of the victims of the car bomb explosion on Crowe Street, Dundalk, outside Kay's Tavern in December 1975; the gun and bomb attack which was carried out at Donnelly's Bar, Silverbridge, Co. Armagh also in December of that year; the bombing at Dublin Airport in November 1975; the car bomb outside the Three Star Inn in Castleblayney, County Monaghan in March 1976; the explosion and murder at Barronrath Bridge, County Kildare in June 1975; the bomb at Swanlinbar, County Cavan in February 1976; the murders perpetrated between 1974 and 1976 at Dungannon, County Tyrone; at Castleblayney, County Monaghan; on the road to Newry, at Newtownhamilton and Whitecross in County Armagh; at Gilford, County Down; Charlemont; Ahoghill, County Antrim; and in the gun and bomb attack at Keady, County Armagh.

I, Seán Ardagh T.D., the Chairperson of the Joint Committee on Justice, Equality, Defence and Women's Rights, having been authorised by the Committee to submit this Report, do hereby present and publish a report of the Committee entitled 'Interim Report on the Report of the Independent Commission of Inquiry into the Bombing of Kay's Tavern, Dundalk'.

This report was received by the Joint Committee on Justice, Equality, Defence and Women's Rights today Wednesday, 5th July, 2006.

In accordance with the referral motions by Dáil and Seanad Éireann today, the Committee has decided to establish a Sub-Committee to consider, including in Public session, the report and to report back to the Joint Committee, in order that the Joint Committee can report back to the Houses of the Oireachtas by 17th November 2006.

As part of the consideration of the report, the Committee intends that the Sub-Committee will invite submissions from interested persons and bodies and hold public hearings, in the Autumn of 2006, with a view to producing a final report on the matter. The report will detail submissions received, the hearings held, and such comments, recommendations or conclusions as the Committee may decide to make, and the said report will be published.



.....
Seán Ardagh T.D.,
Chairperson,
5th July, 2006.

Appendix A

Orders of Reference

.JOINT COMMITTEE ON JUSTICE, EQUALITY, DEFENCE AND WOMEN'S RIGHTS.

Dáil Éireann on 16 October 2002 *ordered*:

- “(1) (a) That a Select Committee, which shall be called the Select Committee on Justice, Equality, Defence and Women’s Rights, consisting of 11 Members of Dáil Éireann (of whom 4 shall constitute a quorum), be appointed to consider -
- (i) such Bills the statute law in respect of which is dealt with by the Department of Justice, Equality and Law Reform and the Department of Defence;
 - (ii) such Estimates for Public Services within the aegis of the Department of Justice, Equality and Law Reform and the Department of Defence; and
 - (iii) such proposals contained in any motion, including any motion within the meaning of Standing Order 157 concerning the approval by the Dáil of international agreements involving a charge on public funds,
- as shall be referred to it by Dáil Éireann from time to time.
- (b) For the purpose of its consideration of Bills and proposals under paragraphs (1)(a)(i) and (iii), the Select Committee shall have the powers defined in Standing Order 81(1), (2) and (3).
 - (c) For the avoidance of doubt, by virtue of his or her *ex officio* membership of the Select Committee in accordance with Standing Order 90(1), the Minister for Justice, Equality and Law Reform and the Minister for Defence (or a Minister or Minister of State nominated in his or her stead) shall be entitled to vote.
- (2) (a) The Select Committee shall be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on Justice, Equality, Defence and Women’s Rights to consider-
- (i) such public affairs administered by the Department of Justice, Equality and Law Reform and the Department of Defence as it may select, including, in respect of Government policy, bodies under the aegis of those Departments;

- (ii) such matters of policy for which the Minister for Justice, Equality and Law Reform and the Minister for Defence are officially responsible as it may select;
- (iii) such related policy issues as it may select concerning bodies which are partly or wholly funded by the State or which are established or appointed by Members of the Government or by the Oireachtas;
- (iv) such Statutory Instruments made by the Minister for Justice, Equality and Law Reform and the Minister for Defence and laid before both Houses of the Oireachtas as it may select;
- (v) such proposals for EU legislation and related policy issues as may be referred to it from time to time, in accordance with Standing Order 81(4);
- (vi) the strategy statement laid before each House of the Oireachtas by the Minister for Justice, Equality and Law Reform and the Minister for Defence pursuant to section 5(2) of the Public Service Management Act, 1997, and the Joint Committee shall be authorised for the purposes of section 10 of that Act;
- (vii) such annual reports or annual reports and accounts, required by law and laid before both Houses of the Oireachtas, of bodies specified in paragraphs 2(a)(i) and (iii), and the overall operational results, statements of strategy and corporate plans of these bodies, as it may select;

Provided that the Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act, 1993;

Provided further that the Joint Committee shall refrain from inquiring into in public session, or publishing confidential information regarding, any such matter if so requested either by the body concerned or by the Minister for Justice, Equality and Law Reform or the Minister for Defence;

- (viii) such matters relating to women's rights generally, as it may select, and in this regard the Joint Committee shall be free to consider areas relating to any Government Department; and
- (ix) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas,

and shall report thereon to both Houses of the Oireachtas.

- (b) The quorum of the Joint Committee shall be five, of whom at least one shall be a Member of Dáil Éireann and one a Member of Seanad Éireann.
 - (c) The Joint Committee shall have the powers defined in Standing Order 81(1) to (9) inclusive.
- (3) The Chairman of the Joint Committee, who shall be a Member of Dáil Éireann, shall also be Chairman of the Select Committee.”.

Seanad Éireann on 17 October 2002 ordered:

- “(1) (a) That a Select Committee consisting of 4 members of Seanad Éireann shall be appointed to be joined with a Select Committee of Dáil Éireann to form the Joint Committee on Justice, Equality, Defence and Women’s Rights to consider –
- (i) such public affairs administered by the Department of Justice, Equality and Law Reform and the Department of Defence as it may select, including, in respect of Government policy, bodies under the aegis of those Departments;
 - (ii) such matters of policy for which the Minister for Justice, Equality and Law Reform and the Minister for Defence are officially responsible as it may select;
 - (iii) such related policy issues as it may select concerning bodies which are partly or wholly funded by the State or which are established or appointed by Members of the Government or by the Oireachtas;
 - (iv) such Statutory Instruments made by the Minister for Justice, Equality and Law Reform and the Minister for Defence and laid before both Houses of the Oireachtas as it may select;
 - (v) such proposals for EU legislation and related policy issues as may be referred to it from time to time, in accordance with Standing Order 65(4);
 - (vi) the strategy statement laid before each House of the Oireachtas by the Minister for Justice, Equality and Law Reform and the Minister for Defence pursuant to section 5(2) of the Public Service Management Act, 1997, and the Joint Committee shall be so authorised for the purposes of section 10 of that Act;
 - (vii) such annual reports or annual reports and accounts, required by law and laid before both Houses of the Oireachtas, of bodies specified in paragraphs 1(a)(i) and (iii), and the overall operational results, statements of strategy and corporate plans of these bodies, as it may select;

Provided that the Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act, 1993;

Provided further that the Joint Committee shall refrain from inquiring into in public session, or publishing confidential information regarding, any such matter if so requested either by the body concerned or by the Minister for Justice, Equality and Law Reform or the Minister for Defence;

- (viii) such matters relating to women's rights generally, as it may select, and in this regard the Joint Committee shall be free to consider areas relating to any Government Department;

and

- (ix) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas.

and shall report thereon to both Houses of the Oireachtas.

- (b) The quorum of the Joint Committee shall be five, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann,
- (c) The Joint Committee shall have the powers defined in Standing Order 65(1) to (9) inclusive,

JOINT COMMITTEE ON JUSTICE, EQUALITY, DEFENCE AND WOMEN'S RIGHTS.

POWERS OF THE JOINT COMMITTEE

The powers of the Joint Committee are set out in Standing Order 81(Dáil) and Standing Order 65 (Seanad). The text of the Dáil Standing Order is set out below. The Seanad S.O. is similar.

- "81. Without prejudice to the generality of Standing Order 80, the Dáil may confer any or all of the following powers on a Select Committee:
- (1) power to take oral and written evidence and to print and publish from time to time minutes of such evidence taken in public before the Select Committee together with such related documents as the Select Committee thinks fit;
 - (2) power to invite and accept written submissions from interested persons or bodies;
 - (3) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;
 - (4) power to draft recommendations for legislative change and for new legislation and to consider and report to the Dáil on such proposals for EU legislation as may be referred to it from time to time by any Committee established by the Dáil(whether acting jointly with the Seanad or otherwise) to consider such proposals and upon which has been conferred the power to refer such proposals to another Select Committee;
 - (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss policy for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy;

- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss proposed primary or secondary legislation (prior to such legislation being published) for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such proposed legislation;
- (7) subject to any constraints otherwise prescribed by law, power to require that principal office holders in bodies in the State which are partly or wholly funded by the State or which are established or appointed by members of the Government or by the Oireachtas shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: provided that such an office holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;
- (8) power to engage, subject to the consent of the Minister for Finance, the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
- (9) power to undertake travel, subject to—
 - (a) such rules as may be determined by the sub-Committee on Dáil Reform from time to time under Standing Order 97(3)(b);
 - (b) such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 98(2)(a); and
 - (c) the consent of the Minister for Finance, and normal accounting procedures."

SCOPE AND CONTEXT OF COMMITTEE ACTIVITIES.

The scope and context of activities of Committees are set down in S.O. 80(2) [Dáil] and S.O.64(2) [Seanad]. The text of the Dáil Standing Order is reproduced below. The Seanad S.O. is similar.

“(2) It shall be an instruction to each Select Committee that-

- (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;

and

- (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil.”

Appendix B

**JOINT COMMITTEE ON JUSTICE, EQUALITY,
DEFENCE AND WOMEN'S RIGHTS**

List of Members

Deputies Seán Ardagh (FF) (Chairperson)
Máire Hctor (FF) (Government Convenor)
Brendan Howlin (LAB)
Kathleen Lynch (LAB) (Opposition Convenor)
Finian McGrath (Independent/ Technical Group)
Gerard Murphy (FG) (Vice-Chairperson)
Charlie O'Connor (FF)
Denis O'Donovan (FF)
Seán O'Feargháil (FF)
Jim O'Keefe (FG)
Peter Power (FF)

Senators Maurice Cummins (FG)
Tony Kett (FF)
Joanna Tuffy (LAB)
Jim Walsh (FF).

Appendix C

Motions of the Dáil and Seanad

Go n-iarrann Dáil Éireann ar an gComhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan, nó ar Fhochoiste den Chomhchoiste sin, breithniú a dhéanamh, lena n-áirítear breithniú i seisiún poiblí, ar an Tuarascáil ón gCoimisiún Fiosrúcháin Neamhspleách faoi bhuamáil Kay's Tavern, Dún Dealgan, chun cibé moltaí a dhéanamh i ndáil le forálacha reachtaíochta nó riaracháin is cuí leis an gCoiste, agus tuairisc a thabhairt do Dháil Éireann faoin 17 Samhain, 2006.

That Dáil Éireann requests the Joint Committee on Justice, Equality, Defence and Women's Rights, or a sub-Committee thereof, to consider, including in public session, the Report of the Independent Commission of Inquiry into the Bombing of Kay's Tavern, Dundalk, for the purpose of making such recommendations in relation to legislative or administrative provisions as the Committee considers appropriate, and to report back to Dáil Éireann by 17th November, 2006.

“Go n-iarrann Seanad Éireann ar an gComhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan, nó ar Fhochoiste den Chomhchoiste sin, breithniú a dhéanamh, lena n-áirítear breithniú i seisiún poiblí, ar an Tuarascáil ón gCoimisiún Fiosrúcháin Neamhspleách faoi bhumáil Kay’s Tavern, Dún Dealgan, chun cibé moltaí a dhéanamh i ndáil le forálacha reachtaíochta nó riaracháin is cuí leis an gCoiste, agus tuairisc a thabhairt do Sheanad Éireann faoin 17 Samhain, 2006.

That Seanad Éireann requests the Joint Committee on Justice, Equality, Defence and Women’s Rights, or a sub-Committee thereof, to consider, including in public session, the Report of the Independent Commission of Inquiry into the Bombing of Kay’s Tavern, Dundalk, for the purpose of making such recommendations in relation to legislative or administrative provisions as the Committee considers appropriate, and to report back to Seanad Éireann by 17th November, 2006.”

REPORT OF THE INDEPENDENT
COMMISSION OF INQUIRY
INTO THE BOMBING OF
KAY'S TAVERN, DUNDALK

PRESENTED TO AN TAOISEACH, BERTIE AHERN,
FEBRUARY 2006

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PREFACE

BOMBING OF KAY'S TAVERN, DUNDALK:

On the evening of 19 December 1975, a car bomb exploded on Crowe Street, Dundalk, outside a licensed premises known as Kay's Tavern. Two people were killed in the explosion, and many more were injured. Later that same evening, a gun and bomb attack was carried out at Donnelly's Bar, Silverbridge, Co. Armagh, in which three people were killed. Police on both sides of the border believed the two attacks were linked.

The ensuing Garda investigation into the Dundalk bombing was unable to find sufficient evidence to charge anyone in relation to the attack.

THE VICTIMS' COMMISSION:

On 10 April 1998, an agreement, known as the 'Good Friday Agreement' was reached as a result of multi-party talks under the Chairmanship of United States Senator George Mitchell, former Finnish Prime Minister Harri Holkeri and Canadian General John de Chastelain. The Agreement was ratified by popular referendum in this State and in Northern Ireland on 22 May of that year.

In response to sections of the Agreement that proclaimed the need for the suffering of victims of violence to be recognised and addressed, a Victims Commission was set up in this State. It was asked:

“To conduct a review of services and arrangements in place, in this jurisdiction, to meet the needs of those who had suffered as a result of violent action associated with the conflict in Northern Ireland over the past thirty years and to identify what further measures need to be taken to acknowledge and address the suffering and concerns of those in question.”¹

In a report published in July 1999, it was acknowledged that there was a widespread demand to find out the truth about specific crimes for which no one had been made amenable. Foremost among these were the Dublin and Monaghan bombings of 1974, but the Commission received similar submissions in relation to other bombings in Dublin, Dundalk and elsewhere. The murder of Seamus Ludlow on 1 May 1976 was another case singled out for mention in the report.

Concerning the Dublin / Monaghan bombings and the Ludlow murder, the report recommended that a former Supreme Court judge be asked to enquire privately into these matters. In relation to other cases of concern, it stated:

¹ *A place and a name* – report of the Victims Commission, July 1999, p.2.

“There are other cases in which the families of victims have experienced similar concerns to those of the Dublin-Monaghan group and the Ludlow families. The fact that no prosecutions took place and that no official report on the crimes was ever made public has caused some families to question whether investigations have been adequate. I believe that it is in the broad public interest and in the interest of the Garda Síochána themselves that some answers be given....

I recommend that the Government, taking heed of the need to preserve the confidentiality and safety of informants, should, on request from the families of victims, produce reports on the investigations of murders arising from the conflict over the last 30 years where no one has been made amenable.”²

THE COMMISSION OF INQUIRY:

Arising from the recommendations of the Victims Commission, the Government set up the present Commission of Inquiry with former Chief Justice Liam Hamilton as Sole Member. Mr Hamilton began his duties on 1 February 2000 but was forced to resign on 2 October 2000, owing to ill health. The Government appointed former Supreme Court judge Henry Barron, in his place.

Initially, the Inquiry received terms of reference in relation to two incidents – the Dublin / Monaghan bombings of 17 May 1974 and the bombing of Kay’s Bar, Dundalk on 19 December 1975. The terms of reference in relation to the Dundalk investigation were as follows:

“To undertake a thorough examination, involving fact finding and assessment, of all aspects of the Dundalk bombing and its sequel, including the facts and circumstances of, and the background to, the bombing, having regard to the Garda investigation of the bombing, including the co-operation with and from the relevant authorities in Northern Ireland.

The ‘Dundalk bombing’ refers to the bomb explosion that took place in Dundalk on 19 December 1975.”

In the course of its work on the Dundalk bombing, the Inquiry has been given a certain amount of information concerning other subversive attacks which took place in the State between 1974 and 1976. The Inquiry has included information on a number of these incidents in the appendices which are to be found at the end of this report. This has been done in response to a request from the Government that the Inquiry, where possible, take account of other bombing incidents that took place within the State during the relevant period.

² Ibid. p.43.

PART ONE

BACKGROUND INFORMATION

HISTORICAL BACKGROUND

- 1. GOVERNMENT AND SECURITY**
- 2. PARAMILITARY GROUPS**
- 3. INTELLIGENCE INFORMATION**

The following account of events in Northern Ireland during 1975 and 1976 is not comprehensive. It is included with a view to illustrating the social and political background to the main events with which this Report is concerned.

GOVERNMENT AND SECURITY:

The year 1974 had witnessed considerable political upheaval in Northern Ireland, including the Ulster Workers Council strike, the demise of the Sunningdale Agreement, the collapse of the Northern Ireland Assembly and the reintroduction of direct rule from Westminster. Political developments in the years 1975 / 76 were not as dramatic.

Following the publication of several discussion papers on power-sharing by the Northern Ireland Office, elections were held in May 1975 for a Constitutional Convention. The United Ulster Unionist Council (UUUC) won 47 of the 78 available seats. Although a series of inter-party talks were held under the auspices of the Convention, no agreement could be reached on a form of power-sharing government for Northern Ireland. In October 1975, Vanguard Party leader William Craig was expelled from the UUUC for advocating a coalition with the nationalist SDLP. In March 1976, the British Government brought the Convention to an end, accepting the continuance of direct rule for the foreseeable future.

This period also saw the British Government adopt a policy of ‘normalisation’ towards Northern Ireland. Steps were taken to increase the role and resources of the RUC in tackling subversive crime, with the aim of reducing the Army’s role in policing. On 25 March 1976, Secretary of State Merlyn Rees told the House of Commons that primacy in security matters had been returned to the RUC.

A different approach was also taken towards paramilitary groups: three weeks earlier, Secretary of State Rees had announced that persons convicted of subversive crimes would no longer be entitled to special category status, but would be treated as ordinary criminals. The phasing out of internment during 1975 could also be seen as part of this normalisation process.

In March 1976, the Irish Government referred allegations of the ill-treatment of internees in Northern Ireland to the European Commission on Human Rights. In September of that year, the Commission found that interrogation techniques used by the Security Forces were in breach of the European Convention on Human Rights, and referred the matter to the Court for a ruling.

Notwithstanding the shift in policy which resulted in the RUC being given primacy in security matters, the British Army retained a significant presence in Northern Ireland during 1975 / 76. There remained certain areas in which the police and UDR did not patrol, and other areas in which an Army presence was required to protect the police as they carried out their duties. In January 1976, the first officially acknowledged deployment of an SAS unit took place in South Armagh, though it was widely believed that SAS members had been operating undercover in Northern Ireland for some time before this.

The UDR increased in size and resources, but remained unable to gain the trust of the nationalist community. Relations between the UDR and the RUC were also affected by the perception of the UDR as a compromised force. Suspicions were reinforced by a number of attacks carried out by persons wearing UDR uniforms, and by the conviction of UDR members for a number of offences including the Miami Showband murders.³

PARAMILITARY GROUPS:

The year 1975 began with the Provisional IRA announcing an extension to its ceasefire which began on 22 December 1974. This came to an end on 17 January; but following negotiations with the British authorities, a new ceasefire was announced on 10 February. Despite this, incidences of republican violence continued to occur. Some of them were the result of a feud between the Official IRA and the Irish National Liberation Army (INLA). Other attacks, such as the killing of four British soldiers near Forkhill, County Armagh on 17 July 1975, were clear breaches of the truce, though they were claimed to have been acts of retaliation for murders of Catholics by the Security Forces or by loyalist paramilitaries.

As 1975 progressed, the number of sectarian killings multiplied as loyalist and republican subversives engaged in “tit-for-tat” attacks, often targeting innocent civilians. Many of these attacks took place in the so-called ‘Murder Triangle’ – encompassing the towns of Portadown, Armagh, Dungannon and surrounding areas.⁴

A number of sectarian murders in the Belfast and Newtownhamilton areas during the summer of 1975 were claimed by the Protestant Action Force – a name believed to be no more than a cover for UVF activity.

In Belfast, an ongoing feud between the UDA and UVF resulted in several shootings. A similar feud between the Official and Provisional IRA resulted in 11 deaths in the first two weeks of November 1975.

On 5 September 1975, the Provisional IRA resumed its bombing campaign in England, killing two people with a bomb at the Hilton Hotel, London. Other bomb attacks in London and Caterham, Surrey followed later in the month.

³ See appendix 4 of this report.

⁴ See Murray, *The SAS in Ireland*, pp.122, 136-45

On 22 September 1975, a number of bomb attacks took place in towns across Northern Ireland. The IRA claimed responsibility for some of these. Perhaps in retaliation for this, the UVF launched a series of gun and bomb attacks across Northern Ireland on 2 October. The attacks left twelve people dead, including four UVF members who died when a bomb they were transporting exploded prematurely near Coleraine, Co. Derry. In total, 13 bombs were planted by the UVF on that day. The British Government responded immediately by placing the UVF on the list of proscribed organisations.

The year 1976 began with a number of particularly savage attacks on civilians by both sides. In separate attacks on 4 January, loyalist gunmen shot and killed members of the Reavey and O'Dowd families.⁵ The following evening, republican paramilitaries operating a bogus military checkpoint near Kingsmills, Co. Armagh opened fire on a minibus bringing textile workers home from the factory where they worked. Ten people were killed. A telephone caller claimed the attack was the work of the "South Armagh Republican Action Force", and said it was in retaliation for the Reavey and O'Dowd attacks of the previous evening. It was this incident which led the British Government to announce publicly that an SAS unit was being sent into South Armagh.

On 9 January, a Catholic priest from the Portadown area wrote to Prime Minister Harold Wilson and others concerning the security situation in the Murder Triangle. He highlighted twenty-one murders that had taken place in the area between July 1972 and January 1976, all of which bar one were said to remain unsolved. The victims were either Catholic themselves, or from Catholic families. The priest inferred from this that the RUC were being deliberately negligent in pursuing loyalist killers.

In February 1976, the death of IRA hunger-striker Frank Stagg in Wakefield Prison, England caused riots in Belfast and Derry.

On 7 March 1976, a car bomb outside the Three Step Inn, Castleblayney killed one passerby. Further gun and bomb attacks by loyalist paramilitaries on the Golden Pheasant Inn, Lisburn, and the Hillcrest Pub, Dungannon, resulted in six more deaths. The Provisional IRA also continued its campaign of violence, shooting former UDA spokesman Sammy Smyth in Belfast, and killing three British soldiers with a landmine near Belleek, Co. Armagh, amongst other attacks.

On 22 May 1976, the UVF announced the beginning of a three-month ceasefire, which was in fact broken on a number of occasions with attacks in Belfast and elsewhere.

INTELLIGENCE INFORMATION:

As was mentioned in its Report on the Dublin and Monaghan Bombings, the Inquiry was given full access to Irish Army Intelligence reports of meetings with British Intelligence sources and to files of telegrams sent and received during the 1970s. It must be emphasised, as before, that these documents (and the quotations which follow

⁵ See pp. 101-103 below.

in this section) are taken from Irish Army reports of what was said at the meetings. They are not direct quotes from transcripts or from British Intelligence documents.

Following a meeting in January 1975, it was reported:

“There is no current intelligence on the UVF other than that they in common with the UDA are experiencing leadership problems. A resumption of violence by the PIRA would influence the UVF towards cross-border activities.”

One month later, UVF militancy was reported as increasing, manifesting itself in a number of letter-bomb attacks. A report of 15 March 1975 referred to the UDA / UVF feud.

On 19 April 1975 it was reported:

“There are considerable political manoeuvrings going on within the Loyalist paramilitary groups - the UDA, UVF and RHC" - but rank and file refuse to accept any non-military course of action...

The feud between the UDA and UVF has not helped discipline in either organisation. Many rank and file members are carrying out unauthorised operations independently of the leadership.... The leaders of both organisations are doing their best to exercise control over their members but they are patently unable to do so, although the UDA is the less indisciplined of the two groups.... The feud has been restricted generally to areas in North and East Belfast.”

The report of a meeting in June 1975 stated:

“[An] element of the UVF operating under the nom-de-guerre of Protestant Action Committee is responsible for most of the sectarian violence on the Protestant side. Loyalist paramilitary movements are re-organising their structures, recruiting and training in a great number of areas. New units are being formed in areas where they have not existed for a long time. There is probably some re-supply continuing, but no actual evidence of this has been obtained.”

In September 1975 it was reported that the UDA and UVF “have parted company completely.” The UDA were said to be “totally against the UVF sectarian assassinations which they see as the seeds of civil war.” The report continued:

“Generally speaking the UVF / UDA are not as well-equipped as was thought originally due to the fact that they have no secure base...

The ability of the UVF to engage in cross-border activities is very limited and our patrol arrangements frighten them off.”

At a meeting in November 1975 it was said that only “fringe elements” of the UDA were militarily active, with the exception of “one minor bomb team” who were acting independently of the leadership. As for the UVF, it was said that a number of “good arrests” of UVF members were made after the organization was proscribed, following its bombing offensive on 2 October. Twenty of those arrested were said to have been charged, “including some of the leaders...” It was not indicated whether these charges related simply to UVF membership or to more serious offences. The report of this meeting concluded:

“They [the UVF] are not well armed and their military capability is small. They still have a capability for intermittent bombing in the Republic.”

The bombing of Kay’s Tavern, Dundalk on 19 December 1975 was referred to in the report of a meeting dated 10 January 1976, which stated:

“It is not known who approved of the bombing... but it is thought that it was done on the initiative of a small group within the UVF.”

One month later it was reported that the UVF “hard-line” had moderated somewhat, but that “they need to be closely watched because they have their eyes on the Republic and are including Border towns on their list of targets.”

The first explicit mention of the Mid-Ulster UVF in the reports of meetings with British Intelligence sources came on 24 April 1976, when it was stated:

“The capacity of the Loyalist paramilitaries for violence is not very high - much less than the PIRA - because supplies are their real problem. Mid-Ulster UVF is the most active of the paramilitary groups and this has links with the Shankill UVF. The Mid-Ulster gang is using chemicals and fertilisers with commercial explosives to stretch their supplies.”

The report also referred to

“... some mavericks within the organization who insist on using violence and these cannot be controlled. These elements got ideas, support and assistance from other smaller groups like the Red Hand etc.... They were preparing for a bombing in Border towns on weekend 25 April.”

It is not clear from the report whether these maverick elements came from mid-Ulster or elsewhere. However, on 17 June 1976 it was reported that:

“UVF elements in the Dungannon-Portadown area tend to take independent action and would respond to PIRA attacks if at all possible...”

[The] leader of the UVF, does not have effective control of some elements in Shankill and Mid-Ulster. The Mid-Ulster element seems to have little difficulty in getting supplies of explosives.”

On 4 September 1976 it was reported:

“The UVF is composed of a number of independent gangs and has suffered serious losses through arrests and loss of weapons. Fourteen members have been charged recently with various offences. Fifteen weapons as well as ammunition were seized by the Security Forces. Tests carried out on these weapons showed that one of them was involved in eleven shootings. Some of the leaders have left the North and gone to Scotland. The UVF still manages to get explosives and their policy continues to be oriented towards retaliatory attacks in the Republic. The bombing of the Catholic public house in Keady on 16 August 1976 (2 killed, 17 injured) was not authorised by the UVF: it was intended for the Republic instead.”

THE BOMBING

1. **THE EXPLOSION**
2. **VICTIMS**
3. **CLAIMS OF RESPONSIBILITY**

THE EXPLOSION:

At 6.20 p.m. on Friday 19 December 1975, a car bomb exploded outside a licensed premises known as ‘Kay’s Tavern’, or ‘Kay Mulligan’s’. The pub was situated on the south side of Crowe Street in the centre of Dundalk town. The building itself was completely demolished by the explosion, and extensive damage was caused to parked vehicles and neighbouring buildings.

From the evidence of eyewitnesses, and the position of the crater in the road caused by the explosion,⁶ it appears that the car was parked close to the kerb outside the entrance to Kay’s bar. It was facing towards Roden Place. The explosion obliterated the back end of the vehicle, leaving just the two front wheels with portions of the engine and chassis. This suggests the bomb was located in the boot.

At the time of the explosion, Kay’s Tavern was relatively quiet, with just seven customers being served by the proprietor’s son, John McErlean. The proprietor herself, Mrs Kathleen McErlean, was upstairs in her living quarters with daughters Catherine and Alice. Had the pub been busier, the death toll would almost certainly have been higher. As it was, two people were killed: one a customer in the bar, the other a man on the street outside the bar door. More than twenty others were injured.

The explosion was of considerable force. A passer-by who was on the opposite side of the street, about twenty yards from the explosion when it occurred, was propelled into the air: he landed inside the railings of the Courthouse, some thirty yards away from where he had been. Inside Kay’s Tavern itself, two men who had been sitting on stools at the bar were propelled through the back wall of the bar and into the toilets, which were in the back yard. Another customer described the explosion as follows:

“Just at that I was thrown against a wall. I could feel what felt like waves hitting me. The bar burst into flames immediately... I saw a heavily built man, about 60 years. He was bleeding badly from the head. I grabbed him and headed towards the back of the bar... I made my way to what I thought was the entrance to the toilet. It turned out to be a dead end... We were still close to the bar. Myself and this man turned to go elsewhere and at that the bar exploded. I think this was the spirits exploding. I eventually made my way out to a window at the front of the building. I was taken by one of the firemen.”⁷

The first Garda officer to arrive at the scene was Sergeant Dan Prenty, at about 6.23 p.m. He stated:

⁶ The crater was 3 ft. from the kerb, at the rear end of the bomb car wreckage.

⁷ Statement dated 16 January 1976.

“The bomb had exploded some minutes prior to my arrival there and the street was in a state of complete panic and disorder. I assisted in the rescue efforts there and was in control of the general area and scene until 8 p.m. The clock on the Town Hall was stopped at 6.20 p.m.”⁸

Although the Fire Brigade was on the scene promptly, it was about an hour before the fire was brought under control. Rescue workers then dug through the rubble looking for bodies:

“With the help of searchlights mounted on Fire Brigade hoists and excavators, they sifted through all the rubble and moved it into the streets. Nothing was found.”⁹

A roster of Gardaí were tasked with preserving the scene until 6 p.m. on the following day. At around 9 p.m. on the evening of the bombing, the scene was visited by Minister for Defence Patrick Donegan and the Garda Commissioner, Eamon Garvey. On the following morning the Minister for Justice Patrick Cooney visited the scene, also accompanied by the Garda Commissioner.

VICTIMS:

The two men who died as a result of the bombing were **Hugh Watters**, 60 years, married with grown-up children, and **Jack Rooney**, 62 years, also married with grown-up children.

Hugh Watters was a tailor, with premises in nearby Francis Street. He was a regular customer at Kay’s, calling in most evenings after work. He had no extreme political leanings. A witness who entered the bar a few minutes before the explosion recalled that he was sitting on his own at the rear of the bar, and was “in his usual jolly form”.¹⁰ At 6.45 p.m. his body was pulled from the burning premises by a fireman and a Garda officer. He was transported to Louth County Hospital, Dundalk, but was pronounced dead on arrival.

Jack Rooney was employed as a lorry driver / refuse collector with Dundalk Urban District Council. He did not hold any extreme political views. According to one of his colleagues, they had finished work at about 4 p.m. The team went for a pre-Christmas drink in McEaney’s bar in Jocelyn Street. Jack, the witness and another man then took the lorry to the dump to empty it, returning to the Council yard at around 5.15 p.m. Jack and the witness went into the Condel Bar, Roden Place.

“Jack bought [another man] and myself a drink, he did not have one himself. This was before he left. I asked him to stay for another drink and he said that he had to walk home, get cleaned up, that he was going to Benny Brady’s on that night. Jack walked out the door at about 6.20 p.m. or so, he was quite

⁸ Statement of Sgt D.B. Prenty (undated).

⁹ *Irish Times*, 20 December 1975.

¹⁰ Statement dated 21 December 1975.

sober. Jack had left the bar about a minute or less when I heard a very loud explosion.”¹¹

When Kathleen McErlean came out of her premises following the explosion, she saw Jack Rooney lying on the footpath outside the door of the bar, badly injured. He was removed to the hospital shortly afterwards. Three days later, on 22 December, he died as a result of his injuries.

CLAIMS OF RESPONSIBILITY:

It would seem that no warnings were received prior to the bomb attack. On the following day, some Belfast newspapers received telephone calls claiming that the Red Hand Commandos had been responsible for the Dundalk bombing and for an attack on Donnelly’s Bar, Silverbridge, Co. Armagh on the same night.

Some days later, copies of a document purporting to be an extract from the ‘Mid-Ulster UDA News’ were received by a number of newspapers in the State, including the *Irish Press* and the *Irish Times*. According to the latter,

“The photostat statement, which was headed ‘Mid-Ulster UDA News’ and carries a UDA emblem, was posted in Armagh to the *Irish Times* on December 19th. It is unclear whether the statement was on ‘Mid-Ulster UDA News’ notepaper as the masthead of the periodical could have been cut off and attached above the statement and then photostated.”

From the copy on Garda files, it seems likely that this was the case. The UDA heading and emblem is at an angle to the rest of the statement, and the print is of a different quality.¹² Of course, this does not prove that the document did not issue from the perpetrators: if indeed it was posted on the 19th, those who sent it must surely have known in advance of the plans to attack Dundalk and Silverbridge.

The statement, which took the form of a letter, read as follows:

“19th Dec. 1975.

Dear Sir

The bombs at Dundalk and Silverbridge were not intended to cause injury. To this end messages were sent to [...] of the *Irish Press* and the Editor of the *Longford Leader*. No action was taken and as a result 4 devices had to be removed from sites in Navan, two in Dublin and one in Roscommon, at great personal risk to volunteers, an act not to be repeated.

The responsibility for the deaths and the injuries lies with the journalists mentioned. The explosives used were IRA material defused and retrieved [sic]

¹¹ Statement dated 5 January 1976.

¹² See appendix 1 of this report.

in Belfast. We must insist that the authorities in the South pay special heed to warnings.

These attacks were meant to have a four-fold effect.

- (1) To demonstrate to the people of the Republic, who have long supported the carnage in the North, how popular a bombing campaign really is.
- (2) As a reminder that in the wake of further IRA violence, inxxitiatives [sic] will be taken to seriously damage the Southern economy. These include economic sabotage in all its forms. It is to be hoped that Britain will follow our example in the economic and diplomatic field. Economic sanctions directed against Eire as a result of being able to accommodate the IRA monster will speedily ensure the elimination of the Beast.
- (3) To remind the people of the Republic of their vulnerability to acts of terrorism and their ambivalence towards it, and that two can play at that game.
- (4) To highlight the visit of the American IRA Chief to Dublin this week and to demonstrate to them what they have achieved so far and the likely consequences for Eire if they are to persist with their activities.

Signed: S. Black.

S.L.R. Black (Captain)

F.N. White (Captain)”

There is no evidence that the warnings referred to in the statement were in fact given. Gardaí interviewed a named journalist from the *Irish Press* as well as the editor of the *Longford Leader*, both of whom denied receiving such information.

PART TWO

THE GARDA INVESTIGATION

EYEWITNESS INFORMATION

- 1. INTRODUCTION**
- 2. THE BOMB CAR**
- 3. OTHER SUSPICIOUS VEHICLES**
- 4. IDENTIFICATIONS FROM PHOTOGRAPHS**

INTRODUCTION:

As one would expect, the Garda investigation team devoted a considerable portion of time and energy to collecting information from eyewitnesses who might have seen something suspicious.

Two albums containing photographs of UVF / UDA personnel and extreme loyalists from the Portadown area were compiled by Gardaí and shown to selected witnesses. According to the Investigation Report, no photographs were available of extreme loyalists from the Belfast area.

The photograph albums have not been found and it is not certain how many photographs they contained, though one of the Garda officers who showed the albums to witnesses indicated that they contained 23 and 31 photographs respectively.¹³ The Inquiry has not been given a list of names of those included in the albums. However, it has received copies of some spare photographs. Each photograph contains the name of the person concerned and is numbered to correspond with its position in the albums. The numbers received by the Inquiry were 1, 5, 22, 23, 24, 25, 27, 28, 30 and 31. Two of these photographs were picked out by witnesses. Those who were not identified by witnesses included three persons who have been mentioned in intelligence information as possible suspects for the bombings: Stewart Young, and two men from Portadown, hereinafter referred to as Suspect T and Suspect D.

The investigation team amassed a considerable number of statements from witnesses who claimed to have seen something of possible relevance to the bombings. To include all of these sightings in this Report would only serve to confuse. With that in mind, the Inquiry has chosen only those sightings that were considered of particular significance by Gardaí at the time, or which seem to the Inquiry to be of potential significance. This is not to say that all or any of these sightings can be unequivocally accepted: eyewitness evidence is notoriously unreliable at the best of times, and the general quality of the identifications made in connection with the Dundalk bombing was poor.

The Inquiry's final assessment of the value of the identification evidence obtained can be found in chapter 12 of this Report.

¹³ See statements of Sgt T.J. Monaghan, 6 January 1976 and of D/Garda Lynagh, undated.

THE BOMB CAR:

The theft:

The car used in the attack on Kay's Tavern was a red Mark II Cortina. It had been reported stolen from a street in the Shankill Road area of Belfast at 9.15 a.m. on the morning of 19 December. Gardaí reported the owner as saying that it had the words 'FORD CORTINA' on top of the windscreen in large white letters on a green background. The front mudguard was blue. It had no exhaust, and no first gear.¹⁴

The identity of the car was confirmed from the chassis number, 93KL 15246. The registration number of the car was AOI 9510, but it seems that false number plates were fitted after the car was stolen: Gardaí examining the wreckage found a number plate bearing particulars 3571 ZC with indications that it had been fitted to the bomb car. Enquiries revealed that this number was allocated to a Bedford bus owned by a man in Tullamore, Co. Offaly. Having interviewed the man and inspected his vehicle, Gardaí were satisfied that he had no connection with the attack on Kay's Tavern.

Further examination of the 3571 ZC number plate established that it was not made in the State, as the figures on the plate were 3/8 of an inch smaller than those made in Dublin. An internal Garda memo listed two plate-making firms in Northern Ireland. There is nothing on the face of the document to indicate whether further inquiries were carried out, and with what result.

At a later stage in the investigation, D/Insp John Courtney and D/Sgt Owen Corrigan arranged a meeting in Belfast with a senior CID officer to discuss the theft of the bomb car. Specifically, they had been told that an RUC constable possessed information concerning the persons who had stolen the car. The senior officer identified the constable and accompanied them to Crumlin Road Station, Belfast to interview him.

“We spoke to a Detective Inspector there. I requested to see the Constable with the information. He said he was a D/Constable, that he would ring him and get him to come in and that he would give me every facility. At that stage [the senior RUC officer] said ‘I will not allow you interview that Detective Constable.’ I said that all I wanted to find out was the fact about the car, but he would not agree to me seeing him. D/Sergeant Corrigan and I left without seeing this D/Constable and returned to Dundalk.”¹⁵

The above passage comes from a statement made by John Courtney to Garda officers in April 2001. There is no mention of this incident in the contemporary documents seen by the Inquiry.

¹⁴ This information is contained in the investigation Jobs Book, job number 2. The owner's statement is indexed in the Witness Statements file and in the Investigation Report, but in both cases the statement itself is missing. The Inquiry raised this with An Garda Síochána and through them with the PSNI, but to date, no copy of the statement has been forthcoming.

¹⁵ Statement of John Courtney (retd.), taken by C/Supt Basil Walsh and C/Supt Sean Cannon on 11 April 2001. Former D/Sgt Owen Corrigan confirmed this account in a similar statement, taken by the same officers on 18 April 2001.

The route to Dundalk:

There were no definite sightings of the bomb car en route to Dundalk. A bus driver remembered passing two cars parked on the left hand side of the road near “the Stonetrough”, a crossroads about two miles out from Dundalk, on the Carrickmacross road. The cars were facing towards Dundalk town. This was between 4.05 and 4.10 p.m. He stated:

“All I can remember about the cars is that one was an old red one. It was the one nearest Dundalk and parked behind it was a large yellow car. I have no further description of the cars whatever... I cannot say if there were any persons in these cars.”¹⁶

As will be seen in the chapter on intelligence information, the RUC obtained confidential information suggesting that a red Cortina had been seen leaving Portadown on the morning of the bombing, in convoy with a silver Capri and another car (not described).¹⁷ No details concerning the model, registration number or general condition of the Cortina were supplied.

Sightings in Dundalk:

At around 4.40 p.m. a lorry driver was circling the block encompassing Crowe St, Francis St and Park St while waiting to collect a colleague. On entering Crowe St, the car in front of him stopped outside Kay’s Tavern:

“I was unable to overtake and flashed my lights. The driver of this car looked over his shoulder and then drove on and around into Francis St... Having gone around into Francis St this car was still in front of me. We both got out in Park St about the same time and just slightly above the Imperial I got held up by a lorry unloading beer. The car was able to pass on the left of this lorry. I got held up for a little while and after a bit of manoeuvring I managed to get by. I went around by the Demesne, into the Square and drove down into Crowe St. Arriving at Kay’s Tavern this car was again stopped just outside and double parked... I passed by on the left and circled into Francis St where I met my helper. We then went up Park St into the Dublin Road and down the Long Ave to Gaskins in the Industrial Estate. I arrived at Gaskins around 5.10 to 5.15 p.m.”¹⁸

He described that car as “... reddish in colour, not bright red or maroon, somewhere in between.”¹⁹ However, he was certain that it was a “new-type” Cortina – that is, a Mark III, rather than a Mark II model. He also thought that the registration contained the numbers 6, 1, 3 and the letter I.

¹⁶ Statement to Gardai, 4 January 1976.

¹⁷ See chapter 5.

¹⁸ Statement to Gardai, 21 December 1975.

¹⁹ Ibid.

In a further statement made ten days later, the witness told Gardaí that he was “almost sure” he saw the driver again on 23 December 1975, near Dowdallshill on the Newry Road, Dundalk. This man went into a shop, then came out and drove away towards the Border in a grey Super Hillman Minx with British number plates. He again had three male passengers with him, but the witness was unable to say if they were the same as those he saw on the day of the bombing.²⁰

When shown the photograph albums, the witness picked out two photographs of Samuel Whitten, a well-known UVF member from Portadown, as being like the driver of the car he saw.

A witness who entered Kay’s Tavern at 4.45 p.m. noticed a man trying to park a car directly outside the pub. When the witness came out again a minute or so later, he saw the same man getting into a maroon Hillman Hunter which was double-parked between Kay’s and Tempest Press. He said the registration number ended in BZ. There was another passenger in the front seat. The witness could not remember anything about the first car he saw, other than that it was a dark colour.

He picked out a photograph of a UVF member from Tandragee (referred to hereinafter as Suspect G), stating:

“He is very like the man who drove the car in at Kay’s Tavern and who got into the maroon Hillman Hunter, only he had no moustache and his hair was better groomed.”

Another witness who crossed the road to Kay’s Tavern from the Town Hall at 5 p.m. recalled seeing a “dull red or maroon” car parked outside Kay’s. It was facing towards Market Square, implying that it had come up Crowe St the wrong way, against the flow of traffic. As we have seen, the evidence suggests that the bomb car was facing towards Roden Place when it exploded.

The next sighting of a car that may have been the bomb car was at about 5.43 p.m. by a witness who said they saw a man standing on the footpath outside Kay’s Tavern, beside the driver’s door of a dark red Cortina:

“Now it appeared to me that this man was just after getting out of this car. I noticed he looked up towards the Square and as he did he pulled up the collar of his overcoat around his neck... After walking [a] couple of steps he started to run towards Francis St. In front of the Income Tax office he took his hand away from his coat collar and started to run faster. He ran up Francis St and I lost sight of him when he passed the low wall.”²¹

However, when asked to describe the car, the witness said that there was “a huge big spotlight right in the centre of the front grill” – something that no other witness mentioned, and that the bomb car did not have when it was stolen. Further doubt was cast on his evidence in the Investigation Report, which stated:

²⁰ Statement to Gardaí, 31 December 1975.

²¹ Statement to Gardaí, 23 December 1975.

“Members who know this witness believe that he is unreliable.”

At approximately 6.05 p.m. two witnesses who were collecting for charity saw a dull red car stopped at traffic lights in Market Square. One of the collectors approached the vehicle:

“I spoke to the passenger who at first appeared to be reluctant to roll down the window. After consulting with the driver he did roll down the window and I produced the collection box to him. He asked me whom the collection was for and I explained to him. He then spoke to the driver and between them they agreed to put some money into the box. He then put his hand in his pocket and gave 10p which he put into the box himself. I offered him a badge which he refused. The driver then said ‘I will take it.’ I handed the badge to the driver. He put the badge on the dash of the car. The driver appeared not to want to get involved in a conversation, and when they got the badge the passenger immediately rolled up the window. I noticed that as they drove off they indicated their intention of turning left into Crowe Street. I do not know for sure if in fact the car did turn into Crowe Street, but I have a strong feeling that it did.

I would describe the car as a dull red colour. I have no idea of the make of the car but it had a sloping back. It could be a Cortina. I would describe the passenger as being about 25-27 years of age; medium build; hardy appearance, dark brown hair; ragged cut, straight and fairly long. It appeared to be thick. He appeared to be in need of a shave. He appeared to be small, as the driver seemed to sit higher than him in the car. He spoke with a soft Northern accent, wore a black polo neck shirt or jumper and a tweed jacket, bright colour. I cannot describe the driver too well, other than that he wore a leather jacket, blue colour. He was older than the passenger and taller; also he was better dressed. I cannot remember anything else about either man, or the car.”²²

The other witness, who did not approach the car, also said that it contained two men. She described the passenger as follows:

“I would take him to be 25/28 yrs. His hair was dark, collar length and unkempt. He seemed to be wearing some type of bulky jacket, light coloured and tweed material. I would say he was not tall from looking at him sitting in the car. I could not give any description of the driver. The car was a dull red colour. I now know that it was a Cortina, because I saw one like it on Sunday 21-12-75... I asked a passerby what type of car it was and he told me it was a Cortina.”²³

From the fact that the car was in the inside lane, she assumed that it turned into Crowe Street when the lights changed, though she did not see it doing so.

²² Statement to Gardai, 20 December 1975.

²³ Statement to Gardai, 22 December 1975.

When shown the photograph albums on 4 January 1976, the witness who had approached the car failed to identify anyone. However, on 9 January she returned to Dundalk Garda Station and asked to be shown photographs again. D/Garda Terry Hynes reported:

“...at her request I produced to her an album of photographs (album no.1). After looking at the photographs [she] pointed to photograph no.6 and said ‘That is very like him, but he had no moustache. I am almost sure that is the man who was sitting in the passenger seat of a red coloured car on the 19th December, 1975 at Market Square, Dundalk. I sold this man a flag.’”²⁴

At 6.07 p.m. another witness left Reilly’s pub and returned to his car, a green Ford Capri:

“My car was parked outside Kay’s Tavern on the right hand side facing Roden Place. The front of my car was outside Tempest window and the rear of it would be around Kay’s window, the window that joins Tempest building. At the rear of my car there was a brown Cortina, new type, parked. I cannot describe this vehicle any better. I can’t say what was parked in front of me.”²⁵

At around 6.10 p.m. a man was driving down Crowe Street towards Roden Place. He told Gardaí:

“As I came to the railings at the end of the taxi rank I remember seeing a car double parked on my right. I cannot say if there were any cars parked inside this car or not, but it was stopped or parked on the traffic lane, on my right. This parked car was a Mark II Cortina. I cannot recall the colour, but it wasn’t a bright colour like white or cream. It was a dark colour...”

I cannot say whether there was anybody sitting in the parked car... I cannot say whether the engine of this parked car was running or not.”²⁶

It is known that a silver-grey Peugeot 504, unconnected to the bombing, was double parked outside Charlton’s Turf Accountants at about 6.10 p.m. It seems likely that this was the car which was seen by the above witness.²⁷

On 23 December 1975, Gardaí took a statement from a man who said he saw a red Cortina being parked in Crowe Street at 6.10 p.m. He also claimed to have recognised the driver – a Belfast man whom he knew only as ‘Alexander’. He explained:

“I was reared travelling from place to place. When I was 10 years of age I was in Belfast with my family. We were camped in a place called the ‘Boulevard’ which is near the Queen’s Bridge. I left Belfast with my family when I was 15 years of age... During our stay in Belfast a man used to visit our camp most evenings during that 5 years. This man was about 20 years of age when he first

²⁴ Statement of D/Gda T. Hynes, 9 January 1976.

²⁵ Statement to Gardaí, 22 December 1975.

²⁶ Statement to Gardaí, 2 January 1976.

²⁷ Statement to Gardaí, 27 December 1975.

came to our camp... I knew that this man was an 'Orange Man' because I saw him carrying a 'King Billy' banner in parades every 12th July. He would never talk about his religion. I don't know if he worked or not. I don't know where he lived but I am of the opinion that he was not too far from where we were camped in the 'Boulevard'. The only name I knew this man by is Alexander."²⁸

He next saw Alexander on 12 July 1971, once more carrying a banner in a parade near City Hall. He did not speak to him that day.

On the evening of the bombing, the witness was sitting on a seat in Market Square. He heard the chapel bell ring for 6 o'clock:

"The bell was gone about 10 minutes when I decided to go home. I walked down towards the Cathedral on the footpath on the Town Hall side of the street. There was not much traffic around at the time. I saw a car pulling in beside a public house opposite the Town Hall to the spot where I showed you yesterday. It was a car the same as car DAI.432 which is outside the Garda Station now. I knew that it was a Ford Cortina car. I can't remember the colour of the car. I saw a man get out of this car, out the driver's door, which was near the pub. I looked at this man and I recognised him as the man I knew well in Belfast as Alexander. He looked much older and stouter. I have no doubt but it was him. I stood to watch him. I was thinking about going over to talk to him but just then a sports car came from the direction of the Square and stopped right in the middle of the street opposite where Alexander was. There was a driver and passenger in the car. The passenger got out and the man I know as Alexander got into the back of the car. The car drove off fairly fast straight down towards the Military Barracks.

I started to walk towards home. I walked straight down as far as the turn for Castle Rd where I turned left. I heard an explosion. I thought it was a tank that had burst. I kept on going home."²⁹

Next morning, having learnt that a bomb had gone off at Kay's Tavern, he began to wonder if Alexander was involved:

"Later in the day I walked up the street and I saw where the pub was blown up facing the Town Hall. I made my mind up that it could have been the car that Alexander left there. This man, Alexander is 5'11" or 6' tall, he is fairly stout... he has fair hair parted on one side. I think it's the left... He was dressed in a black or brown leather jacket. I think it was black with a belt. I noticed that he was wearing dark gloves. I noticed this as he crossed the street to get into the sports car. I would say he is 40 or 42 years now. When I was 15 he was well over 20 years. I did not notice his trousers or shoes. He has kinda bulgy eyes with wrinkles under them. He has a little dimple on the front of his chin. He speaks with a proper Belfast accent. He has a thick lip at the bottom with a big mouth... I would pick him out for you, provided he did not see me

²⁸ Statement to Gardai, 23 December 1975.

²⁹ Ibid.

or that I would not have to go to Court. I am not able to describe the passenger or driver of the sports car. The sports car was either brown or maroon or red; it's much the same colour as car WID.456 which is outside the Garda Station but it was different at the back. It was all the one colour as far as I can remember.”³⁰

The car WID.456, which the witness picked out as resembling the sports car in which ‘Alexander’ left the scene was a red Opel Manta.³¹ No details are given of car DAI.432, said by the witness to have been the same as the bomb car. It was presumably a Ford Cortina, though of what type is unknown.

The Detective Garda who took this man’s statement noted:

“Contact cannot read and could not take the number of the cars. Fairly reliable, has helped before.”³²

However, the Investigation Report stated:

“It is advised that this witness’ statement should be treated with caution.”

The Report also stated that enquiries were being undertaken with the RUC to try and trace ‘Alexander’. No further references to this have been found in the documents available to the Inquiry. It seems the witness was not shown photographs of possible suspects.

The Inquiry has spoken to former Detective Sergeant Eoin Corrigan, who remembered this witness. He said the man did security work around the town, and as such might have been regarded as more reliable than the average witness. He could not explain the advice in the Investigation Report to treat his evidence with caution, but suggested that it may have stemmed from a perception that the witness was a ‘busybody’.

Also at about 6.10 p.m., an off-duty Garda officer parked his car outside Logan’s shop on Crowe Street, while his wife went inside. She returned to the car about two or three minutes later, and he started to pull out onto the road:

“As I pulled out I saw a car coming towards me from the opposite direction on its incorrect side of the road. The driver had failed to turn left at the traffic island at Roden Place, about ten yards to the front of where I had pulled out. Crowe Street and that portion of Roden Place where I was parked and in front of me, is a one-way street... I had to stop to avoid a collision with this car. While stopped I flashed my lights at the driver to indicate to him that he had taken a wrong turn. I thought he might go back as he could not get past me. He stopped but he made no attempt to go back. I pulled out to my right and passed him. As I was passing I saw him move ahead towards Crowe Street. I did not take any notice of this car after it had passed. I drove ahead to ... Castle Road

³⁰ Ibid.

³¹ Garda Jobs Book, job no. 158.

³² Garda Jobs Book, job no. 62.

where we stopped to visit friends. Immediately we stopped the explosion went off and the lights in the town went out.

The car which I met at Roden Place... was a red coloured Cortina and it contained three male occupants, two in the front and one in the back. I would describe the driver as about 25 years with long black hair, a moustache and wearing dark glasses. He wore a dark coloured jacket. He looked to be of medium build, round face and about 5'8" or 9". I cannot describe the two passengers other than to say that both had long hair and were of the same age group as the driver. I am unable to say anything about their dress. The car was a Mark 2 Cortina about five years old and in good condition. I did not get any view of the Registration number as the front of the car stopped too close to the left side of my car. It had dipped headlights and I did not notice anything peculiar about this car."³³

His wife also gave a statement on the incident. She described the car and its occupants as follows:

"It was a bright red coloured car, one of the older type Cortinas which seemed to be in good condition and well kept. I cannot give any assistance as to its reg no or as to any of the letters or figures in the registration. I cannot say whether it was a two-door or a four-door car.

The driver was about 25 yrs, with long black greasy unkempt hair and a small fringe in the front and parted on the left. He wore black rim glasses and a dark overcoat. He seemed to be a fellow of stocky build. I think I'd know him if I saw him again. He had two passengers, two men of about the same age group as himself, one in the front and one in the back. The front seat passenger turned his back towards us and I did not get a look at him. The back seat passenger kept looking out the side window on his right and kept his head turned away from me. The front seat passenger had long brown curly hair which was unkempt and the rear seat passenger had long dark hair."³⁴

On 5 January 1976, the albums were shown to the Garda officer and his wife. The Garda officer picked out two photographs of Samuel McCoo, a UVF member from Portadown. The officer who showed him the albums reported:

"Witness stated 'This man resembles the driver of the car I saw if he had glasses.' Identification not positive."³⁵

His wife, on the other hand, picked out two photographs of James Nelson Young as resembling the driver of the car. Again, her identification was marked "Not positive."³⁶

³³ Statement to Gardaí, 22 December 1975.

³⁴ Statement to Gardaí, 26 December 1975.

³⁵ Statement of Sgt T.J. Monaghan, 6 January 1976.

³⁶ Ibid.

Another man and his wife were walking down Crowe Street towards Roden Place at about 6.15 p.m. According to the man, they had just passed Defender's Row when they saw two men standing on the street beside a red car.

"It was a car similar to a new type Cortina. I have no idea of the Reg. No. of this car. They had a flash lamp in their hands. It appeared grey in colour. They appeared to be shining the light on the car. I just moved on a bit further down the street when I heard a bomb explode at Mulligan's pub.

I would describe one of the men as 22 yrs., 5'6", thin build, long face with very black hair. I do not know how he was dressed. He also wore a small moustache. I cannot describe the 2nd fellow other than he had dark hair. I think I would be able to recognise the 1st fellow again. I do not know where these two men went after the explosion. I also remember that the windows of the car were fogged up."³⁷

He picked out a photograph of Samuel McCoo as resembling one of two men he saw. Sgt Monaghan reported:

"Identification not positive and witness did not pick out any other photograph."

The man's wife, who was with him at the time but did not make a statement, picked out a photograph of James Nelson Young, saying "This looks like one of the men beside the car."³⁸ She too was not positive in her identification.

James Nelson Young was also said by another witness to bear "a fairly good resemblance" to a man he saw running along Crowe Street at about 6.15 p.m. on the night of the bombing. In his statement he described the encounter as follows:

"When I was passing the public toilets in Crowe St I saw a man cross the road from my left. He crossed the road diagonally about 10 yards in front of me... He was on the road when I first saw him. I would say that he had come from some position between Kay's Tavern and Mark McLoughlin's pub. He was running, but not wildly, as if somebody were after him. He was just running in a normal way as it were. He came onto the footpath at my side of the road and continued to run... I saw him stop just at the corner and look back down Crowe St... I lost sight of him then. I would say he turned right into Clanbrassil St."

He described the man as:

"...about the same height as myself, 5'5". He had black hair, greasy and straight and worn neck length... He had a black moustache. He appeared clean-shaven. He hadn't a fat face. I am not a good judge of age but I would say he was aged 30 years at the most. He would definitely not be younger than 20 years.

³⁷ Statement to Gardaí, 21 December 1975.

³⁸ Ibid.

He was wearing a beige polo-neck jumper and brown trousers... He was of medium build... He wasn't wearing glasses and he hadn't a limp. When he came onto the footpath he was about 10 yards in front of me."

Also at around 6.15 p.m. another witness drove along Crowe Street with a friend. His intention had been to go for a drink in Kay's Tavern:

"I was watching Kay Mulligan's and I did not see any cars outside that I knew would belong to regulars in Kay's. I remarked ... that there would be very few in Kay's at that time and we decided to go on to the Windmill Bar, Seatown Place. As I was looking at Kay's going by it I saw a car parked properly by the kerb outside Kay's bar door. I recall that there was at least one parking space in front of this car and maybe two parking places behind it... It was faced towards Roden Place."³⁹

He described the parked car as dark red or maroon, and said it appeared to be a Cortina or a Hillman Hunter. He could not give any more details. The car was empty when they passed it, and he saw no one else in Crowe St.

The two men drove on to the Windmill Bar at Seatown Place. They got parking straightaway and ordered two pints. As they were being poured, the bomb went off.

Further information as to the time at which the bomb car may have been parked outside Kay's came from witnesses who were in Kay's when the bomb went off.

Alice McErlean, a daughter of the owner, worked as a shop assistant. She finished work at 6 p.m. and arrived home at 6:10 p.m. She stated:

"A number of cars were parked immediately outside our premises, but I had no idea what type of vehicles these were. I went in through the bar... after one minute in the bar, I went upstairs to the living quarters... tea was ready... I had only started to eat at 6:20 pm, but there was a sudden flash and the lights failed."

Another witness who seems to have entered the pub with a friend some time around 6.15 p.m. stated:

"When we were going into the pub, I saw two cars parked near it, I think one was a dark blue Renault, I don't know the model, and I have no idea of the registration number. I don't know which way it was facing, but it was directly outside of the pub, and on the St. Patrick's side of a red Ford car. I don't know what model it was either, or I don't know the registration number. There were no people in these cars... Nobody came into the bar after me. I ordered two pints from John (the barman) and he had just started getting our drink when the bomb went off. I would say that we were in the pub about a minute and a half."

³⁹ Statement to Gardaí, 2 January 1976.

This witness also gave details of two men who had about three months previously asked for directions to Kay's: at the time, they were outside the next-door premises. They were seen at the door of the bar, but the witness did not see them enter. Another witness was approached by a man and a woman in Park Street and asked the way to Kay's about a week before the bombing. From the description which was given of the man, he may have been one of the two men who had asked for Kay's bar three months before. While the latter was shown photographs of suspects, the former was not. In any event, there was nothing to indicate that either pair was in any way involved in the bombing.

OTHER SUSPICIOUS VEHICLES:

Before the bombing:

Sometime between 4.10 and 4.20 p.m., four men were reported entering a bar approximately three miles outside Dundalk, on the Ardee-Dundalk road. They ordered drinks, followed by tea and sandwiches. They paid with two English five-pound notes.⁴⁰ At one point, one of the men left the bar and went outside, where he watched passing cars. A witness stated:

“After a few minutes a car came travelling very fast from the direction of Dundalk. I do not believe there was anybody in the back and I am not sure if there was a passenger in the front... All I can say about it is that it wasn't a very big car, it was fat and small and had two round headlamps on each side at the front. It looked to be newish. The colour was mustard... The man [outside the pub] nodded his head forward at the driver of the car as it sped past. His back was turned to me and he turned round immediately and I saw that he was smiling. He walked back to the front door and as he walked back he was still smiling.”⁴¹

It seems that the man then went back into the bar and called the others. Another witness, who had served the men their drinks, heard the front door of the bar opening and came out from the kitchen in time to see two of them leaving. The other two were already outside by that time. They had left two unfinished half-pints on the counter, and seemed to be in a hurry. The time was 4.40 p.m. The witness went outside and saw the men in a black car on the far side of the road, turning towards Ardee.

Both witnesses described the car in which the men arrived and left as a black Cortina. The second witness, who was suspicious of them, wrote down the registration number. Gardaí established that the number taken down by this witness was in fact allocated to a blue Corsair owned by a man from Andersonstown, Belfast. The RUC were asked to make further inquiries concerning this man, but existing Garda files show no record of any response having been received. In June 2001, this matter was taken up by An Garda Síochána with the RUC, at the request of the Inquiry. On 30 November 2001, the RUC replied, stating:

⁴⁰ These notes were subsequently handed over to the Fingerprint Section, Garda Technical Bureau for examination. See below p.69.

⁴¹ Statement to Gardaí, 30 December 1975.

“No record of the motor vehicle or any investigation being carried out regarding the owner is held by Special Branch.”⁴²

The witness who served drinks to the men gave the following descriptions of them to Gardaí:

“**No.1** 23-24 yrs, 5’10” or 11” or maybe 6’, slightly built; didn’t appear to be working (manual) type; hair cut fairly well in old style haircut, parted and combed to the side; clean shaven (very tidy); paled; normal nose; ordinary eyebrows; long face (not skinny); normal ears, narrow shoulders; long hands; not a manual worker; long arms and legs. He had what appeared to be car keys on his little finger. He was dressed in a light blue round-necked jumper, dark trousers and I cannot remember footwear. I cannot remember what type of shirt and I don’t remember a watch or ring. He had a Northern accent and was sour in manner and abrupt and said very little. He seemed to have a normal gait of walking and had very erect carriage. **No. 2** About the same age as No. 1. He was sitting on the stool at the dispenser. I don’t remember hearing that man speak nor seeing him standing or walking. He would not have been as tall as No. 1. Round pale face under jet black shoulder-length hair parted in the middle. The hair was very heavy and thick and hung in coils. He had normal eyebrows. I think he may have had dimples. He had a rounded chin, and I cannot remember any more details about his face. He was rougher looking than No. 1 and was of strong build with broad heavy shoulders. I think he had big hands. He had on a black leather jacket, with what I believe to have been a black leather belt. I did not see his legs or feet. He was clean shaven, no glasses or ‘tache and he seemed to be the roughest looking of the four. He was very quiet. I don’t remember hearing him speak. **No. 3** Smaller than the other two, about 5’7” or 8”, his hair was dark (not jet black) normal length, a bit curly, round fresh face, plumpish, pleasant, was more inclined to talk than others. I cannot remember his accent. He wore a two-piece suit lightish brown in colour with blue and red threads interwoven forming squares. It was a good looking suit. He had brown shoes. I cannot remember any details about his shirt. **No. 4** About the same age as the others. He was as tall as No. 1 about 6’. His hair was foxy (brown-red). It was fuzzy and combed back and up and was lightish in appearance. He had a longish face, with sharpish features. His complexion was fresh to red. He had fairly broad shoulders and his build was fairly heavy. He was clean-shaven without glasses. I think he was dressed in brownish clothes, possibly a jumper and trousers. He had a Northern accent. My overall impression of the men’s accents was that they were Northern Ireland.”⁴³

When shown the photograph albums, she picked out two photographs of a known UVF member from Portadown (hereinafter referred to as Suspect H) as resembling one of the men (referred to as ‘No.1’ in her statement).⁴⁴ A second witness who saw these men picked out two photographs of James Nelson Young as resembling another of the four men, stating:

⁴² Report attached to letter from PSNI to D/Supt Martin Callinan, 30 November 2001.

⁴³ Statement to Gardaí, 30 December 1975.

⁴⁴ Ibid.

“This man very strongly resembles the man with the leather jacket... except that he did not have the moustache.”⁴⁵

In Dundalk:

At around 4.30 p.m. an eighteen year-old girl who was sitting in her parents' parked car on Francis Street saw a red, 4-door Cortina Mk III pull up beside her, then reverse into the parking space immediately behind her car. The front portion of the Cortina was sticking out somewhat. She remained where she was, listening to the car stereo. At about 4.50 p.m. she heard the Cortina start up: it moved off up Francis Street in the right hand lane. The driver, whom she described to Gardai, was alone in the car. At 5.05 p.m. her father arrived and they drove away. She did not see the Cortina again.⁴⁶

When shown the photograph albums, she picked out two - one from each album. They were both of James Nelson Young, a known loyalist extremist from Tandragee. The witness said: “This man resembles the driver of the car”, but was not positive in her identification.

The same car was seen by the girl's mother, who was working in a nearby office . She first saw it at about 4.35 p.m:

“While I was looking out the window I saw a red Cortina car approaching slowly from Roden Place and stop outside my office. I didn't get the number of this car, but I am certain that it was a red Mark III Cortina. I am familiar with the various models of Cortina as I had a Mark II myself before getting the [Hillman] Hunter.”⁴⁷

The car did not park at that time, but drove slowly on towards Park Street. The witness was satisfied that the driver was alone in the vehicle. When shown photographs, she picked out a photograph of a suspected UVF member from Newtownhamilton (hereinafter referred to as Suspect K) as the driver of the car, stating:

“Definitely that is him, without the beard or moustache and his hair a little more curled. I looked at him straight in the face... That's him in the boiler suit.”⁴⁸

As the Investigation Report pointed out, the fact that she identified a photograph of a bearded man as being the clean-shaven man she saw on 19 December 1975 must detract somewhat from the certainty of her identification. However, the Report also stated:

“...it should be noted that the person she picks out is an extreme loyalist and a suspected bomber and is now clean shaven. This latter fact has been established during the investigation.”

⁴⁵ Ibid. This man would seem to be ‘No.2’ in the statement given by the other witness.

⁴⁶ Statement to Gardai, 27 December 1975.

⁴⁷ Statement to Gardai, 23 December 1975.

⁴⁸ Quoted in statement of Sgt T.J. Monaghan, 6 January 1976.

She saw the car again at 4.40 p.m., and this time it did park in the manner described by her daughter. The witness went out to speak to her daughter, and while doing so had a good look at the driver of the Cortina. She later described him to Gardaí. There was also a passenger in the car at this time, whom she was unable to describe.

Between 4.50 and 4.55 p.m. she saw the Cortina driving away. At 5.50 p.m. she left her workplace and was collected by her husband in their car. They drove off:

“When about at Williamson’s shop about half-way up Francis St I noticed that there was something stationary on the left hand lane. I then saw a red Cortina on my left moving slowly and trying to enter our lane on the right hand lane. My husband did not give way and the driver of the red Cortina had to stop. The driver was very close to me... I had a good look at him and recognised him as being the man who was parked outside my office earlier in the red Cortina. Again I did not pay any attention to the passenger, but I am satisfied there were only 2 – driver and passenger, both male – in the car.”⁴⁹

At 5.45 p.m., a man who was standing outside the Courthouse on Crowe Street saw a red sports car drive from the Queen’s Hotel direction and park outside Tempest Press, beside Kay’s Tavern. The driver, who was alone in the car, got out and walked back towards the Queen’s Hotel.⁵⁰

After the bombing:

At 6.30 p.m. a man was at home in Heynestown, Dundalk when his front door bell rang. He told Gardaí:

“I answered and there was a man standing at the door when I opened it. He asked me for directions to Knockbridge, which I gave him. I got it [sic] very hard to understand him as he was talking very fast. I first thought he was drunk but after seeing him walking away I concluded that it was excitement that was making him talk so fast. Having considered it I believed his accent would be from Portadown or that area. I have worked with men from different parts of Northern Ireland.

I would describe this man as aged about 23 yrs, 5’9” in height, medium build, dark collar length hair parted in centre, it was straight and appeared greasy. I cannot describe his face too well. He was very tall and I don’t think he had a ‘tache, he appeared to be well shaven. He was wearing dark blue or brown trousers, white shirt open at the neck, blue v-neck jumper.

As I was talking to this man I saw two cars on the road facing towards Haggardstown, the engine was running in both these cars and the side lights were on. The first car was a Ford Anglia, dark colour. I did not get the letters

⁴⁹ Ibid.

⁵⁰ Statement to Gardaí, 23 December 1975.

on the registration plate but the figures were 227... The man who came to my door got into the driver's seat of the Anglia and drove away. There were at least two other occupants in this car. I cannot describe them as it was dark. All I can say is that the front seat passenger had long hair.

The second car was a Ford Corsair, dark colour. I did not get the number of it or any part of it... There were three occupants in this car but I cannot describe them."

He picked out two photographs of James Nelson Young (one from each photograph album), saying that he was the man who had knocked on his door asking for directions. He reiterated that the man did not have a moustache on that occasion.

As can be seen from the map which accompanies this Report, Knockbridge lies on a direct route to Northern Ireland which bypasses Dundalk.

IDENTIFICATIONS FROM PHOTOGRAPHS:

As we have seen, the albums were not shown to the witness who purported to identify 'Alexander' at the scene. Nor were they shown to another witness who had given detailed descriptions of two men who asked him for directions to Kay's Tavern about three months previously.

In all, fifteen witnesses made identifications. Two of them were positive that the photographs they picked out were of the persons they saw. The other thirteen witnesses were not as confident, preferring to state that there was a resemblance between certain photographs and the person or persons they saw.

Photographs of James Nelson Young were picked out by five different witnesses for five different locations in and around Dundalk between 4.10 p.m. and 6.30 p.m. Three of those witnesses said that the man they saw had no moustache (unlike the pictures of Young in the photograph albums). These sightings were:

- (1) As a customer in a pub on the Dundalk-Ardee road between 4.10 and 4.40 p.m.;
- (2) As the passenger of a red car in Market Square at 6.05 p.m., heading in the direction of Crowe St.; and
- (3) Asking directions to Knockbridge from a witness at Heynestown, at 6.30 p.m.

One significant fact about these identifications is that they were made in circumstances which allowed the witness to get a good look at the person concerned, and in the case of the latter two sightings, to speak with him.

In considering the eyewitness information available to the Garda investigation team, it should be remembered that the photograph albums that were shown to witnesses had

only loyalist subversives in them. It follows that anyone picked out by a witness must be a potential suspect. This is not the case with identification parades, where the majority of people in the parade would not have a criminal or paramilitary background.

THE FORENSIC INVESTIGATION

1. EXAMINATION OF SCENE
2. FORENSIC ANALYSIS

EXAMINATION OF SCENE:

Initial searches:

Inspector B.V. McCabe, from Dundalk Station, arrived at the scene around 6.30 p.m. Having spent about ten minutes assisting Fire Brigade officers to rescue people from inside the burning building, he then turned his attention to what remained of the bomb car:

“Along the footpath outside the burning premises I saw the remains of a car which was obviously used in the explosion. It was completely wrecked and only two wheels and portion of the engine and chassis were left.

In the wreckage I found one number plate of a motor vehicle and a small ‘Ever Ready’ battery of about 2” x 2” with a lead... Part of the battery was covered with black sellotape. I took possession of these items and brought them to the Garda station at Dundalk, where I preserved them until 2.30 a.m. on the 20-12-’75 when I handed them over to D/Garda Thomas Foley of the Garda Technical Bureau.”⁵¹

At the same time, Sergeant Jim Gannon was searching through rubble in front of Kay’s Tavern. He found a small ‘Baby Ben’ clock with black tape attached to it. This was handed over to D/Garda Terry Hynes, Dundalk Station, who on the following day gave it to D/Insp William Byrne, head of the Fingerprint Section, Technical Bureau.

Fingerprints:

The number plate and battery were examined for fingerprints by both D/Garda Foley and D/Insp Byrne, with negative results. More promising results were obtained from the clock, as D/Insp Byrne reported:

“On 20-12-1975 I received from D/Garda T. Hynes, Dundalk Garda Station a clock, Westclock make, Baby Ben model. The glass was missing. Black adhesive tape surrounded portion of the clock. Underneath portion of the tape I found identifiable fingermarks, which appear to have been made by the person who placed the tape around the clock.”⁵²

⁵¹ Statement of Insp B.V. McCabe, undated.

⁵² Statement of D/Insp W. Byrne, undated.

On 30 December 1975, D/Supt Dan Murphy handed photographs of these fingermarks to an RUC officer from their Fingerprint Department, RUC HQ.⁵³ The results of this, if any, were not mentioned in the Investigation Report.

Army Explosives Ordnance Disposal (EOD):

EOD officer Captain Rory Kelleher attended the scene. He reported as follows:

“When I arrived there, I was informed that a car bomb had gone off outside the pub. The pub was in ruins and its roof had collapsed. Debris was thrown out into the roadway, rescue workers were searching for further victims in the ruins.

I measured the maximum distance of glass breakage, it was 235 ft. This would indicate that approx. 100lbs of explosive had been used. Pieces of the car were thrown to a distance of 50ft, while its engine was 14 ft away. I was unable to examine the roadway where the car had been parked as the rubble from the house had been parked there.”⁵⁴

Collection of samples for forensic analysis:

According to Inspr McCabe, the first members of the Technical Bureau arrived at the scene at 12.30 a.m. They worked into the early hours of the morning. Augmented with further personnel, they resumed their examinations at 8 a.m. and carried on throughout the day.

Responsibility for collecting samples for forensic analysis devolved to the Ballistics Section, of whom there were two senior members present: Detective Sergeants Eamon Ó Fiacháin and Timothy (Ted) Jones. D/Sgt Ó Fiacháin’s report stated:

“Scene of explosion visited on Friday night / Saturday morning. Accompanied by D/Gda Pat Byrne Ballistics Section, William Stratford, Photo Sec. & Tom Foley, Fingerprint Section.

On arrival it was found that the immediate vicinity of the point of explosion was covered by fallen bricks, masonry and debris from the licensed premises which had been hauled out from the blasted premises in the search for victims of the explosion. Partly covered by the debris was the front portion of a red coloured Cortina car (Chassis no. BA 93 KL 15246) which appeared to have been the car bomb involved. Examination of the evidence of blast damage suggested that the center of the explosion had most likely been in the boot of this car. However the center of the explosion could not then be fixed precisely by reason of the large mound of debris covering the immediate vicinity. This point was left for determination until daylight when debris could be removed. Despite unsatisfactory lighting conditions an extensive search of the

⁵³ Investigation Report, 23 January 1976.

⁵⁴ Report of Capt R. Kelleher, 22 January 1976.

immediate vicinity was carried out in an effort to locate traces of the actual bomb container, detonating system and explosive. This search proved fruitless but it was learned subsequently that the remains of an alarm clock and a battery with insulating tape and wire attached had previously been found. Later on same occasion at Dundalk Garda station the following items were handed over to Det Gda Foley:

- (i) battery and insulating tape;
- (ii) two car registration plates

On Saturday morning the scene was again visited, when it was found that as requested the previous night masonry had been cleared from the area to reveal a crater in the roadway: approx. 4 ft. by 3 ft. by approx. 15 ins deep. The situation of this crater confirmed the belief of the previous night that [the] center of the explosion appeared to have been in the boot of the car. The position of the crater appeared to have been directly opposite to the position where the front door had been as indicated by remains of a passageway in the interior of the building. Search of the crater brought to light a number of particles of copper wire which were retained for comparison with wire adhering to the battery found.”

D/Sgt Jones reported as follows:

“The bomb had been placed in a red Ford Cortina car... which apart from the flywheel of the engine, was almost completely shattered by the blast. The explosion made a 6” deep by 36” wide crater in the road, disrupting the water main and causing damage to property as high as the balustrades of the parapet on the balcony of the Town Hall and extending as far as the Parochial House of the Catholic Church.

On same date I had the remains of the above car conveyed to the Technical Bureau as well as other bomb debris collected at the scene. I subsequently removed scrapings and other samples from this car. On 8-1-1976 I handed over to Dr Jim Donovan at the State Laboratory the following items:

- (1) Clothes belonging to deceased, Hugh Waters.
- (2) Clothes belonging to deceased, Jack Rooney.
- (3) Scrapings and other samples from damaged car.
- (4) Two bin-loads of bomb debris.”⁵⁵

Two dustbins of debris and vehicle fragments from the bomb scene were also sent to the Department of Industrial and Forensic Science in Belfast, via an RUC Chief Inspector. It is not known by whom or on whose authority this material was sent North. The items were received by Mr R.A. Hall, Principal Scientific Officer on 21

⁵⁵ Statement of D/Sgt T. Jones, 13 January 1976.

December 1975 – 2 days after the bombing. As we have seen, samples were not brought to the State Laboratory for analysis until 8 January – some 2 ½ weeks later.

FORENSIC ANALYSIS:

Department of Forensic Science, Northern Ireland:

Mr Hall gave the following description of the items received by him:

“Item 1 consisted of a grey plastic dustbin containing approximately 29 kg of very wet mortar, bricks and other building rubble. Apart from a few nails the examination of this material revealed no metal fragments, wire or other items of significance.

Item 2 consisted of a grey plastic dustbin containing a number of shattered fragments of steel sheet, pieces of fabric webbing, carpet and foam rubber, sections of motor vehicle tyre, a damaged umbrella and a small quantity of motor vehicle electrical wiring. Much of the material was charred indicating its close association with a fire. It was also wet.”

He then reported his findings:

“Analysis of swabs taken from the surface of the metal fragments [in item 2] showed the presence of ethylene glycol dinitrate and nitroglycerine, 2 constituents of commercial blasting explosives; and of ammonium and nitrate ions, probably the post-explosion products of a charge containing ammonium nitrate. The nature of the metal fragments indicated them to have been part of a red motor vehicle which had been involved in a relatively high order explosion. Nothing else of significance was found.

CONCLUSION:

Nothing could be deduced from the wet rubble, item 1.

The presence of ethylene glycol dinitrate and nitroglycerine and of ammonium and nitrite ions on the surfaces of the metal fragments in item 2 indicates that the explosive charge incorporated a commercial blasting explosive and this was further confirmed by the evidence of a relatively high order explosion. None of the other explosive constituents which might enable the identification of the manufacturer and brand of explosive were located, possibly because of the post-explosion experience of the fragments.

From the material submitted nothing to indicate the timing mechanism or the method of initiation was recovered.”

As he had done in the case of the Dublin and Monaghan bombings of May 1974, Mr Hall then went on to provide more general information concerning the likely constituents of home-made bombs, the difficulties which might inhibit accurate laboratory analysis, and some advice directed at those responsible for collecting samples for analysis. He wrote:

“In the investigation of the cause of any explosion a properly instituted scene examination is of paramount importance. The subsequent laboratory examination is dependent entirely on the quality of the initial scene examination and can only recover items and information of importance from the material submitted.

Whilst it has not been the practice of this laboratory to investigate exhaustively all of the army explosions in Northern Ireland due to the numbers involved it has been my experience that those which are investigated thoroughly require the laboratory examination of many bin-fulls of sweepings from the explosion area. I would therefore not consider it surprising that the material submitted yielded little other than the identity of part of the explosive charge.

For your information loyalist extremists in my experience use either commercial explosive or an improvised low explosive confined in a suitable container as their explosive charge. The commercial explosives used by these loyalists in Northern Ireland have in the main been small, usually 5 lbs or less, reflecting the difficulty which they have in acquiring commercial explosive. They do however frequently use small amounts of commercial explosive to booster their improvised explosives.

The devices using improvised explosive come in a variety of sizes from the smallest of pipe bombs to multiple beer kegs. The one common factor however is the use of a container to provide the confinement necessary for the explosion of their various low explosive mixtures. Although producing a powerful explosion these charges do not produce the brisance⁵⁶ developed by a high explosive such as a commercial gelignite and therefore generally exert a more gentle heaving action.”

He concluded his report as follows:

“In the present case I would hesitate to make any positive conclusions other than that a commercial gelignite was included in the explosive charge. I would however speculate that in the absence of fragments of container, from the nature of the fragments received and from the absence of other residues that most if not all of the charge was in fact commercial explosive.”

⁵⁶ Brisance is a technical term, descriptive of the rapidity with which an explosive develops its maximum pressure. A brisant explosive is one in which the maximum pressure is attained so rapidly as to shatter any material in contact with it.

State Laboratory:

Dr Jim Donovan, Forensic Scientist, reported the results of his examinations as follows:

“On the 8th January 1976 I received from D/Sergeant T. Jones the clothing of Hugh Watters and Jack Rooney, scrapings from the car said to have contained the bomb and two large plastic bins of debris.

I analysed the material and found all the articles to have a higher concentration of Ammonium Nitrate than could be obtained through incidental contamination. This was particularly so for the outer clothing of J. Rooney and the scrapings from the car where irregularly shaped crystals of ammonium nitrate were found. Hydrocarbon oil residues were found on the ‘donkey jacket’ of J. Rooney and among debris from the car. These oil residues could not have come from petrol but could have come from diesel oil or the engine oil of the car or, in the case of J. Rooney, from the man’s work. Nitroglycerine, nitrocellulose or other nitrated esters were not detected.

Ammonium Nitrate occurs in two different forms in two types of explosives:

- (1) As prills (small round balls), it comprises 55-60% of the nitroglycerine-based gelignites such as Frangex.
- (2) As irregular shaped crystals, it accounts for over 90% in explosive mixtures of ammonium nitrate and diesel oil.”

He concluded:

“It appears probable that the bomb in Crowe Street was an ammonium nitrate / diesel oil mixture based on the following observations:

- (1) The profusion of ammonium nitrate traces. If the explosion had been caused by gelignite a clear and more complete explosion would have occurred with less residue.
- (2) The finding of irregular shaped crystals of ammonium nitrate. If gelignite had been used then the prills of nitrate could have been present as were found after the Airport bomb.⁵⁷ However in the home-made mixture the ammonium nitrate would have been crystallised from the fertiliser calcium ammonium nitrate giving irregular crystals.
- (3) The finding of hydrocarbon oil residues. This is not strong evidence due to the possibility of contamination consequent on the explosion.
- (4) The non-detection of nitroglycerine and associated chemicals. While the ammonium nitrate and diesel oil mixture has to be detonated by a

⁵⁷ Explosion at Dublin Airport, 29 November 1975. See appendix 2 of this report.

gelignite charge one would expect the nitroglycerine to be trapped by and subsequently consumed by the home-made mixture. Nitroglycerine has been previously found after gelignite bombs.”

The differences in the findings of Mr Hall in Belfast and Dr Donovan in Dublin are considered further in chapter 12 of this Report.

INTELLIGENCE INFORMATION

- 1. INTRODUCTION**
- 2. PRIOR WARNING**
- 3. OTHER INTELLIGENCE RECEIVED**

INTRODUCTION:

In examining the intelligence information received by An Garda Síochána concerning the Dundalk bombings, it is important to consider the basis of the information and its limitations. The information is from a variety of sources, most of which remain unknown to the Inquiry, and whose reliability therefore cannot be assessed. After 30 years, it is also difficult to ascertain the state of knowledge of the Gardaí at the time concerning the reliability of the informants and the information.

PRIOR WARNING:

A letter to the Inquiry from Secretary of State for Northern Ireland Dr John Reid dated 26 February 2002 indicates that information concerning a possible attack on Dundalk was received by the RUC on 15 December 1975 – four days before the bombing of Kay’s Tavern. According to Dr Reid:

“[The report] suggested that the UVF had plans to plant bombs in the Republic. Two of the targets would be government buildings, one in Dundalk and the other in Dublin. Large car bombs (500lbs) would be used and planted by two UVF teams based in the south of Ireland and assisted by a team from Northern Ireland. There was no information on timing beyond the suggestion that the bombs would be planted within the following three weeks. The records show this information was passed by telephone to the Garda by the RUC. The RUC recorded this in the following terms: ‘Garda Síochána notified by phone. Letter following.’”

A subsequent letter dated 16 December 2002 identified the RUC officer (now deceased) who provided the information to An Garda Síochána in 1975, and stated that the information had come from “a casual contact.” The letter also said that the information had been received by the RUC on 15 December, typed up the following day, reported to RUC HQ on 17 December and conveyed to Garda HQ by telephone and letter on that day.

The Inquiry has not seen a copy of letter sent on 17 December, but the fact that the information was received by An Garda Síochána is confirmed by a letter from Assistant Commissioner Laurence Wren’s office to the Divisional Officer, Drogheda, also dated 17 December. Headed, “UDA / UVF – Bomb attacks in Republic”, it stated:

“Information has been received here that the UVF is planning to carry out two car-bomb attacks in the Republic during the next three weeks, one in Dundalk and the other in Dublin. It is stated that the explosives for use in these attacks

are already in the Republic and the personnel who will carry out one of the outrages are also based here.

There is no indication of the type of building which is scheduled for attack in Dublin. The building in Dundalk is more clearly designated and is stated to be on the southern outskirts of the town, on the main Dublin road: 'One turns off the main road to the right down to a Garda Box (telephone kiosk) on the right-hand side, about 100 yards down there is a large Church and square and the relevant building is 150 yards from same.' (Discussion with Superintendent Murtagh and this office on the 17/12/75 assessed possible target as the Imperial Hotel).

You should ensure that your Divisional Force is adequately alerted and that all possible steps are taken to spot-check vehicles and persons likely to engage in this activity. Spot-checks should be carried out with Army assistance, where this is considered desirable. You should not confine activity to the possibility that the personnel and materials are in the Republic, as it may well be that all may be transported into our territory immediately prior to placing of bomb.

It goes without saying that cars should be thoroughly checked and please see to it that appropriate supervision is given to ensure that the spirit of this briefing is put into practice. In this regard functions at hotels, dance halls, public houses, when large numbers of persons are present at night, should receive adequate attention as well as Churches at mass times, etc."⁵⁸

The same information was also passed to the other border divisions.

The first item in the Security & Intelligence (C3) file on the bombing is a memo of D/Sgt Dan Boyle. It is headed "C/Supt Murphy, Naas, 8.15 p.m. 19/12/75", and appears to be a note of two telephone conversations with the latter. The memo reads:

"They received information from their 'client' that a bomb had just gone off in Dundalk and that this was only a decoy and that it was intended to have a go at a barracks in Dundalk. C/Supt could not say what barracks.

C/Supt Murphy rang again at 8.20 p.m. to say that [a named Detective Garda] was in contact with the 'client' again and the 'client' told him that he was trying to get in touch with him earlier and he might have prevented the bomb going off in Dundalk and again repeated that it was only a decoy and that they intended to have a go at the Military Barracks in Dundalk – this is the new barracks that was opened in Dundalk a short while ago.

C/Supt said that they [would] try to get more information from this 'client' and would pass it on immediately. I told him that if he failed to get in touch with this office that he was to pass it on immediately to Dundalk.

⁵⁸ Letter from Asst. Commr Wren to Divisional Officer, Drogheda, 17 December 1975.

I rang Inspr Farrelly, Dundalk and gave him the substance of above. I also advised him to alert the Military in Dundalk immediately.”

The identity of the ‘client’ referred to above is not known to the Inquiry. There is no other reference to this information in the available Garda documents. The Inquiry has spoken to D/Sgt Boyle, who explained that he would also have passed the information on immediately to his superiors in C3, to the Garda Commissioner’s office and to the Department of Justice.⁵⁹

OTHER INTELLIGENCE RECEIVED:

Intelligence information received by individual Gardai was usually conveyed to Headquarters by means of a standard form report known as a C77. One such report, dated 23 December 1975, stated:

“That bomb which was placed in Dundalk was placed there by members of the UVF from Shankill Road, Belfast. The car which contained the bomb was stolen by [a named Belfast loyalist, hereinafter referred to as Suspect A]. He is one of three members of the same family that are criminals and are also members of the UVF in Shankill area.

[Another named Belfast loyalist, hereinafter referred to as Suspect B] was mentioned as being one of the gang who actually travelled to Dundalk to carry out the bombing.

Further information regarding the above will be forthcoming in the very near future, possibly within the coming week.”

No further information was supplied.

This was not the first occasion on which Suspect B had been mentioned in connection with Dundalk. A C77 issued in November 1975 reported an apparent sighting of Suspect B in the town nearly three months before the bombing:

“On the 2nd October 1975 I was approached by a businessman in Dundalk who was a native of Belfast, he informed me that on the 30th September 1975, he met a man in the town who he knew to be from the Whitehall area of Belfast. He stated that this man was known to him as [Suspect B], that he was a prominent member of the UDA and that he was possibly a commandant in that organisation. He further stated that he was satisfied that [Suspect B] recognised him and appeared to be taken aback by the meeting. His opinion is that [Suspect B] was visiting Dundalk for subversive reasons, and he was anxious that we take notice of this fact. Enquiries made indicate that [Suspect B] resides at 4 Riverpark in the Tennant Street RUC district, that he is in fact a commander in the UVF and an explosives expert. He is described as follows: 28 years, 5'10", well-built, dirty fair hair, sometimes dyed black, scar on right

⁵⁹ Meeting with former D/Sgt Dan Boyle, 12 March 2005.

cheek. He is further described as a very bad character and capable of any atrocity. He has no criminal convictions as far as can be ascertained. From my knowledge of the person who spoke to me, and the fact that he has wide connections in the North, I am satisfied that he was telling me the truth.”

Suspect B was among those whose fingerprints were sought by An Garda Síochána from the RUC in 1976. However, as far as the Inquiry can establish, an intelligence file was not opened on him until 1980, when a file containing information about Suspect B was created. Nor is there any evidence of an intelligence file having been opened on Suspect A.

On 24 December, a telex message was sent from Monaghan Garda Station to Garda HQ, with copies to the Divisional Offices at Sligo, Letterkenny and Drogheda. Headed, “Re UVF and extreme loyalist activities”, it gave a list of suspected loyalist extremists and their cars – information which had been received by Gardaí at Castleblayney. The following cars were mentioned:

- A bronze Capri, owned by a named loyalist extremist from Tandragee;
- An ‘old-type’ maroon Morris 1000, owned by the same man;
- A green Escort owned by a named loyalist extremist from the Portadown area (referred to hereinafter as Suspect C);
- A gold Capri owned by Suspect D, Portadown;
- A Vauxhall Viva (colour unknown) owned by Robin Jackson, Lurgan;
- A Renault 16, believed to be a UVF staff car;
- A white Rover (colour unknown), believed to be a UVF staff car;
- A brown Cortina;
- A red mark III Cortina; and
- A white Fiat (model unknown).

Registration numbers were also given for each car. The telex continued:

“The information received, which is reliable, reveals that the aforementioned vehicles are used by extreme loyalist organisations and that numbers 1 to 5 above together with their owners were involved in the bomb attack in Dundalk.”

Under the heading, “Modus operandi in bombing missions”, it then stated:

“When going on a bombing mission, three cars go in convoy – the bomb being carried in the middle car. If car number one is stopped at a checkpoint it is

abandoned as is car number two – the occupants of these vehicles then escape in vehicle number three.”

Another C77 report dated 31 December 1975 reported a sighting of such a convoy on the day of the bombing:

“I wish to state that on the date of the bombing in Dundalk, three cars left Portadown in convoy. One of these cars was a red Cortina, presumably the one used in the bombing; the second a Gold Capri [registration number given], owned by [Suspect D – address given], Portadown, and a member of the UVF. The third car has not yet been identified, but all three cars went in the direction of Tandragee.”

The report continued:

“On the night of the bombing the following members of the UVF were seen drinking in ‘Harry’s Bar’ in Banbridge, Co. Down, apparently celebrating something, it is thought the Dundalk job...”

Stewart Young...

[Suspect D]...

[Suspect L - a known loyalist from Banbridge]...

Robin Jackson...

Nelson Young...

Two youths about 18 to 19 years, fuzzy hair, shoulder length, black leather jacket, one of them wore blue jeans.

A third man on crutches, who will be identified later.”

It concluded:

“Further information on this may be available later, and I will pass same on [to] the investigation team at Dundalk. I have already passed this information on to D/Sergt Corrigan, Dundalk and Inspector Courtney of the Murder Squad.”⁶⁰

The Inquiry has been told that the above information came from a visit to Portadown RUC station by Sgt Tom Monaghan and D/Garda Vincent Heavin. According to Sgt Monaghan, they were also given photographs of loyalist suspects at that time.⁶¹

The Jobs Book for the investigation contains a more detailed, handwritten memo on the subject by Inspector John Courtney. It is his memory that he received the information from CID detective Frank Murray. The memo read as follows:

“Suspects for bomb at Dundalk on Friday, 19/12/75

⁶⁰ C77/... 31 December 1975

⁶¹ Meeting with C/Supt Tom Monaghan, 19 April 2005.

Between 9 p.m. and 9.30 p.m. on 19/12/75, the undermentioned met at 'Harry's Bar', Banbridge, and there they celebrated some recent happening, believed to be the bombing at Dundalk that night, 19/12/75:

- (1) Robin Jackson, Lurgan, 45 yrs, owns car GIA 2771, gold Viva.
- (2) [Suspect L], d.o.b. 1935, Banbridge.⁶²
- (3) Joseph Stewart Young, 9 Deramore Ave, Portadown. He uses the following vehicles: 2018 XZ Capri; 5894 VZ gold Cortina; 8294 YZ or 8297 XZ brown Cortina; 5934 XZ blue Viva.
- (4) [Suspect D], d.o.b. 19/3/47; [address given], Portadown. Owns car [registration number given] silver Capri;⁶³ this vehicle, together with a red Cortina and another vehicle not described left Portadown on Friday (forenoon) 19/12/75, believed to be going on a bomb outrage.
- (5) Man on crutches, small moustache, maybe a youth – [surname given], from Lurgan.
- (6) Nelson Young, Portadown. Uses car BIA 1126 blue Cortina; RWS 8718H Renault 16 red; HRN 445N white Rover.
- (7) Sammy McCoo, Portadown.
- (8) Youth, 18/19 yrs, fuzzy hair, shoulder length, black leather jacket.
- (9) Youth, 18/19 yrs, denim jacket.”⁶⁴

It should be noted that Sammy McCoo was not mentioned in the earlier C77 as being amongst those in Harry's Bar.

The next section of Inspector Courtney's memo gave details of nine other active UVF members of the UVF from the Portadown and Lurgan areas, without specifically linking them to the Dundalk bombing. Details of cars to which they had access were also given.

Under the heading "UVF Staff Cars", Inspector Courtney cited two of the cars that Nelson Young was said to have been using – a red Renault 16, RWS 8718H and a white Rover, HRN 445N. He then wrote:

“Three (3) cars are used when 'planting' a bomb: car no. 1, the lead car, is a 'clean' car, not stolen; car no. 2 contains the bomb; and car no. 3 is used as the get-away car. Car no. 1 ensures that the route is clear.

⁶² The C77 report referred to above described Suspect L as a member of the UVF and the UDR.

⁶³ The C77 report of 23 December and the telex of 24 December described Suspect D's car as gold, rather than silver in colour.

⁶⁴ Garda Jobs Book, job no. 139. Memo is undated.

Cortina cars, Mark II type are usually used to convey bombs. These are stolen cars with false no. plates. The cars when stolen have their no. plates removed and replaced by false plates.”⁶⁵

Details of the information given in the two C77 reports mentioned above were sent from C3, Garda HQ to the Investigation Team via the Divisional Officer, Drogheda by letters dated 14 January 1976.

The Investigation Report, in dealing with the information concerning the meeting in Harry’s Bar, made particular mention of Robin Jackson, Suspect L, Joseph Stewart Young and Suspect D, saying:

“The abovementioned are, in the opinion of the RUC, very extreme loyalists and would be capable of executing the bomb outrage in Dundalk.”⁶⁶

On 16 January 1976, the RUC Chief Constable wrote to Assistant Commissioner Wren with information “from a source considered to be reliable”:

“The... source suggested that the bomb which exploded at a bar in Dundalk on 19 December 1975... was planted by a UVF team from Portadown. The original target was a Government building convenient to the bar but was changed at short notice when it became known that the IRA used the bar. Orders for this operation were given to Stewart Joseph Young, 9 Deramore Drive, Portadown and his brother Ivor Dean Knox Young, 117 Ulsterville Park, Portadown by [a named loyalist, hereinafter referred to as Suspect F], Belfast, who apparently visited the area beforehand and selected the target.

The motor car used in the Dundalk operation was stolen from the Shankill Road area of Belfast for another purpose and was taken from Portadown to Dundalk without the authority of UVF Brigade staff. The Brigade staff were reportedly displeased with this as it connected the Shankill Road with the incident.”

The same source also claimed that the bombing at Donnelly’s Bar, Silverbridge, which took place on the same night, “was originally intended for a target in Dublin, but the plans were changed at short notice.”

According to the RUC, the source also named two suspects for the Dublin Airport bombing on 29 November 1975.⁶⁷ One of these, a Belfast loyalist hereinafter referred to as Suspect J, was said to have made the two bombs used on that occasion.

The letter concluded:

“Some collateral of this information is expected from another source. When received you will be notified forthwith.”

⁶⁵ Ibid.

⁶⁶ Investigation Report, 23 January 1976.

⁶⁷ See appendix 2 of this report.

All the above information was conveyed to D/Supt Dan Murphy, Murder Investigation Unit on 22 January 1976. There is no evidence of any follow-up by the Garda investigation team, and the promised information was not received.⁶⁸

An RUC report prepared in the year 2000 in relation to allegations made by former RUC officer John Weir referred to the information supplied to An Garda Síochána on 16 January 1976. It also stated: “the same intelligence suggested that the UVF was using a farm convenient to the border”. There is no evidence that this latter piece of information was passed on to An Garda Síochána.⁶⁹

Two months after the Investigation Report was completed, a C77 report was sent to Garda HQ identifying Suspect J as a possible suspect for the Dundalk bombings. The information was conveyed from C3, Garda HQ to the Divisional Officer, Drogheda on 26 March 1976 in the following terms:

“Confidential information has been received to the effect that a [Suspect J]... described as a loyalist paramilitary member, with addresses at ... and ..., Belfast, may have been involved in the Dundalk bombings. He is described as 5’9””; stocky build; brown hair; blue eyes; and is a taxi driver by occupation...

I have asked the Chief Superintendent, Garda Technical Bureau, to endeavour to obtain copies of fingerprints of the above-named for comparison purposes in connection with bombing incidents and I will have you informed of developments.”⁷⁰

It is not known whether those fingerprints were in fact obtained.⁷¹ They are not currently on the Garda fingerprint system.

⁶⁸ When the Inquiry sought further details on this intelligence from the PSNI, it was told by letter dated 22 April 2002 that no further information could be given on the matter.

⁶⁹ Report of RUC D/Sgt Elliott dated 14 February 2000. The Inquiry has since been informed by the Northern Ireland Office that the farm in question was that owned by James Mitchell at Glenanne.

⁷⁰ Letter from C/Supt J.P. McMahon (for Asst Commr Wren), C3 to Divisional Officer, Drogheda, 26 March 1976.

⁷¹ For more information on fingerprints see below pp.68-70.

THE INVESTIGATION REPORT AND FURTHER INQUIRIES

1. THE INVESTIGATION REPORT
2. INFORMATION RECEIVED FROM THE RUC

THE INVESTIGATION REPORT:

The principal report on the bombing was dated 23 January 1976. It was signed by Superintendent Richard Fahy, the District Officer for Dundalk.

The report contained brief accounts of the explosion and its aftermath; the post-mortem; the inquest and the Garda investigation to date. It was accompanied by 76 numbered statements, a location map of the scene, a map of the general area, a copy of the “Mid-Ulster UDA News” claim of responsibility and a chart representing the identifications of suspects by witnesses from photographs.

The conclusion of the report was as follows:

“From all aspects of the investigation it can be safely assumed that the outrage was carried out from Northern Ireland. From facts and information at our disposal those who perpetrated the crime were extreme loyalists – paramilitary groups from the Shankill and / or Portadown. The fact that no warning of the bomb was given is, in itself, a pointer towards loyalist groups being involved.”

Having given this opinion as to the likely culprits, the report continued with the following caveat:

“It will be appreciated that investigations were greatly hampered by reason of the fact that no direct enquiries could be made in the area where the crime originated. There was no access to potential witnesses in Northern Ireland and there was also the disadvantage of not having been able to interrogate likely witnesses or put them on identification parades.

While the RUC were co-operative, the present political situation in Northern Ireland hampered their investigations. It is imperative that this co-operation continues in order that further progress may be made to trace and identify the perpetrators of the bomb outrage in Dundalk.”

The wording of these conclusions is almost identical to that of the Investigation Report on the Monaghan bombing, dated 7 July 1974: it may be that the latter was used as a template.⁷²

⁷² The conclusion to the Monaghan Report was as follows:

“From all aspects of the investigation it can be safely assumed that the outrage was carried out from Northern Ireland with particular emphasis on extreme loyalists from the Portadown area. The fact that no warning of the bomb was given is, in itself, a pointer towards loyalist groups being responsible.

INFORMATION RECEIVED FROM THE RUC:

Following the signing of the investigation report on 23 January 1976, there is no evidence of any specific action being taken to further the investigation. Two routine enquiries from Garda Headquarters in early 1977, asking whether there was anything further to report, were met with negative replies.

Nothing more appeared on the files until Detective Superintendent John Courtney, who had been involved in the original investigation, was posted to Dundalk as Border Superintendent on 20 September 1978. Between that date and 5 July 1979 when he was re-appointed to the Technical Bureau, he sought to further the investigation, principally through his contacts with RUC personnel.

On 12 January 1979, Supt Courtney travelled with D/Sgt Owen Corrigan to Portadown, for a meeting with RUC officers concerning the Dundalk bombings. The RUC named three members of the UVF whom they had been told by an unnamed source were involved in the planting of bombs at Dublin, Monaghan and Dundalk. Those named were:

- (1) Joseph Stewart Young, Portadown;
- (2) Samuel McCoo, Portadown; and
- (3) James A. Somerville, Dungannon.

The RUC also named two people who were said to have taken part in the attack on Donnelly's Bar, Silverbridge on the same night as the Dundalk bombing. They were:

- (1) Suspect T, Portadown; and
- (2) A named loyalist from Tandragee, hereinafter referred to as Suspect M.

In his report of the meeting, Supt Courtney stated:

“[Suspect M] visits Southern Ireland occasionally. He hasn't been interviewed in respect of these outrages. [The RUC] feel that better results would be got if [Suspect M] was interviewed in the South of Ireland.

It will be appreciated that investigations were greatly hampered by reason of the fact that no direct enquiries could be made in the area where the crime originated. There was no access to potential witnesses in Northern Ireland and there was also the disadvantage of not having been able to interrogate likely suspects or put them on identification parades. While the RUC were co-operative to an extent, the early investigations co-incided with the Ulster Workers Council strike and by reason of this their assistance was limited.

It is felt that if all investigations in vital areas, such as Portadown and the area from there to Crann and Ward's Cross had been carried out by our investigating team, far greater progress would have been made and great hopes could be entertained of bringing the offenders to justice.”

[Suspect T] hasn't been interviewed to date.

As regards the first three mentioned overleaf: Joseph Stewart Young is now in Scotland; Samuel McCoo is in prison and James A. Somerville, though living locally, hasn't been interviewed...

Photographs of [Suspect M], James A. Somerville and [Suspect T] attached."⁷³

This report reached the Divisional Office at Drogheda on 17 January. From there it was sent to C3, Garda Headquarters, with the following minute:

"For information please. [Suspect M] will be interviewed if and when he is found on our side of the border.

I am enquiring into why Somerville and [Suspect T] have not been interviewed and if this could be arranged even at this late stage."

On the copy of the report in the C3 file are further handwritten notes indicating that files on each of the suspects had been opened.

On 24 January 1979, the information contained in Supt Courtney's report was conveyed from C3 to the Chief Superintendent in charge of the Technical Bureau (C4), together with the following request:

"Please state if any of those mentioned are recorded at your Fingerprint Department. Detective Superintendent Murphy of your Department was in telephonic communication with this office in relation to this matter."

In the meantime, Supt Courtney had furnished a further report to the Divisional Officer, Drogheda at the latter's request. It stated:

"Somerville and [Suspect T] are residing locally in Portadown. [A named RUC officer] and myself will be having further discussions regarding the interviewing of these two men and also [Suspect M]. The RUC appear to be much more co-operative now than they were in 1975.

In the course of investigations in this matter and photographic albums produced, seven witnesses identified James Nelson Young, 29 Wayside, Tandragee, Co. Armagh... The question now arises: should Young be placed on an identification parade if the witnesses are prepared to attend such a parade.

The man alleged to have stolen the car used in the bomb attack, [Suspect A] is mentioned at page 11, paragraph 63 of the report of 23.1.1976. The question of interviewing this man will now be looked [at].

With regard to fingerprint evidence mentioned at paragraph 55 of the report of 23.1.1976 (page 10), this matter will be probed further.

⁷³ Report of Supt John Courtney, 15 January 1979.

I will keep you informed of developments as they arise.”⁷⁴

This second report reached C3 on 26 January 1979. It was acknowledged in a reply to the Divisional Officer, Drogheda as follows:

“Your report... has been received and noted. Any steps open to us should be taken to bring these outrages home to [the] culprits.

However, the evidential value of any identification parade now, having regard to the time lag, is very doubtful.”⁷⁵

Further minutes from C3 to the Divisional Office, Drogheda seeking developments were sent on 1 March, 3 April and 8 May 1979. On 12 June, a reply was received in the form of a further report by Supt Courtney, which stated:

“With reference to attached minute from Commissioner, I have discussed the incident with members of the RUC, and have asked for their co-operation.

The most recent discussion was on the 11.5.1979. Nothing of note came from these discussions. They did state that should [Suspect M] travel to the South of Ireland, they would notify us.

Any developments will be reported.”⁷⁶

A further minute seeking updates was sent from C3 on 20 July 1979. A reply was received on 13 August, from D/Sgt Owen Corrigan, via the Divisional Office. It confirmed there had been no further developments, and concluded:

“The matter will continue to be the subject of attention by all concerned here.”⁷⁷

This is the last item of correspondence on the C3 file. It effectively marks the end of the Garda investigation into the Dundalk bombing. As with the Dublin and Monaghan bombings, although the file remained nominally open, the reality was that no further information was added to it.

The next section of this Report contains the Inquiry’s assessment of the Garda investigation and its aftermath.

⁷⁴ Report of Supt Courtney, 18 January 1979.

⁷⁵ Letter from C/Supt M. Fitzgerald, C3 to C/Supt R. Cotterell, Drogheda.

⁷⁶ Report of Supt Courtney, 5 June 1979.

⁷⁷ Report of D/Sgt Corrigan, 30 July 1979.

PART THREE

ASSESSMENT OF THE INVESTIGATION

THE WORK OF THE COMMISSION

- 1. OVERVIEW**
- 2. SOURCES AND MATERIALS**

OVERVIEW:

As was the case in relation to the other matters on which the Inquiry has reported, information has been sought from a variety of sources concerning the Dundalk bombing and other relevant incidents. Priority was given to obtaining documents from the authorities in the State. Attempts were also made to secure documentation from the British authorities, and the results are set out below.

Interviews were sought with everyone whom the Inquiry believed might possess information of relevance. Information received in confidence was treated as such. The Inquiry is grateful to those who gave of their time to assist in this task. In addition, the Inquiry examined a variety of secondary materials, including newspaper and magazine articles, books and submissions from interested parties.

The Inquiry is particularly grateful to the Pat Finucane Centre, from whom it received a considerable amount of documentation and submissions.

SOURCES AND MATERIALS:

An Garda Síochána:

The Inquiry has continued to deal with An Garda Síochána through a liaison officer, and has received full co-operation in relation to its work.

Files have been received in relation to all the incidents with which this report is concerned. Some files came from the Security and Intelligence (C3) branch; others from Crime Ordinary (C1).

Material generated by the Dundalk investigation team and seen by the Inquiry has included:

- A Crime Ordinary (C1) file;
- A copy of the investigation report;
- A Jobs Book (with index) containing notes on 225 jobs;
- A Jobs Book regarding persons in Kay's Tavern and the vicinity;
- A book of information concerning possible suspect cars;
- A Security and Intelligence (C3) file containing documents from December 1975 to August 1979;
- A file of witness statements numbered 1-146 and marked 'working copy no.2';
- An index of witness statements;
- A folder of loose, photocopied documents including some correspondence, memos, notes of jobs and the like.

- C77s, letters from RUC HQ and other intelligence documents relating to information received;
- Technical Bureau files;
- Two albums containing photographs of the bomb scene;
- Copies of photographs of loyalist subversives obtained during the investigation.

The Inquiry was told that copies of all relevant documents from the investigation would have been sent to Garda Headquarters. Notwithstanding this, searches were also conducted in Drogheda and Dundalk Garda stations, but no further documents were discovered.

Irish Army:

The Inquiry has continued to receive full co-operation from the Army authorities. In particular, the Inquiry was given access to all the available reports of Explosives Ordnance Disposal (EOD) officers for the relevant period, and to reports of meetings between representatives of Army Intelligence and British intelligence sources.

Irish Government:

It would appear that the Department of Justice does not have a contemporary file on the Dundalk bombing. This was confirmed in a letter to the Inquiry dated 15 November 2002, in which it was stated:

“Contemporary file on Dublin, Monaghan and Dundalk bombings

Thorough searches of the Department’s records and contemporaneous papers were carried out in the Department at the time of the establishment of the Commission of Inquiry. No record of or reference to such a file or files having been opened was found. This was conveyed in a letter to the Commission at that time...

Subsequent to your letter of 17 October a further search has been conducted with the same result as before. While it is not possible, at this remove, to establish such a fact beyond any semblance of doubt, I can confirm that, to the best of our knowledge, no contemporary files on the 1974 Dublin and Monaghan bombings or the 1975 Dundalk bombing were opened in this Department.”

This is not to say that there is no relevant material whatsoever in the Department’s archives: on 15 August 2002 the Inquiry was supplied with extracts from a file opened in 1972 and entitled “Bombings – General File to 31/12/85”. These extracts consisted of:

- (1) A preliminary Garda report, dated 22 December 1975, on the Dundalk bombing. It was accompanied by a covering letter⁷⁸ which promised to keep the Department informed of developments.
- (2) A letter from C3 (in response to a letter from the Department dated 31/1/75 which has not been seen by the Inquiry) enclosing two reports about warnings allegedly received by the Longford Leader.⁷⁹
- (3) A preliminary Garda report, dated 9 March 1976, on the bombing of the Three Star Inn, Castleblayney; a letter from the Minister concerning security in the town on the occasion of the attack, and a response from the Commissioner's office dated 7 April 1976.

The Inquiry has also received a file entitled "Dundalk bombings – list of injured" which seems to have been opened in 1999, following receipt of a letter from Gerard Hugh Watters, whose father had been killed in the bombing. The only item dating from the time of the attack was an extract from a confidential Garda security report (issued on a monthly basis) for December 1975, which gave a brief summary of the bombing and its aftermath.

Searches of the archives of other Departments – notably the Department of Foreign Affairs – has produced some documentary material of interest to the Inquiry, though nothing arising directly from the Dundalk bombing.

British Government:

The Inquiry in its approach to the British authorities sought to avail of the assurance given by Adam Ingram, Minister of State at the Northern Ireland Office, that the British Government would respond sympathetically and in a positive spirit to any request for information or assistance from the Inquiry. This assurance was given at a meeting held by the Minister of State on 12 September 2000, with a delegation from the Justice for the Forgotten group. Similar assurances have been repeated to the Inquiry. The initial approach was by letter dated 10 November 2000, to Peter Mandelson, then Secretary of State for Northern Ireland.

The letter referred to the assurances given by Adam Ingram and asked for an indication on the nature and extent of the assistance in information that the British Government was prepared to furnish. The letter also asked to be supplied with any material available to the Stevens Inquiry, concerning allegations of collusion which related to the period 1974-75, and which might be germane to the bombings in Dublin, Monaghan and Dundalk.

On 23 February 2001, the Taoiseach Bertie Ahern wrote to Dr. John Reid, who had succeeded Peter Mandelson as Secretary of State for Northern Ireland. He stressed the public concern and pressure for progress to be made in these matters, and asked again for any available information to be supplied to the Inquiry.

⁷⁸ Marked 'Seen by Minister, 15/1/76'.

⁷⁹ Letter from Chief Superintendent, C3 to Secretary, Department of Justice, 3 March 1976. Marked 'Seen by Minister'.

Dr. Reid replied on 7 March 2001, saying:

“I am happy to re-affirm our commitment to treating all requests from the Inquiry sympathetically, including at the higher Departmental and Governmental level. In response to Mr. Justice Barron’s request for assistance and information, all relevant UK Government Departments have been searching their records to establish what information they hold. Unfortunately the age of the records in question has meant this task has been more time consuming than we might have hoped. However I am informed that searches are nearing completion and that the UK Government should be in a position to respond substantively to Justice Barron’s request in the near future.”

At the suggestion of the Inquiry, a meeting took place in London on 17 January 2002, at which Dr. Reid, some of his officials and members of the Inquiry were present. At this meeting the members of the Inquiry made it clear that what they required above all else were details of the contemporaneous intelligence documentation available in the files of the several security agencies and Government departments to which they reported. The need to see original material was stressed. This was also stressed in later correspondence.

The Inquiry was told by Dr. Reid that the main reason for the delay in supplying information was that some 68,000 files of possible relevance existed in the Northern Ireland Office alone. The number of files in the Ministry of Defence could be counted in millions. Many of these files were not computerised. The team examining the files had finished at the end of 2001, and it was hoped to provide information to the Inquiry within weeks.

The first substantive response from the Northern Ireland Office came by letter dated 26 February 2002. It contained two items of intelligence information referable to the Dundalk bombing. The first was a warning received on 15 December 1975 that the UVF had plans to plant two large car bombs in Dundalk and Dublin; the second was information received some time in January 1976 which stated:

“The Dundalk bomb was a UVF operation. The Down Orange Welfare (DOW) are being allowed to claim it in loyalist circles. This is in order that they might get more explosives from the Ulster Defence Association (UDA) for future operations. They will then hand these explosives over to the UVF, who are short of explosives and are not able to get them direct from the UDA.”

The letter continued:

“If you have further questions we shall do our best to answer them, but I do not believe there will be anything of substance to add to this document. Having gone into the matter very thoroughly I am satisfied that it represents an accurate summary of all the documents which the UK Government has located on this matter.”

On the issue of possible collusion between elements of the security forces and loyalist paramilitaries, it stated:

“While it is impossible to prove the negative, there is nothing in intelligence or any other records to corroborate suspicions of collusion by any members of the RUC, UDR or other UK security agencies in the Dublin / Monaghan or Dundalk attacks.”

The Inquiry expressed disappointment with the nature and scope of the material provided, and sought further and better information. In a letter dated 15 April 2002, the Inquiry sought further details concerning the intelligence warning of an impending attack on Dundalk; including the circumstances in which it was passed to An Garda Síochána, and any available information which might help to identify the operating bases of the UVF teams said to have been involved.

In response, a letter of 30 November 2002 did outline the sequence of events between the receipt of the intelligence warning of 15 December 1975 and its transmission to An Garda Síochána two days later. The question regarding UVF bases was not addressed. Notwithstanding further correspondence, this question remains unaddressed.

A confidential Garda intelligence report dated 25 February 1975 gave information received concerning a re-organisation and mobilisation of the UVF in border areas. In the course of the report, it was said:

“It is understood that considerable evidence regarding this mobilisation and re-organisation of the UVF in the mid-Ulster area was unearthed by the Northern Ireland security forces in the course of intensive investigation into recent sectarian murders in County Tyrone, and that the details, contained in a secret file, are at this time under consideration at Government level there – so serious is the view being taken of the threat posed.”

By letter dated 12 July 2002 the Inquiry asked the then Secretary of State for Northern Ireland, Dr John Reid whether it was possible to confirm the existence of such a file; pointing out that its contents would be of great interest to the Inquiry, given that the mid-Ulster UVF were suspected of having carried out the Dundalk bombing in November 1975. No answer was received to this question.

The matter was taken up again in letters dated 17 February 2003 and 9 June 2003. In reply to the latter, it was said that none of the interested agencies had any record of a file concerning UVF re-organisation in mid-Ulster.

The question of UVF bases was taken up by the Inquiry again on 11 May 2005, this time with reference to information said by the RUC to have been conveyed to An Garda Síochána in January 1976, concerning a farm near the border which was being used by the UVF.⁸⁰ In a letter dated 27 June 2005, the Secretary of State for Northern Ireland confirmed that this referred to the farm of James Mitchell at Glenanne.

⁸⁰ Report of RUC D/Sgt Elliott, 14 February 2000.

Police Service of Northern Ireland (PSNI):

As much of the evidence relating to its terms of reference was to be found in files of the then RUC and in the files of other security services in Northern Ireland as well as in court records in Northern Ireland, the Inquiry sought to obtain this information from the then RUC, from the British Government through its Northern Ireland office and from Court officials in Northern Ireland.

In the first instance, the Inquiry expected to obtain information from the then RUC through the Northern Ireland Office having taken the view that liaison would be better conducted through one correspondent. When the delay in correspondence from this office became excessive the Inquiry sought and obtained permission to go directly to the then RUC. A certain amount of information was obtained in this way. However in November 2002, the PSNI informed the Inquiry that the answers to its questions would be furnished from then on through the Northern Ireland Office.⁸¹

A history of the Inquiry's dealings with the PSNI has been given in earlier reports. In the context of this report, it can be said that some significant information was provided – notably the statements and other material arising from the arrest of William McCaughey, John Weir and others in December 1978; and information identifying certain weapons associated with loyalist subversive attacks. However, the ballistic information supplied has not been complete, and follow-up enquiries on the 1978 arrests have yielded very little. In particular, allegations of collusion have not been answered properly.

In relation to the Dundalk bombing itself, the Inquiry has received information regarding fingerprint analyses from the PSNI through An Garda Síochána. A request for the statement of the bomb car owner has not been answered.

Amongst the allegations the Inquiry has had to consider is whether the Dundalk and Castleblayney bombings were part of a pattern of collusion between loyalist paramilitaries and members of the security forces. In order to deal with these allegations, various requests were made for ballistic information relating to subversive attacks which took place in Northern Ireland between 1974 and 1976. The information sought included the type and number of guns used and a list of other occasions, if any, on which they had been used. Information was also sought in relation to a gun said to have been used on eleven different occasions before being found in mid-1976. The first of these requests was made on 30 July 2003. In an annex to a letter from the Northern Ireland Office dated 27 October 2003, the PSNI said they were not prepared to make police files relating to crimes in Northern Ireland, including ballistic reports, available to the Inquiry. The Inquiry pointed out that a considerable amount of ballistic information had already been made available, and asked the PSNI to reconsider its decision.⁸² These requests continued into the present year, but produced little more in the way of information.

⁸¹ Letter from PSNI to the Inquiry, 21 November 2002.

⁸² Letter from the Inquiry to the Secretary of State for Northern Ireland, 21 November 2003.

Eventually, by letter dated 14 September 2005, the Northern Ireland Office stated that some of the information requested would also be relevant to the work of a recently established Historical Review Team, set up to review all unresolved deaths arising from the troubles in Northern Ireland between 1969 and 1998. The PSNI were naturally concerned that such information be handled carefully and discreetly. It was suggested that members of the Inquiry might meet with the PSNI, and the name of a contact officer (an Assistant Chief Constable) was given.

Following an initial telephone conversation, the Inquiry wrote to this officer on 23 September pointing out that the information sought by it was complementary to much of the information already supplied to the Inquiry. In a reply dated 27 September, the officer replied:

“Many of your questions refer to murders, linked incidents exhibits and possible suspects that will be relevant to the investigations of the new team. Clearly we would be concerned should any information provided to you be published before it was possible to have such put to a suspect as part of a professional review of the case. It is essential that any process does not educate suspects on the information available to the Historical Enquiries team investigators. Therefore, I cannot pass the information that you ask for at this time.”

The officer indicated that he would be happy to discuss the matter in greater detail, should there be any possibility of guaranteeing that the sharing of information did not conflict with the effectiveness of any investigation carried out by the Historical Enquiry team. A meeting was duly arranged and took place at PSNI HQ, Belfast on 8 November 2005. A representative of the Northern Ireland Office was also present at the meeting. Following discussion of the concerns held by the various parties, it was agreed that the Inquiry would attempt to give further written clarification of the reasons for requesting certain information, and that this would then be followed with another meeting, this time in Dublin. The clarification requested was given by the Inquiry in a letter dated 10 November 2005. However, in a subsequent telephone conversation, a PSNI representative indicated that it would take some months to assemble the information needed to answer the Inquiry’s questions. As a consequence, the projected meeting did not take place, and some questions remain unanswered.

THE GARDA INVESTIGATION

The following preliminary remarks were made in the Inquiry's assessment of the 1974 investigation into the Dublin / Monaghan bombings, and bear repeating here:

“In making an assessment of the Garda investigation into the bombings, the following factors have been taken into account:

- 1) The work of the investigation team should be judged, first and foremost, according to the prevailing standards of the time, taking into account the resources then at the disposal of An Garda Síochána.
- 2) However, criticism is also valid where the prevailing standards fell below what might reasonably have been expected at that time.
- 3) Any criticisms of the investigation must take into account the wider social and political circumstances in which the investigation took place.

Although the Inquiry has, with the co-operation of An Garda Síochána, amassed a near-complete picture of the investigation, it must be said that the full extent of the work carried out by the investigation team will never be known. One reason for this is that some written documents relevant to the investigation have either been destroyed or lost in the intervening years. Another is that there were decisions taken in the day-to-day running of the investigation which were not written down. As many of the key officers in the investigation team are now deceased, it is impossible to verify the extent to which this was done.”⁸³

As was the case with the Dublin and Monaghan bombings, the Dundalk investigation followed the standard procedures for a murder investigation at that time. An incident room was set up at the local station and a team of detectives was assigned to the case. They were assisted in their inquiries by local officers. Tasks were assigned and recorded in a Jobs Book; routine questioning of all persons living and working near the bomb scenes was carried out; appeals were made for witnesses to come forward; and efforts were made to employ photographic, forensic and intelligence information where available.

The degree to which the work of the investigation team accorded with what might reasonably have been expected at the time will be examined under the following headings:

- 1) tracing the vehicles used in the bombings;
- 2) identification evidence;
- 3) forensic evidence; and

⁸³ Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings, p.90.

- 4) intelligence information;

TRACING THE VEHICLES:

The investigation team poured considerable time and resources into the task of identifying the bomb car and other vehicles that may have been used in the attack. They interviewed a large number of witnesses, and sought co-operation from the RUC. By and large, it seems such co-operation was forthcoming: the owner of the bomb car was traced and interviewed in Northern Ireland, and information was given about cars associated with certain loyalist extremists.

This makes it all the more surprising that when D/Inspr John Courtney and D/Sgt Owen Corrigan sought to meet an RUC Detective Constable who was said to have information concerning the theft of the bomb car, they were prevented from doing so by a senior CID officer. No explanation has been forthcoming for this. D/Inspr Courtney informed his District Officer, and it would be expected that the latter would have informed his superiors of this instance of non-cooperation, but there is no reference to it in contemporary documents. If senior officers were informed, one would have expected them to have renewed the request at a higher level, possibly also enlisting the help of the Department of Justice to exert further pressure on the RUC. Again, there is no evidence in the available documentation of this being done.

Another possible lead was the origin of the false number plates. There is nothing on the file to show that inquiries were made with the only two Northern Ireland firms who made such number plates. Even if one assumes that inquiries were carried out by telephone, the result of those inquiries should have been noted – whether or not anything of substance resulted.

Interviewing the owner of the bomb car was not the only matter in which the assistance of the RUC was requested: Gardaí also asked them to interview the Belfast owner of a blue Ford Corsair which was seen in suspicious circumstances at a pub on the Ardee-Dundalk road at around 4.40 p.m. Again, there is no indication from the existing Garda and PSNI files that this interview was ever carried out. The potential significance of the sighting was enhanced by the fact that a witness who appears to have seen the getaway cars at 6.30 p.m. near Heynestown described one of them as a dark coloured Ford Corsair.⁸⁴

The RUC did supply information concerning an alleged sighting of the bomb car leaving Portadown on the date of the attack, with a gold Capri [registration number given] and another car in convoy.⁸⁵ The identity of the eyewitness who supplied this information to the RUC is not known.

⁸⁴ See pp.32-33.

⁸⁵ See p.47.

IDENTIFICATION EVIDENCE:

The investigation team worked long and hard trying to identify those responsible for the bombing, but were hampered by the poor quality of the sightings reported. For instance, they received no eyewitness accounts of the theft of the bomb car in Belfast.

Although a number of persons described seeing a red Cortina in or around Crowe Street at various times before the bombing took place, none of them successfully identified any part of the bomb car's registration number. Nor did anyone mention the more unusual aspects of the car's appearance - a blue front mudguard and a large 'FORD CORTINA' sign on the windscreen – though it is possible that both these items were removed by the bombers before the car reached Dundalk.

At 5 p.m., the car seen in that parking space was facing away from Roden Place, and so could not have been the bomb car. In fact, there are no reliable sightings of the bomb car in position until after 6.10 p.m., when it was seen by a number of witnesses.

Having considered the available evidence, the Inquiry believes that the bomb car was not put in place until after 6 p.m., and probably nearer to 6.10 p.m.

In that regard, the most significant witnesses were:

- (1) A man who left Riley's bar at 6.07 p.m. to collect his car and saw a dark Cortina MkIII in the space where the bomb car subsequently exploded;
- (2) The charity collectors who saw a dull red car at Market Square at 6.05 p.m., waiting in the traffic lane which turned onto Crowe Street;
- (3) The witness who claimed to have seen a man whom he knew as 'Alexander' park a red Cortina outside Kay's Tavern at around 6.10 p.m., before getting into another car which drove away at speed;
- (4) The lorry driver who at about 6.15 p.m. saw a Cortina car parked in the space where the bomb car subsequently exploded, with spaces either side of it unoccupied; and
- (5) A witness who saw a man running down Crowe Street, then look back up the street as he approached Market Square;
- (6) A number of witnesses who entered Kay's Tavern 2 to 3 minutes before the explosion occurred, and whose evidence suggests that the bomb car was in position at that time.

If the man described as 'Alexander' did park the bomb car, then the car seen by the charity collectors could not have been the bomb car as it contained two people – a driver and a passenger. Equally, the man running down Crowe Street could not have been 'Alexander', as the latter was said to have been picked up by an Opel Manta immediately after parking the bomb car.

On the evidence available to it, the Inquiry considers it most likely that the witness who claimed to recognise ‘Alexander’ did indeed see the bomb car being parked.

As has been noted, there was a clear change of attitude by Gardaí towards this witness between the time his statement was taken – when he was judged ‘fairly reliable’ – and the completion of the Investigation Report, where caution was advised. The reason for this is not known. It is worth noting that this witness was the only one to claim that someone known to them was involved in the bombing. Notwithstanding this, he was not shown any photographs of possible suspects.

The photograph albums used in the investigation were said in the investigation report to be of loyalists from Portadown. ‘Alexander’ was said to have come from Belfast, and this could explain why the witness was not shown the albums.

But there was no reason why he could not have been shown photographs of Belfast loyalist extremists, as is illustrated by the fact that photographs of leading loyalist paramilitaries were circulated to Garda Divisions on 29 December 1975, of whom 13 were of Belfast origin (8 UVF and 5 UDA). On 18 February 1976, the photograph of Suspect F – a Belfast loyalist who was named in intelligence as a suspect for the Dundalk attack – was circulated.

If necessary, more photographs could have been obtained from the RUC. It seems from Garda records that such photographs were readily supplied by the RUC when requested. Between December 1976 and April 1977, for instance, C3 circulated photographs and addresses of suspected loyalist paramilitaries on six separate occasions.

The Investigation Report stated that “enquiries were being undertaken with the RUC” regarding ‘Alexander’, but does not say what form those enquiries took. The result of these efforts is not recorded in the Garda files available to the Inquiry.

Even if liaison with the RUC failed to produce results, there was another step An Garda Síochána could have taken in this matter. The witness claimed to have seen ‘Alexander’ on numerous occasions carrying a banner at Orange parades in Belfast for the 12th of July: it might have been possible for Gardaí to accompany the witness to Belfast on the next 12th of July to see if he could identify this man once more.

Finally, in addition to the sightings made on the day of the attack, there were two statements from witnesses who had been asked on a prior occasion to direct persons to Kay’s Tavern – in one case, a week before and in the other, three months. The first witness was shown the albums, but made no identifications. However, the second witness, who had given descriptions of the persons who had approached him three months previously, was not shown photographs.

FORENSIC EVIDENCE:

Examination of scene:

In the Inquiry's Report on the Dublin / Monaghan bombings of May 1974, an account was given of the procedures then in place for the preservation and technical analysis of a bomb scene.⁸⁶ There is no reason to believe that any substantial changes in practice had taken place by the time of the Dundalk bombing of December 1975.

On arrival at the scene, the following priorities would have been observed:

- (a) attending to the dead and injured, facilitating the work of rescue personnel;
- (b) taking steps to ensure the safety of victims, bystanders and rescue personnel in the area;
- (c) establishing control of the area and restricting scene access;
- (d) commencing a detailed examination of the scene.

As we have seen, the bomb at Kay's Tavern resulted in the near-total destruction of the building and caused a fire which took about an hour to get under control. Following this, large amounts of rubble were taken out of the building by rescue workers and deposited on the roadway outside – including the area where the bomb had been situated.

The members of the Ballistics Unit responsible for the forensic examination of the scene did not arrive until 12.30 a.m. The first potentially significant finds – the car number plate, the battery and the 'Baby Ben' clock - were made by local uniformed officers who were searching the rubble for victims.

Collection of samples for analysis:

The approach taken by the Ballistics Unit to the collection of forensic samples mirrored that in Dublin and Monaghan on 17 May 1974. Some hours were spent in conducting a search of the scene: once that was done, a large volume of debris was transported to Garda Headquarters for further examination.

In the case of the Dublin / Monaghan bombings, material was delivered to Dr Donovan at the State Laboratory within three days; Mr Hall at the Northern Ireland Forensic Laboratory received samples a further eight days later. Following the Dundalk bombing, however, the pattern was reversed: Mr Hall received samples

⁸⁶ Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings, chapter 12.

within two days, whereas it was nearly three weeks before Dr Donovan was given material.⁸⁷

The officer who conveyed this material to Dr Donovan on 8 January 1976 was D/Sgt Ted Jones – the same officer who had brought him samples within three days of the May 1974 bombings. The reason for the delay in the Dundalk case has not been established. The Inquiry wrote to D/Sgt Jones about it on 16 June 2005 and received the following reply:

“I regret to state that I have neither record nor recollection of the items mentioned, let alone their condition. I always promptly handed over any items I received to Dr Donovan. Perhaps he could assist you regarding the timing and condition of these items as his analysis should also state why he didn’t look for them earlier.”

Follow-up to forensic analysis:

In an interview with Justice for the Forgotten concerning the Dublin / Monaghan investigation, Dr Donovan gave it as his opinion that Gardaí in 1974 had little appreciation of the importance or relevance of forensic findings, and lacked the capacity to draw appropriate conclusions from them.⁸⁸ It seems that the Dundalk investigation team also made little use of the information obtained as a result of forensic analysis.

Notwithstanding the delay in receiving samples, Dr Donovan did make certain findings from which he was satisfied as a matter of probability that recrystallised ammonium nitrate and fuel oil were the principal constituents of the Dundalk bomb. The finding of nitroglycerine traces by Mr Hall was not incompatible with this, as an ANFO bomb would usually contain a small amount of commercial explosive to act as a ‘booster’, ensuring detonation.

In his reports on the Dundalk and Dublin / Monaghan bombings, Mr Hall made it clear that in his experience, recrystallised AN was not a typical ingredient of loyalist bombs. This should have led to further inquiries from the Garda investigation team, such as:

- (1) Mr Hall could have been asked for his views on the findings of Dr Donovan (and vice versa);
- (2) The RUC could have been asked if there was any intelligence suggesting that a particular group of loyalist paramilitaries had gained access to recrystallised AN;

⁸⁷ Although Dr Donovan was officially appointed as Forensic Scientist to An Garda Síochána in December 1975, the establishment of a dedicated Garda Forensic Laboratory did not take place until 1979. In the mean time, he continued working from the State Laboratory.

⁸⁸ Report of the Independent Commission of Inquiry into the Dublin and Monaghan bombings, p.103.

- (3) The RUC could have been informed of the use of recrystallised AN in the Dundalk bomb, and asked to investigate possible locations where loyalists might be engaged in manufacturing it.

There is no evidence from the material available to the Inquiry that any of these steps were taken.

Fingerprints:

On 30 December 1975, photographs of fingermarks obtained from the 'Baby Ben' clock found at the bomb scene were conveyed to the RUC for analysis. There is no record in the investigation file of whether that analysis was carried out, and with what result. On 18 January 1979, Supt John Courtney signalled his intention to raise the issue of fingerprint checks once more with the RUC, but there is no further mention of the matter in the Garda files.

The earliest reference to the examination of the marks is to be found in a newspaper article of the 12th January 1976. In that article it is suggested that the RUC were refusing to co-operate and that if they had co-operated, the identity of the Dundalk bombers might have been proven. This article was sent by the Security and Intelligence section to the Technical Bureau for its comments. Reports from the head of the fingerprint section as well as from the Chief Superintendent in charge of the bureau denied that the RUC had failed to co-operate. Both said that in their experience, any request had always been answered. The Chief Superintendent further reported that his counterpart in the RUC had told him that he was dealing with the matter personally.

What these reports omitted was whether or not any request for fingerprints had been made to the RUC. In fact, none had been made at that time. Early in February, a request had been made for the fingerprints of twenty-one suspects. This request was made both by C3 (Security and Intelligence) and by the Technical Bureau. The former section received a reply to the effect that the prints had been sent to the Technical Bureau. In May of the same year there was a further request for fingerprints. The records at present in the Technical Bureau contain copies of the two marks found at Dundalk as well as details of the prints of seven only of those on the list of twenty-one said to have been sent to the Technical Bureau in February 1976. In all, present records contain the fingerprints of 23 loyalist paramilitaries. The fingerprints of some of the suspects for the Dundalk bombing are not amongst those in the possession of the Technical Bureau, and these have not been checked against the marks found at the Dundalk bomb scene. One of the suspects whose fingerprints have not been checked is Suspect B, who according to information received by An Garda Síochána was an explosives expert.

The Inquiry raised the issue of fingerprint analysis with the Garda Commissioner by letter dated 1 August 2000, and again on 7 September 2000. On 20 September, the following reply was received:

“There is nothing on record to indicate that any of the suspects on file were identified by means of fingerprint evidence when compared with marks found on tape at the scene...

A further examination of the marks found at the scene has been conducted, both North and South, through A.F.I.S. (Automated Fingerprint Identification System) with negative results. I should point out that the marks found lacked any real quality of ridge detail, making identification extremely difficult. In fact, the quality of the marks is so poor our fingerprint experts are unable to determine if the marks found are fingerprints or palmprints.”⁸⁹

Clearly, this contrasts with the evidence of D/Insp William Byrne, the head of the Fingerprint Section at the time of the bombing, who described them as “identifiable fingermarks”.

The Inquiry had taken up the matter with the PSNI by letter dated 22 April 2002, asking whether they were in a position to furnish the Inquiry with replies to requests by An Garda Síochána for information on a number of matters including the fingerprint found on the ‘Baby Ben’ clock. In reply it was said:

“The police have been unable to locate any files relating to the incidents and dates requested.”⁹⁰

The Inquiry spoke with one of the Garda detectives who formed part of the investigation team, D/Supt Tom Monaghan. He said that the feeling amongst the team at the time was that the fingerprints should have resulted in someone being identified, and that there was much speculation as to why this had not happened.⁹¹

D/Supt Monaghan was also the officer who took possession of two sterling notes used by a group of four men to pay for food and drinks in a pub on the Ardee-Dundalk road at around 4.40 p.m. These notes were subsequently handed over to the Fingerprint Section for examination. The results, if any, do not appear in Garda records.

It is clear from all of the above that the Gardaí had no specific mechanisms in place to ensure that outstanding inquiries were periodically reviewed and followed up. The renewal of the Dundalk investigation by Supt Courtney in 1979 was on his own initiative and resulted from the fact that he had been appointed to a position near the Border.

In May 2005, the Inquiry sought information generally concerning the fingermarks and in particular whether Supt Courtney had received any co-operation in this regard and if so, what was the result. Following correspondence with An Garda Síochána, a meeting was organised, to take place at the Technical Bureau, in order to discuss the matter fully. The information obtained at that meeting and in further correspondence was as follows:

⁸⁹ Letter from Deputy Commissioner Noel Conroy to the Inquiry, 20 September 2000.

⁹⁰ The inability to locate a file relating to the Dundalk fingerprints in 2002 seems strange; as three years later, members of An Garda Síochána were shown such a file at the PSNI Fingerprint section. The results of that meeting are outlined below.

⁹¹ Notes of meeting with C/Supt Tom Monaghan, 19 April 2005.

1. An examination was carried out in 1975 by the head of the Fingerprint section of the Technical Bureau who referred to the fingerprints as being identifiable. Such expression when used by experts indicates the quality of the fingerprint evidence arising from analysis. In common parlance that means that if he had available to him a donor set of prints from a suspect to compare with the marks, identification would be possible if certain characteristics were in coincident sequence within the marks being compared.
2. In 1975 the automated fingerprint identification systems were emerging as a new technology for fingerprint identifications, but neither An Garda Síochána nor the RUC possessed such a system.
3. In 2000, both forces possessed such a system. Further searches on the 12th September 2000 both by the RUC and An Garda Síochána resulted negatively.
4. There were two marks. The detail within the first mark was such, that the expert could not determine which part of the hand had left the mark. He expressed the view that it could have been made by the side of a thumb, side of a palm or from the second joint of a finger. It was a difficult mark in his opinion and he had no expectations of making a realistic match on the AFIS system.
5. The second mark was of better quality than the first. In the opinion of the Gardaí, it could have been the tip of a thumb or the base of a palmprint. As with the first mark however, comparisons produced negative results.
6. In 2000 neither the RUC nor An Garda Síochána had facilities for matching palm prints. Both forces have this capability at present. Accordingly in June 2005, searches were again made for comparisons, but again with negative results.

The existing file at the Technical Bureau contains only scientific reports and copies of the two fingermarks taken at the bomb scene. It appears that any other documentation was retained by the officer dealing with the particular case. As far as the Dundalk bombing is concerned, such documentation appears to have been lost.

On 11 October 2005, two officers from the Garda Technical Bureau traveled to the PSNI Fingerprint Section in Belfast, where they met with the Senior Fingerprint Officer. They were shown a file which contained documents, photographs of fingermarks and negatives relating to the Dundalk bombing in December 1975. A handwritten record on the file cover indicated that the fingermarks had been delivered to the RUC Fingerprint Section on 31 December 1975 by Detective C/Supt Dan Murphy. Also on the file was a handwritten record confirming the negative result of a search for comparative fingermarks carried out on the RUC's Automatic Fingerprint Retrieval System (AFR) on 13 September 2000.

The PSNI file also contained four lists of suspects. The first list was typed, except for two handwritten notes at the top, which read: “To be returned to Supt Mooney please” and “Re: Dundalk bomb.” It contained 21 names, together with dates of birth and addresses where known.

The second list, also typed, was headed: “LIST OF SUSPECTS”. It contained 15 names, with no dates of birth, and only limited addresses. Six names had “description required” written after them.

A third typed list contained 29 names with addresses, but no heading. There is a considerable crossover between the names contained in all three of these lists.

The final list was handwritten on the front of the file cover, and seems to have originated with the RUC Fingerprint Section. There were six names, none of whom appeared in the other lists. Each name was accompanied by an RUC fingerprint classification number, along with the word ‘neg’. Written on the top of the file was “AFR mark X3 – 1 mark X1, Neg. 13/9/2000”, which suggests that these names had been searched on the AFR system but with negative results.

The Garda report of this meeting concluded:

“From records on the Belfast file... and from our own records, I believe that the fingermarks developed on items found at the scene of the Dundalk bombing in December 1975 have been searched thoroughly on the AFR system in Belfast and on the AFIS system at the Garda Fingerprint Section, with negative results.

From the writing appearing on the four ‘Suspect Lists’ I believe all available fingermarks of the suspects were checked against the developed fingermarks, in or around 1975/76, with negative results.”

There is still no documentation to show whether Supt Courtney did in fact raise the issue of fingerprints in 1979, and if so, what resulted from that query.

An indication of the enormous workload faced by the RUC Fingerprint Department around the time of the Dundalk bombing can be found in Chris Ryder’s book about the RUC, in which he states:

“The RUC fingerprint officers were similarly another vital agency overwhelmed by the sheer scale of casework. In 1976 alone they processed 11,206 searches and received 5,551 prints from scenes of crimes but they had a crippling backlog of almost 20,000 sets of prints waiting to be processed against the fingerprint collection. There was no quick solution at the time, for computer techniques that are in use to compare fingerprints were then still in their infancy. Every impression detected at a crime scene had therefore to be visually identified by a highly skilled fingerprint officer to establish sufficient points of similarity for the courts to accept the evidence as conclusive proof.”

Matters only started to improve from May 1976, when Kenneth Newman became Chief Constable:

“Newman turned to New Scotland Yard for help. A special team was established there, reinforced by experts loaned by other British police forces, and 16,000 of the outstanding sets were sent to them on a specially organized RAF flight. Over the next year they made 139 identifications, in addition to the 468 achieved by the RUC team...”⁹²

It can be presumed that Gardaí would have been aware of the backlog faced by the RUC at this time; but there is no reason why the request could not have been renewed periodically.

INTELLIGENCE INFORMATION:

The information received by An Garda Síochána can be divided into three groups:

- (1) Pre-attack warnings;
- (2) Information obtained during the 1975-76 investigation;
- (3) Information obtained from the RUC in 1979.

Pre-attack warnings:

Gardaí did everything that might have been expected in response to the warning received from the RUC on 17 December 1975. Divisional and district stations were alerted, instructed to carry out spot checks on vehicles, and to give attention to security at possible targets – hotels, pubs, churches and the like.⁹³

That these measures failed to prevent the bombing is not a reflection on the Garda performance of these duties, but an indication of the near-impossible nature of the task, given the resources available at the time.

It should also be remembered that warnings of loyalist attacks on Dundalk were a regular occurrence during this period: former D/Sgt Owen Corrigan told the Inquiry that such warnings tended to increase in frequency around Christmas time, and that Dundalk shopping centre was often mentioned as a potential target.⁹⁴

Information received, 1975-76:

From the outset, the Garda investigation team sought information from their counterparts in Northern Ireland as to who might have been responsible for the bombings. Members of the team traveled to Portadown RUC station, returning with

⁹² Ryder, Chris *The RUC, 1922-1997: a force under fire* (London, 1997) p.148.

⁹³ An *Irish Times* article of 20 December 1975 referred to the fact that there had been increased security in Dundalk before the bombing took place.

⁹⁴ Notes of meeting with Eoin Corrigan, 14 April 2005.

photographs of potential suspects and details of cars used by loyalist extremists from that area. Other Garda officers traveled to Belfast to meet with an RUC officer said to have had information concerning the theft of the bomb car, though as we have seen they were ultimately frustrated in this attempt.⁹⁵

As in the case of the Dublin and Monaghan bombings, whatever co-operation existed between the RUC and An Garda Síochána never resulted in the acquisition of any evidence upon which a prosecution might be based. There were clearly difficulties in the way of An Garda Síochána in relation to the questioning of suspects. Similar difficulties appear to have existed in relation to the questioning of witnesses – such as the unidentified person or persons who apparently saw the bombers leaving Portadown in a three-car convoy.

The height of the investigation in relation to suspects was the use of the photographs supplied by the RUC. As well as showing them to witnesses, the photographs were supplied to Gardaí on the border, in case the suspects came into the State. This seems to have been fruitless: either the individuals in question did not cross the border, or else they managed to do so undetected.

James Nelson Young, who was among those picked out by eyewitnesses as resembling someone they saw in Dundalk around the time of the bombing, was also among those said to have been celebrating in Harry's Bar with other well-known loyalist paramilitaries. This might have justified a request to the RUC to have him questioned, but it seems that this was not done.

Information received, 1979:

As we have seen, former Detective Superintendent John Courtney, who was part of the original investigation team into the Dundalk bombing, used his appointment as Border Superintendent in 1978 to renew his contacts in the RUC and to press for information on the Dundalk bombing. This led to the meeting of January 1979 in which suspects for the Dundalk and Silverbridge attacks were named.⁹⁶

The information was reported to Headquarters in the expected manner, and Supt Courtney entered discussions with the RUC with a view to arranging the arrest and interrogation of two of the suspects. Supt Courtney must also have reviewed the investigation file, as he raised the possibility of interviewing two other suspects mentioned in reports from 1976 – James Nelson Young and Suspect A – and promised to pursue the question of fingerprint evidence.

Supt Courtney's report of 24 January 1979 expressed a certain amount of optimism, particularly as regards the likelihood of receiving full RUC co-operation in these matters. However, this optimism seems to have been misplaced. By 12 June 1979, he could only report that he had discussed matters with the RUC and asked for their co-operation, but that "nothing of note came from these discussions". The only concrete assistance seems to have been an offer to inform Gardaí if one of the suspects,

⁹⁵ See above p.19.

⁹⁶ Notes of meeting with John Courtney, 22 March 2005.

[Suspect M] crossed the Border. If any suspects were questioned by the RUC, no report of such questioning was furnished to Supt Courtney or to any other member of An Garda Síochána.

The reaction at Garda Headquarters to this apparent lack of co-operation was muted: there is no record of the matter being taken up with the RUC at a more senior level, and the Department of Justice do not seem to have been informed.

PART FOUR

THE PERPETRATORS AND POSSIBLE COLLUSION

OVERVIEW

The Inquiry's terms of reference oblige it to undertake "a thorough examination, involving fact-finding and assessment, of all aspects of the Dundalk bombing and its sequel". However, as was stated in its report on the Dublin / Monaghan bombings; the Inquiry is not a court. It cannot compel the attendance of witnesses and documents. It does not make any findings which have legal consequences, in the sense that it makes any findings that any party has broken the law – that could only be done by a court of competent jurisdiction. It does not make findings of fact in the way a court would do so.

The Inquiry has sought to collect all relevant, available information concerning the Dundalk bombing and to place it in the public domain in as complete a form as possible. It has had no power to compel the production of documents or the attendance of witnesses to give evidence. It has had to rely in particular on the voluntary co-operation of the relevant authorities in the State and in Northern Ireland.

Earlier sections of the report have set out in detail the facts and circumstances as they are known to the Inquiry. This section contains the Inquiry's assessment of what that information can tell us concerning the likely perpetrators of the Dundalk attack. But the opinion of the Inquiry is just that: an opinion. It is not a determination of any legal rights or liabilities; it does not impose any penalties.⁹⁷ The Inquiry recognises that others may read the information contained in this report and come to different conclusions.

The first question is whether the information available points towards a particular group or groups as having been responsible for the bombing. If that can be established, the next task is to analyse the quality of evidence against specific individuals from within that group or groups. It is worth noting that in the three decades since the bombing, no individual has publicly confessed their own involvement.

The final question is whether elements of the Security Forces in Northern Ireland colluded with the bombers, either by assisting in the attack, by choosing not to prevent it, or by deliberately failing to bring the perpetrators to justice after the event.

There is a clear hierarchy to these questions: if there is no credible evidence against any group or individual, it becomes harder to determine whether collusion took place.

Without direct evidence of collusion in relation to the Dundalk bombing, one must depend on circumstantial evidence, such as might be obtained by proving links between individuals who took part in the attack and members of the security forces; or by showing that the security forces had connections with the group or groups responsible for the bombing.

⁹⁷ See *Goodman International v. Hamilton*, 1992 I.R. p542; judgment of Costello J.

INFORMATION CONCERNING LOYALIST PARAMILITARY GROUPS

1. INVESTIGATION EVIDENCE
2. THE ATTACK ON DONNELLY'S BAR, SILVERBRIDGE
3. THE 'GLENANNE GROUP'
4. CONCLUSIONS

INVESTIGATION EVIDENCE:

The evidence available to the Inquiry under this heading is not conclusive. Such as there is suggests that the Dundalk bombing was carried out by a group of loyalist subversives associated with the Mid-Ulster UVF, with the assistance of UVF members from the Shankill Road area of Belfast. The main reasons for this conclusion are set out below.

Intelligence information:

Information received by An Garda Síochána in the first few days after the bombing suggested that certain named UVF members from the Shankill Road area had stolen the car and planted the bomb in Dundalk. However, later information from the RUC pointed towards Portadown loyalists as being responsible for the bombing.

In January 1976, British intelligence sources gave Irish Army Intelligence their view that the bombing was the work of a small, independent group within the UVF. Further reports confirmed the existence of such maverick groups. Specifically, regular contact was reported between the Shankill and Mid-Ulster UVF in 1976. It was also said that these two groups were militant, active, and prepared to engage in paramilitary attacks without the sanction of the UVF leadership.

Finally, the bomb car was stolen in Belfast, but information acquired by the security forces in Northern Ireland suggests that it was taken to Portadown before being brought to Dundalk.

Claims of responsibility:

The Dundalk and Silverbridge attacks were claimed initially on behalf of the Red Hand Commandos – an organisation affiliated to the UVF, and also a cover name used by mid-Ulster loyalist subversives for attacks undertaken without the sanction of the UVF leadership.

The letter claiming responsibility on behalf of the 'Mid-Ulster UDA' also points towards the Portadown area. As we have seen, there are some doubts as to its authenticity. But even if it was genuine, the fact that the statement did not issue from UDA Headquarters suggests that this was a group of loyalist extremists acting independently and using the UDA as a cover-name.

Forensic evidence:

As we have seen, the forensic investigation did not pinpoint the identity of any of the bombers.

The nature and origin of the explosives used is considered in detail in the chapter dealing with allegations of collusion.⁹⁸ For the present, it is sufficient to note that the main constituent was almost certainly a mix of ammonium nitrate and fuel oil (ANFO).

This suggests a possible link between the perpetrators of the Dundalk attack and others where ANFO seems to have been used – Castleblayney, Silverbridge, and possibly the Dublin / Monaghan bombings of May 1974. Again, the prime suspects for all these attacks are extreme loyalists from the Mid-Ulster area.

Eyewitness evidence:

A possible link to Belfast loyalists came from the witness who claimed to have seen a man he knew as ‘Alexander’ parking a Cortina car outside Kay’s at around 6.10 p.m., then getting into a red sports car which drove away. Unfortunately, as we have seen, the witness was not shown photographs, and the lead does not seem to have been actively pursued.

The evidence obtained from showing photographs to witnesses is of limited value, since the only photographs shown to them were of Portadown loyalists. Nonetheless, there were three identifications of a UVF member (James Nelson Young) which merit attention, though there is no definite connection between those sightings and the attack on Kay’s Tavern.

ATTACK ON DONNELLY’S BAR, SILVERBRIDGE:

On the same night as the Dundalk bombing, a bomb and gun attack took place at Donnelly’s Bar, Silverbridge, Co. Armagh. As the attack took place outside this jurisdiction, there is no Garda investigation file on it, and the Inquiry has not been given access to the RUC investigation file. However, given that Gardaí investigating the Dundalk bombing believed the two attacks to be linked, the Inquiry considers it necessary to set out the information made available to it concerning the Silverbridge attack.

Much of the following account is based on information received from the Pat Finucane Centre, who have spent considerable time and effort in attempting to get a full picture of what occurred. In July 1999 they contacted a number of witnesses who were present at the time of the bombing. They obtained twenty-four statements in all: some from persons who were in the bar when the attack took place and others who were able to give evidence of what occurred afterwards. Other information came from

⁹⁸ See chapter 12.

documents relating to the inquest, and from correspondence between the Pat Finucane Centre and the Northern Ireland authorities.

The attack itself was said to have taken place around 9.20 pm. A car drove up and a man got out. According to a witness at the scene, the man was not masked. He had a gun and started shooting across the top of the car. This burst of fire killed Patrick Donnelly, who was outside the bar at the time, and seriously wounded another man. Michael Donnelly, a son of the owner who was also outside, rushed into the bar. Witnesses say that his face was ashen white. He was followed by either one or two gunmen.

There is evidence to suggest that, as with many other loyalist attacks from that period, the weapons used included a sub-machine gun and a handgun. The witness statements recall there being both single shots and bursts of automatic fire, and one in particular referred to a man entering the bar and firing a revolver. However, the evidence of an RUC officer at the inquest was that one gun only – a Sterling 9mm sub-machine gun – was used.

After approximately 30 seconds of shooting, the attackers withdrew on the instructions of one of them who shouted ‘Back out, back out’. Witnesses say that they had some difficulty getting through the doorway. As they were leaving, one of them threw a bomb on the floor of the bar. It exploded with a blue flash, causing numerous injuries. Michael Donnelly, who was behind the door, was struck in the head by flying fragments from the bomb and died immediately. Trevor Brecknell, a customer at the bar who had already received a gunshot wound in the head, received further injuries in the explosion and died as a result.

The victims:

Patrick Donnelly, 24 years of age, was a local farmer. He had just pulled up at the petrol pumps outside Donnelly’s Bar when the gunmen arrived.

Michael Donnelly, 14 years of age, was the son of the bar-owner. He had been talking to Patrick Donnelly at the petrol pumps when the latter was shot.

Trevor Brecknell, 32 years of age, was a married father of three children. On the evening of the attack, he had gone to Donnelly’s Bar to cash his pay cheque and celebrate the birth of his third child, then just two days old. His wife was still in Newry hospital with the baby at the time.

Claims of responsibility:

On the day after the bombing, newspapers in Belfast received telephone calls claiming that the attack was the work of the Red Hand Commandos. Responsibility for the incident was also claimed in a letter purporting to have come from the ‘Mid-

Ulster UDA News' – referred to already in the context of the Dundalk bombing.⁹⁹ The suggestion in both cases was that the Dundalk and Silverbridge attacks were linked.

Eyewitness information:

Descriptions of attackers

A number of witnesses who were in the bar at the time gave virtually the same description of one of the attackers to the Pat Finucane Centre. This man was said to have been about 5' 6" in height, with dark black hair, a moustache which curled down over the sides of his mouth and generally heavy facial hair. His accent was not local, but was from Northern Ireland. It was this man who entered the bar first and opened fire.

Two of the witnesses described him as wearing something like a beret on his head. One said that he wore black, 'military-style' boots, laced high.

One witness described a second man as being of medium build, about 5' 6" in height and with blonde hair. Another witness saw a third man, dressed in black, outside the back of the Bar immediately after the bomb went off. He did not recognise the man, and was unsure as to whether he was involved in the attack.

Other information:

According to the Pat Finucane Centre, a heavy security presence in the Silverbridge area would have been regarded as fairly normal; and a number of those interviewed referred to RUC and British Army activity in the weeks preceding the attack. This activity included raids on Donnelly's Bar itself.

One raid in particular may have been significant: six days before the attack took place, a number of RUC officers entered the bar at around 11.30 p.m. According to the owner, they came in through his house, which adjoins the bar. They took the names of those present, but also looked at all entrances and exits. The owner and his daughter both thought this behaviour unusual. With hindsight, they suspect that it may have been a reconnaissance visit in preparation for the attack.

According to the owner, he mentioned this raid to a member of the RUC investigation team, but that officer was unable to find any record of it at any of the local barracks.

At about 7 p.m. on the evening of the attack itself, three witnesses said they heard sounds of an army radio coming from a field about 800 yards from the bar. Other witnesses reported that British Army soldiers appeared on the scene almost immediately after the attack had taken place. It appears that a further group of soldiers arrived by helicopter some time afterwards. Some witnesses recalled fighting taking place between soldiers and locals. Of course, the presence of the soldiers could be interpreted as evidence for or against collusion.

⁹⁹ See appendix 1.

The Garda Jobs Book for the Dundalk bombing contains a report by a local officer, Sgt F.B. Cullinan. Having received a radio call from Dundalk station informing him of the attack on Silverbridge, he and another Garda drove to the Drumbilla area, where they stopped a car containing three men. The men (from Silverbridge, Forkhill and Cullyhanna, Co. Armagh respectively) identified themselves. They said they had been in Donnelly's Bar at the time of the attack and had escaped out the back door and across the fields. One of them then said that they were on their way to Lurgankeel to inform a cousin of one of the persons injured in the attack.¹⁰⁰ This information was followed up with the RUC by An Garda Síochána.

RUC investigation:

It seems that the RUC did not arrive at the scene until the next morning: the British Army soldiers had departed from the area on the previous night, following their confrontation with locals. According to information provided at the inquest, the RUC collected seven spent cases and various other samples from the scene.

A number of people who were in the bar when the attack took place gave statements to the RUC. At least two also made identifications from photofits and / or photographs. The identity of the persons whose likenesses they picked out is not known to the Inquiry. One of these witnesses told the Pat Finucane Centre that they had agreed to take part in an identification parade, if asked; but they were not contacted again about the matter.¹⁰¹

Of the persons interviewed by the Pat Finucane Centre in 1999 who had been in or near the bar when the attack took place, eight said they had never given a statement to the RUC. It seems that house-to-house inquiries were not carried out.

According to the owner of the bar, the investigating officer did keep in contact with him as the investigation proceeded. He was satisfied that the officer was genuinely trying to identify and arrest those responsible.

Ann Brecknell, the wife of the deceased Trevor Brecknell, said she was told by an RUC officer who visited her in Newry hospital that the RUC knew who had done it, but that the suspects had alibis – they claimed to have been playing pool in the loyalist area of Markethill.¹⁰² Some weeks later, when a witness who had been injured in the attack gave a statement to the RUC, he too was told that they knew who was responsible.

On 29 December 1975, the RUC made a public appeal for anyone with information about the Silverbridge attack to come forward. Particular reference was made to two cars seen in the area at the time:

“At the time of the attack, say the police, a witness observed a blue-grey Volkswagen Golf car approach the bar from the direction of Crossmaglen. A

¹⁰⁰ Report of Sgt F.B. Cullinan, 24 December 1975. The Inquiry has spoken to Sgt Cullinan, but he has no memory of this incident.

¹⁰¹ Statements to the Pat Finucane Centre, 24 July 1999.

¹⁰² Statement to the Pat Finucane Centre, 24 July 1999.

second witness saw a dark blue Ford Cortina car with an aerial protruding from the front offside mudwing speeding off towards Ford's Cross.

Unconfirmed reports stated that the occupants of the Ford Cortina car fired on the second witness as they passed by. When the Ford Cortina was passing Ford's Cross, the occupants opened fire on a car approaching from the direction of Crossmaglen.

The police believe that the blue Ford Cortina and the blue-grey Volkswagen Golf were involved in the attack.”¹⁰³

A note in the Garda Jobs Book for the Dundalk bombing, dated 20 December 1975, also mentioned a Golf and a Cortina as being suspected of involvement in the attack. The source of the information is not recorded, but was presumably the RUC:

“The following cars are suspect:

- (1) VW Golf Saloon, light grey-blue metallic colour. This car is alleged to have been seen in vicinity of the attack just after it happened.
- (2) Blue Ford Cortina – 3887 JZ / 3880 LZ – reported stolen Dundalk on 19/12/75.
- (3) Green Triumph, not better described, reported stolen... at 3.15 a.m. on 20/12 and later reported burnt out at Magher Lodge, Crossmaglen... Not yet checked out as RUC must approach with caution.
- (4) Suspected for killing of RUC Constable in Co. Armagh. Ford Anglia yellow colour, not better described.”¹⁰⁴

The RUC investigation file was submitted to the DPP for Northern Ireland on 5 April 1976. According to a letter from the DPP's Office to the Pat Finucane Centre in January 2000:

“This file was submitted for information only, as no person had been made amenable, and was subsequently returned to the Chief Constable without a direction being given.”

The inquest into the deaths of Patrick Donnelly, Michael Donnelly and Trevor Brecknell was held on 26 November 1976 at the Armagh Courthouse. At the inquest, the investigating officer stated:

“Despite extensive enquiries into these murders, no person has been made amenable.”

¹⁰³ *Irish Times*, 30 December 1975.

¹⁰⁴ Garda Jobs Book, job no. 68, 20 December 1975.

Further inquiries:

On 11 December 1978, RUC Constable William McCaughey was arrested in connection with his alleged involvement in the kidnapping of a Catholic priest at Ahoghill in June of that year. During the course of a seven-day detention, McCaughey admitted his own involvement in a number of crimes, and also implicated others – including a number of fellow police officers. Arising from his allegations, further arrests were made.

One of those arrested was Laurence McClure, a full-time RUC Reserve Constable attached to the Armagh Special Patrol Group (SPG). During interviews between 15 and 21 December 1978, he admitted involvement in an attack on the Rock Bar, Keady, and also made admissions concerning a possible role in the Silverbridge attack. On 20 December, he signed a written statement in which he stated:

“I want to tell you about an incident that happened about three years ago. I can’t tell you the date but it was the night of the Silverbridge incident. One night I went around to James Mitchell’s house at Ballylane and as I got out from the car I was approached by Robert McConnell from outside Newtownhamilton. He asked me would I do a job for him. I asked him what it was and he said, ‘Would you come up the road and lift myself and two more men.’ He said for me to go to Outleken Orange Hall and wait for him. I think it was around half ten that I was to be there at. I didn’t know what was going to happen but I knew by his attitude that he was up to something illegal.

I said something to him like that I would be fishy or funny sitting up there on my own and he suggested that I should take Lily Shields so as not to arouse suspicion from anyone. A short time after that I went into Mitchell’s house and asked Lily would she go up the road with me. She asked me ‘Why’ or ‘What for?’ and I said it was to pick up Robert McConnell and two more men. She said she would. I said to her that we would be acting as a courting couple to take away suspicion.

Some time later Lily and me left in my blue Lada car and went to Outleken Orange Hall. When we got to the Orange Hall I reversed my car in, in front of the Hall. We waited for some time, possibly half an hour, and three men came up the road and got into my car. I saw these men as they came round the corner and don’t know where they had come from. I just knew they had come up the road. McConnell was one of them and I did not know the other two. They all got into the back seat of my car. One of them was carrying something like a bag with him. There seemed to be something in it but I didn’t know what it was.

Somebody said ‘Right, drive on’, and I started the car and drove back towards Ballylane. I didn’t ask any questions and at Ballylane I stopped at Mitchell’s lane to let Lily out. After Lily got out the three boys also got out. They took the bag with them. I’m sure it was a good minute or a minute and a half after Lily got out that these other boys got out. I said something like, ‘What were you’s e at?’ and McConnell said words like ‘You’ll know about it’, or something like that. I asked McConnell at some stage who the others wer and

he said something like 'You're better not knowing.' When these boys got out I think I turned the car and went home.

I heard it on the late news that night about a bomb at a pub in Silverbridge and I had a fair idea that it was these boys that done it. I saw McConnell a few days later and he said 'That was a good job the other night' or words like that. I knew it was the Silverbridge pub he was referring to. At the time McConnell asked me about a job I had no idea that it was to be a bomb at Silverbridge or that there would be killing involved, although I thought it was to be shooting of some description.¹⁰⁵

Lily Shields, housekeeper to James Mitchell at the time, was also interviewed by the RUC and made a statement in which she referred to the same incident as follows:

"I remember coming up to Christmas of 1975 I think it was a Friday night, as far as I know... At about nine o'clock in the evening I was in Mitchell's house watching t.v. I think James was outside either with the cattle or looking after the hens. Laurence McClure came in through the back door; he didn't knock. Laurence is a neighbour of mine and I have known him for eight or nine years.

He asked me if I would go up the road with him in the car to lift a couple of boys. I knew when he asked me this and by the way he asked me that there was a job on; I didn't know what it was but when he was lifting someone I knew he was up to something. I knew he was up to something which involved breaking the law and that it was something to do with the Troubles but I didn't know what it was as I said. I said to him that I wasn't going... He asked me again if I would go with him and I didn't want to get involved in what he was doing but I said I would go.

I put on my coat and went out with him to his car. It was a blue Lada... I got into the front seat with him and it must have been about in or around twenty past nine when we left. I remember the time because he waited in the house to hear the news. We drove out of Mitchell's yard and turned right out of Mitchell's lane and then turned right again onto the Ballylane Road and we went up to Dog Street and turned left and drove until we came to a phone box at a crossroads. I think this was Ballymayer crossroads but I'm not sure. I don't know them roads at all. We went straight across there and went along this road for a mile and a half or two miles. We pulled in and sat there for about five or ten minutes. We talked but I don't remember what about. I didn't ask him what was going on as I thought it would be better if I didn't know.

After we had waited for a time I saw the lights of another car coming from the opposite way. I don't know where this car was coming from. The car pulled alongside us. We were parked up a wee lane at this time and facing onto the road. Three men got out of this other car and came over to our car. They didn't say anything and I couldn't see what they were carrying because they had put the lights of their car out. The men were running and they got into the car quickly. It's possible but I can't remember for certain anything they were

¹⁰⁵ Statement of Laurence McClure to RUC, 20 December 1978.

carrying or if they were carrying anything. After the men got in, Laurence started the car and drove back the way we had come...

Laurence drove the whole way back to Mitchell's lane and dropped me off at the bottom. There was no talk when we were in the car. After he dropped me off Laurence drove off with the men on towards Clady Milltown. I went back up to Mitchell's. Later that night I heard the news on the t.v. that there had been people killed in an attack on a pub in Silverbridge. I thought this is what Laurence and the other men were mixed up in. I told James Mitchell about what had happened that night and that I thought the men had been up at Donnelly's public house. I told him this when I came back."¹⁰⁶

Transcripts of the interviews with McCaughey, McClure and the others arrested in December 1978 are not available. However, there are abridged notes of the interviews contained in what were called Daily Record Sheets. These were notes compiled from the transcripts by Special Branch officers, with the aim of recording any items of information that might be useful for intelligence purposes.

The Daily Record Sheets record the following information as having emerged from the interviews with William McCaughey:

“Re Silverbridge murders:

Sammy McCoo and [Suspect T] were involved. Laurence McClure and a girl Shields were in another car parked in a laneway nearby. They were posing as a courting couple. After shooting a man at the petrol pumps outside, they were driving away when they saw a man at a nearby housing estate. They thought of shooting him but decided against it, as it would give away their getaway route.”

James Mitchell was recorded as having given a version of events regarding Silverbridge which closely resembles the accounts of McClure and Shields:

“Robert McConnell and Shields were in subject's house that evening, before Silverbridge was 'done'. McClure came to the house and asked Lily Shields to go with him and sit in the car. McClure said that he had to wait along the road for the gunmen coming back, and that if he was to wait on his own he would look suspicious. If she came along they could act as a 'courting' couple. Stated that McClure was driving a blue Lada motorcar.

Subject was then asked if McConnell went with McClure and Shields. Stated that he went with the Portadown 'boys' who called at the end of the lane. One was McCoo. Subject goes on to say that about ¾ hour later Shields and McConnell returned to his house. He thinks McClure went home. Also thinks that the Portadown 'boys' went home on their own.

¹⁰⁶ Statement of Sarah Elizabeth Shields to RUC, 16 December 1978.

States that McClure's part in the operation was to pick up the guns and McConnell after the shooting. Thinks that he (McClure) is a pick-up man rather than a gunman...

When asked about the involvement of the Portadown 'boys' (in the Silverbridge incident) said 'That boy McCoo, I don't know the others. It is only a guess about McCoo.'

John Weir:

Another of those persons arrested on the basis of information provided by William McCaughey was then RUC Sergeant John Weir. Weir and McCaughey were subsequently charged with the murder of one William Strathearn in April 1977. The information in the Daily Record Sheets relates almost entirely to this crime. Although it says that he was questioned about Armagh SPG members, it does not record him making any allegations in relation to other incidents such as the Donnelly's Bar attack. In relation to Laurence McClure, it said:

"Subject stated he knew McClure but did not think he would be involved in crime."

Since that time, Weir has made a number of allegations concerning a group of loyalist paramilitaries, members of the UDR and RUC who he says carried out a number of attacks on both sides of the border during the 1970s. According to Weir, members of this group were responsible for the bombings at Dundalk, Silverbridge and Castleblaney. These allegations have been considered elsewhere in this Report.

Information provided to the families of victims:

In December 1999, the families of those killed in the Donnelly's Bar attack asked for a meeting with the RUC officer who had led the investigation. This meeting took place on 22 January 2000: also present was a representative of the Pat Finucane Centre.

According to a note of the meeting, provided to the Inquiry by the Pat Finucane Centre, the investigating officer told the families the following:

- 1) Two cars were used: a Ford Cortina and a Volkswagen Golf. He was later told that the second car had been a Lada. There were five people in the first car at the pub and three holding back in the second car.
- 2) He believed that the attack was a result of collusion between members of the RUC, UDR and the Portadown UVF. He suggested that the perpetrators included one RUC man (possibly in the RUC Reserve), two from the UDR, with the remainder from the UVF.
- 3) Those involved in the attack were questioned, but refused to co-operate. Their friends provided an alibi, saying that they had been playing pool.

- 4) Ballistic examination of bullet casings found at the scene showed links to other attacks carried out by the same gang.
- 5) The gang assembled before the attack at a farmhouse nearby, which had a telephone.
- 6) He had investigated the police raid on the bar which was said to have taken place a week before the attack, but could find no police record of it. He suggested that at least one of those involved in the raid was also involved in the attack on the bar.
- 7) A photofit of the gunman, with dark hair and moustache, was assembled from witness' descriptions. According to a former RUC officer who investigated the attack, this man was believed to be Sammy McCoo, a well-known loyalist extremist. As soon as the photofit was circulated internally to other RUC stations, McCoo removed his moustache. The investigating officer felt that this was suspicious.
- 8) He believed that members of the gang responsible for Silverbridge were involved in a number of other attacks. He cited in particular the shooting of Sean Farmer and Colm McCartney at Altnamackan, an attack on the Reavey family, the Dublin and Monaghan bombings, and the bombing at Kay's Tavern, Dundalk.
- 9) Charges of withholding information in relation to the Silverbridge attack had been brought against Laurence McClure and Lily Shields, but were dropped due to insufficient evidence. His investigation was not blocked.¹⁰⁷

Prosecution of suspects:

With the assistance of the Pat Finucane Centre, the families of the Donnelly's Bar victims also engaged in correspondence with British Government Ministers, the RUC, the DPP in Northern Ireland, and the Northern Ireland Court Service.

As we have seen, the first response from the DPP indicated that a file on the case had been submitted in 1976 and returned without direction. There was no mention of any subsequent file arising from the arrests in 1978.

On 31 January 2000, a letter from the RUC Chief Constable's office stated:

“Police are not reinvestigating the gun and bomb attack at the Bar... You will, I am sure, be aware that two persons were charged with offences in connection with the attack. However, the charges were subsequently marked ‘No Prosecution’ on 28 June 1980.”

The initial response from the British Government came in a letter from the then Minister of State for Northern Ireland, the Right Hon. Adam Ingram MP. It assured the families that allegations of collusion were taken very seriously, and stated that a

¹⁰⁷ Taken from *Factfile: Donnelly's Bar*, published by the Pat Finucane Centre, May 2004.

fuller response would be forthcoming, once the views of the RUC on the matter had been received. On 21 February 2001, Mr Ingram wrote again, saying:

“I understand that in the case of the horrific attack on Donnelly’s Bar in Silverbridge an investigation was conducted into allegations of security force involvement and two individuals were brought before the court and sentenced.”

This information was incorrect: a fact that was acknowledged in a letter from Mr Ingram’s successor, the Right Hon. Jane Kennedy MP, dated 27 September 2001. She wrote:

“I am sorry that a previous letter contained a factual inaccuracy. I have asked the RUC to check their records, and they have confirmed that although two RUC officers were charged with withholding information in relation to the horrific attack on Donnelly’s Bar, Silverbridge in 1975, they were not prosecuted.”¹⁰⁸

A further letter dated 9 January 2003 confirmed this:

“The charges were marked ‘*nolle prosequi*’ at Belfast Crown Court on 28 June 1980 on the direction of the presiding judge.”

The families continued to press for information from the DPP’s office as to what had happened. A letter from that office dated 10 April 2003 contained the most detailed account yet of what had occurred. It stated:

“A police investigation file reporting 10 persons for terrorist offences arising from a series of incidents was received in this office on 10 July 1979. One of the incidents was the murder of 3 persons in the course of a bomb and gun attack at Donnelly’s Bar, Silverbridge on 19 December 1975.

The facts and information and evidence contained in that police file were carefully considered and directions issued for prosecution of the persons reported for a number of serious terrorist offences, including, on the 11th September 1979, a direction to prosecute Laurence McClure and Sarah Shields for the offence of withholding information in relation to the murder of the 3 persons at Donnelly’s Bar.

At the Crown Court the case in relation to all persons who were to be prosecuted was split into 6 separate Bills of Indictment, with the prosecution of McClure and Shields being Bill Number 802/79.

By April 1981 all Bills of Indictment had been disposed of except Bill Number 802/79.

¹⁰⁸ This too was inaccurate: the reference to two RUC officers should have been a reference to one RUC officer and one civilian.

The case against McClure and Shields was re-considered in this office. It was noted that there had been considerable delay in bringing the case to trial, that the main charges (against the other accused) had been disposed of in June 1980 and that it was judged that there was no prospect of either McClure or Shields receiving a custodial sentence, even if they were to be convicted.

Additionally, and in the light of the contents of a judgment (unreported) of Jones LJ in another case, it was considered that there remained no longer a reasonable prospect of conviction of either McClure or Shields as there was a legal defence available to them on a charge of withholding information.

Accordingly, it was concluded that proceedings against both should be terminated. A further direction to that effect issued from this office on 8 April 1981.

As you are aware proceedings were terminated at Belfast Crown Court on 30 April 1981.”

It should be noted that the date given by the DPP’s office for the dropping of charges against McClure and Shields in relation to Silverbridge differed by 10 months from that given by the RUC and the British Government.

In an affidavit sworn in 2004 on behalf of the DPP in Northern Ireland in legal proceedings for judicial review concerning the decision to issue a *nolle prosequi*, it was said that the existence of the above-mentioned legal defence was “crucial” to the decision in 1981 not to proceed with the prosecution.

This defence was referred to in a 1986 judgment of the Northern Ireland Crown Court, Regina v. Donnelly & Others [1986] N.I. 54 – a case in which it was held that an accused had a reasonable excuse for not giving information where the information, if given, would tend to make them liable to prosecution in respect of the matters to which the information related. The decision was based on the long-established principle of criminal law that a person is not obliged to incriminate themselves. In the course of his judgment, Hutton J. stated:

“It further appears that this view of the law was taken by Jones L.J. in an unreported decision of which counsel has informed me. The facts of that case are not known with precision but it appears that where the accused had been present in a hall where a man had been beaten up and killed, the learned Lord Justice held that the accused should not have been charged with the offence of withholding information as, if he had given the information, he himself would have been at risk of being prosecuted for murder or manslaughter on the ground that he was present giving encouragement, or ready to give assistance, to the attackers.”

In a letter to the Northern Ireland Office dated 21 March 2005, the Inquiry indicated that it had been provided with a copy of Regina v. Donnelly and had been given to understand that the DPP in Northern Ireland did not have a copy of the unreported judgment of Jones LJ. The Inquiry asked whether there existed a transcript of

evidence or any other record concerning that case. The letter also referred to the conflicting accounts concerning the date on which the nolle prosequi was issued:

“Assuming that the dates given by the DPP’s office are correct, the question arises as to what occurred on 28 June 1980 in the Belfast Crown Court. Was the matter mentioned in court on that date? If not, can the reasons for the several mentions of that date be ascertained?”

The letter was acknowledged, but these questions were not answered.

In the absence of fuller information concerning what, if anything, had occurred on 28 June 1980 and about the judgment of Jones LJ, a perception persisted that the case against Shields and McClure was managed or dropped in order to reduce the culpability of the latter when he came to be sentenced for his role in the Rock Bar attack.

This allegation was referred to in a further letter to the Northern Ireland Office dated 25 October. The features tending to support the perception were set out as follows. Firstly, it was pointed out that if, as sworn to on behalf of the Director that the judgment of Jones LJ was crucial to the decision in April 1981, then the contents of that judgment must have been known in the Director’s office on or before that date, yet there was nothing to indicate that this was so. The letter continued:

“Other features tend to support the allegation: (1) It would have been expected that the particular indictment would have been brought before the Court at the same time as the other indictments arising as the result of admissions made in the course of questioning by the RUC in December 1978 into the attack on the Rock Bar and other related attacks; (2) if the defence indicated by the judgment of Jones LJ had been known at the time of the sentencing for the attack on the Rock Bar, it was to have been expected that David Wilson would have availed of this defence rather than pleading guilty; and (3) the facts of the offence with which McClure was charged in relation to the attack on Donnelly’s Bar went beyond failure to provide information. The admission was one of having given assistance to the perpetrators.”

A reply from the Senior Assistant Director for Public Prosecutions in Northern Ireland dated 16 December 2005 stated:

“I have examined internal minutes contained on the relevant file. In particular, there is discussion, in advices from Senior Counsel dated 2nd April and in two internal minutes from senior staff in the Department dated 6th April 1981, as to the issue of a defence of reasonable excuse (to an offence contrary to section 5 of the Criminal Law Act (Northern Ireland) 1967 on the grounds of self-incrimination on the basis of proximity of involvement to the alleged offence. Specific reference is made to the decision of Jones LJ in two of these documents.

It is clear therefore that the contents of the unreported judgment were indeed known to the Director’s office at the time of reaching the decision in April 1981.

I do not have nor is there on file any transcript of the evidence or any other record available regarding that case.”

Concerning the question of why the indictment against McClure and Shields in connection with the Silverbridge attack was not dealt with at the same time as the other indictments arising from the arrests of December 1978, the letter stated:

“Decisions as to prosecution issued to police on 16th August 1979 to prosecute a number of defendants, including McClure, for 31 offences covering 11 separate incidents. A minute on the DPP file indicates that the Prosecuting Counsel at trial then directed and drafted 6 separate Bills of Indictment. There is no information indicating why Prosecuting Counsel arrived at this view. However, given the size of the case, the number of incidents involved and that there were a number of defendants being prosecuted variously for different incidents it may well be that for the better management and effective presentation of the case Counsel decided upon this approach.”

Concerning the failure of David Wilson to rely on the said defence, the letter stated:

“David Wilson was dealt with and sentenced in June 1980. As stated above, discussion of the possible defence open to McClure and Shields took place in or around April 1981. Additionally, the defence open to McClure and Shields would not necessarily have been open to David Wilson given the nature and extent of his admissions as to knowledge of the attack on the Rock Bar.”¹⁰⁹

An explanation was also provided in answer to the suggestion that McClure and Shields should have been prosecuted for a more serious offence. The letter stated:

“Consideration was given to prosecution of McClure and Shields for more serious offences. However, it was not considered that the admission made by either person were sufficient to make them amenable as principal offenders in any offence. In particular it was noted as follows:-

- The case against both persons in relation to their involvement in this incident depended entirely upon statements of admission made by them to police during that cautioned interview.
- There was no independent corroboration of any of the facts contained in these admissions.
- It was clear from the admissions that McClure and Shields believed that Robert McConnell and others had carried out the attack at Silverbridge. However, there was no or insufficient admissible evidence that they had done so.

Accordingly, it was considered that the actions of McClure and Shields fell to be considered in the light of the elements of offences under section 4 and section 5 of the Criminal Law Act (Northern Ireland) 1967. It was concluded that the evidence was sufficient to prosecute both McClure and Shields for the

¹⁰⁹ For an account of Wilson’s admissions, see p.94 below.

offence contrary to section 5 of the Act. As stated that decision was reviewed in April 1981.”¹¹⁰

Concerning what may or may not have occurred on the 28 June 1980, the letter quoted what had been said in a letter dated 22 May 2003 to Madden & Finucane, Solicitors for the Applicant in the proceedings already referred to as follows:

“I regret that there appears to be what you refer to as a ‘contradiction’ between the information I provided to you, which is correct, and the information previously provided to you by the Chief Constable and the Secretary of State. I am not aware as to where the Chief Constable and the Secretary of State obtained the information which indicated to them that the ‘nolle prosequi’ was entered at Belfast Crown Court on 28th June 1980.”

It seems to the Inquiry that this letter is unlikely to be taken as a complete answer to the allegation that the case against Shields and McClure was managed in such a way as to lessen the latter’s perceived culpability concerning the Rock Bar attack.

THE ‘GLENANNE GROUP’:

The attack on Donnelly’s Bar is one of a number of attacks attributed to a group of loyalist subversives and members of the security forces in Northern Ireland, who are said to have used James Mitchell’s farm as a base for much of their activities. Most of the information available to the Inquiry on this subject derives from two sources:

- (1) Information arising out of the arrest of Mitchell and others by RUC detectives in December 1978; and
- (2) Allegations made by former RUC Sergeant and self-confessed member of the ‘Glenanne group’, John Weir.

This information has been considered in detail in the Inquiry’s Report into the Dublin and Monaghan bombings of May 1974, but is examined again here in the context of the attack on Kay’s Tavern, Dundalk.

Information arising from 1978 arrests:

On 11 December 1978, police arrested RUC Constable William McCaughey in connection with his alleged involvement in the kidnapping of a Catholic priest at Ahoghill in June of that year. During the course of a seven-day detention, McCaughey admitted his own involvement in a number of crimes, and implicated others –

¹¹⁰ Section 4 of the Criminal Law Act (Northern Ireland), 1967 criminalizes conduct done, or carried out, with the intention of impeding the apprehension or prosecution of another, where the person believes that other to be guilty of an arrestable offence. Section 5 creates a positive duty on a citizen, who believing another to have committed such an offence, and who is in possession of information material to apprehending or prosecuting that other to give the information to the police within a reasonable time.

including some fellow police officers. Arising from his allegations, some further arrests were made, including the following:

(1) James Mitchell

A farmer who joined the RUC Reserve in September 1974 and was stationed at Markethill, carrying out beat and patrol duties. He resigned from the force for personal reasons on 1 July 1977. On 14 December 1978, a search of his lands by RUC and military personnel resulted in the discovery of two home-made submachine guns, reels of cordtex, ammunition and other related items.

(2) Lily Shields

A young woman who worked for Mitchell either as a poultry keeper or housekeeper, and who lived on his farm.

(3) Lawrence McClure

A member of the Armagh RUC Special Patrol Group since May 1975 and a neighbour of James Mitchell's.

(4) Gary Armstrong

Also an RUC officer and member of the Armagh SPG from September 1974 until 2 August 1976.

(5) Ian Mitchell

Another RUC officer and member of the Armagh SPG from May 1970 until March 1976, when he was transferred to the local station at Keady. No relation of James Mitchell.

(6) John Weir

Another RUC officer and member of the Armagh SPG between August 1973 and January 1975.

(7) David Wilson

Another RUC officer and member of the Armagh SPG from 1970 until his arrest in December 1978.

All of the above were detained for a number of days and questioned intensively about alleged subversive activity. Admissions were made which resulted in the following convictions:

- William McCaughey was sentenced to 3 years imprisonment for the kidnapping and false imprisonment of Fr. Murphy and 1 year for possession of a firearm in suspicious circumstances. In relation to the attack on the Rock Bar, Keady he received sentences of 7 years for wounding with intent (arising

from the shooting of a man outside the bar); 2 years for causing an explosion; 4 years for possession of an explosive substance; 3 years for possession of firearms and ammunition with intent to endanger life. For his part in the murder of William Strahearn he received a life sentence.

- Gary Armstrong received a sentence of 2 year's imprisonment suspended for 3 years for the kidnapping of Fr Murphy; 1 year suspended for 2 years for possession of an air pistol in suspicious circumstances; and 6 months suspended for 1 year for having an air pistol without a licence. He denied playing any part in the Rock Bar attack, and was not convicted in relation to it.
- Lawrence McClure received the following sentences in relation to the Rock Bar attack: 2 years imprisonment suspended for 3 years on counts of wounding with intent; possession of an explosive substance and possession of firearms and ammunition with intent to endanger life.
- Ian Mitchell received the same sentences as Lawrence McClure on identical charges arising from the Rock Bar attack.
- David Wilson, who was aware of plans to attack the Rock Bar but played no part in the attack itself, received a sentence of 1 year's imprisonment suspended for 2 years for failing to give information to the police.

All of the above convictions were obtained as a result of admissions of guilt by those concerned. In addition to those admissions, other pieces of information were obtained by the interviewers. They were not included in the written statements signed by the accused, but are referred to in the Daily Record Sheets - documents compiled by the RUC Special Branch from notes made by the interviewing officers. Some of this information may be relevant to the attack on Kay's Tavern, Dundalk.

In the first place, Mitchell's farm was described as one of the main arms dumps for the UVF in mid-Ulster. This raises the possibility that the farm may have been used to store the explosives used in the attacks on Dundalk, Silverbridge and Castleblayney.¹¹¹

Secondly, a total of ten persons were alleged to have brought arms and ammunition to Mitchell's farm. Five of these names also appear in Garda files as possible suspects for the Dundalk and /or Silverbridge bombings. They are:

- (1) Sammy McCoo;
- (2) Stewart Young;
- (3) James Nelson Young;
- (4) Suspect M; and
- (5) Suspect C.

¹¹¹ John Weir has alleged that this was the case for the Silverbridge and Castleblayney bombs, but not for Dundalk.

ATTACK ON THE ROCK BAR, KEADY, JUNE 1976

The attack:

On 5 June 1976, a gun and bomb attack was carried out on the Rock Bar, Tassagh, Keady, Co. Armagh. No one was killed, but a number of persons were injured.

Francis Powell was a barman employed in the Rock Bar on the night of the attack. A man named Michael McGrath came into the bar close to 11 p.m. In a written statement dated 11 September 1980, Mr McGrath described what took place as follows:

“I was in a hurry. I was getting some drink... a carry-out for my sister who was at home from America and wanted it for some friends. The barman that night was Francis Powell... He left me to the door. As he left me out we saw a car coming down the road with men in it. He said – ‘There’s a car and it is too late to let anybody in.’ He closed the door and I walked on. Then I saw the car was full of gunmen with faces hooded. I walked on. I thought I could have got by them. They opened up with guns at me. One boy, a very small boy, aimed at my heart. One fired with a revolver out of the car and then another came out of the car and fired at me from a longer gun. They stepped over me and left a bomb at the door of the public house. I got up and trailed up the road about twenty yards or more and got under a lorry for fear of a bomb going off. I called for help.”

In the event, the bomb planted by the attackers did not go off. In addition to the shots which wounded Michael McGrath, other shots struck the wall behind him. Two or three other shots were also fired into the bar through the window. Having done this the attackers returned to their car and made their escape.

RUC investigation:

In December 1978, RUC Sergeant William McCaughey was arrested in connection with the abduction of a Fr Murphy from his home at Ahoghill, Co. Antrim. McCaughey confessed his involvement in this and other crimes, including the attack on the Rock Bar in 1976 and the murder of William Strathearn on 18 April 1977. Arising from admissions, a number of other persons were arrested and interviewed about these crimes.

RUC officers Laurence McClure and Ian Mitchell made statements admitting their participation in the attack. Another serving officer, David Wilson, was also prosecuted and convicted in relation to the attack. He had been asked to take part, but had refused. Information obtained by the RUC as a result of the arrests carried out in December 1978 also implicated another RUC officer, Gary Armstrong; but he denied all knowledge of the incident and was not charged.¹¹²

William McCaughey's statement was made on 14 December 1978. Unlike Lawrence McClure and Ian Mitchell, he did not mention names. He described the incident as follows:

“In April 1976 a number of men including myself met in a house in Armagh. It was decided on a date after that sometime that the Rock Bar in Keady should be attacked. This place was selected by men who were familiar with the area. In June myself and two other men stole a Mini car from the Ritz cinema car park in Armagh. This car was taken to a safe house in South Armagh. Myself and the same two men travelled in the car to this house. Once there, we were joined by one other man. He was driving a blue coloured car.

One of the men who travelled with me, when at the house produced three guns, a bomb and masks, gloves and overalls. The guns were a 9mm pistol, a .45 handgun and a home-made Sterling. I was asked to carry the 9mm pistol. The bomb was in a drum similar to a paint drum. It was already made up. The other two guns were given to the two men with me in the Mini. The person in the blue car left the house first and we followed in the Mini.

On arrival at the Rock Bar, the person in the blue car drove on past and parked in a pre-arranged place. We stopped the Mini outside the bar, I was getting out of the front passenger seat. Just as I opened the car door a man came walking towards me from the direction of the car door. I knew that I was supposed to shoot him, but I didn't want to. I said to the other people in the car, will I let him go on? The man in the car said 'No, shoot him'. I fired two shots at the man aiming at his legs. He fell to the ground and I went on up to the bar door. It was locked and I could not get in. Meantime, the two other men were both firing at the injured man on the ground. I then fired a number of shots through the window of the bar.

¹¹² See footnote 128 p.118.

While I was shooting, one of the other men was planting the bomb at the door of the bar and lighting the fuse. We then got back into the Mini car and went to where the blue car and the driver was waiting. The Mini car was then set on fire. We then got into the blue car and headed back to where we had collected the guns and bomb originally. When we arrived back it was discovered that the .45 pistol was missing. Masks and boiler suits which we had worn were left to be burned later.”

Ian Mitchell made a statement on 18 December 1978, and Laurence McClure made a statement on 20 December. Both men named themselves together with William McCaughey and Gary Armstrong as having planned the raid at Armstrong's house in the week before the attack. Their statements indicated that the same four men also took part in the attack itself. McClure described the incident as follows:

“On Saturday in early June 1976, the four of us decided to place the bomb at the Rock Bar. The bomb, I was told had been made up for over a year, and I was not sure if it would even go off. That night, Gary Armstrong, Billy McCaughey and myself went to the Ritz cinema car park to steal a car to use in the bomb.”

McClure got into the car and switched on the ignition, then got out again:

“... Gary jumped in and McCaughey got in with him.... the plan was that Billy and Gary would drive out in the stolen Mini and collect the bomb and the guns. There were two pistols, one was a .45 and a 9mm automatic pistol. There was also a home-made machine gun, but this was not used. I met up with Billy and Gary a short time later on the road leading to Granmore. I also saw Ian Mitchell there... the three of us set off for the Rock Bar and Mitchell may have followed us in the police car. We stopped close beside the bar, and McCaughey got out first, and I think he had a gun. I saw somebody come walking down towards us. It was a man. Somebody shouted fire, and Billy fired some shots.... I jumped out of the car with the bomb and ran up towards the door. I set the bomb down fairly close to the bar door, and ran back to the Mini, when Gary got back into the car, McCaughey and me got sort of jammed in the passenger door. We drove off in the direction of Keady, and a short distance away, we met up with Ian Mitchell in the police car.”

As can be seen from the above extracts, there is not complete agreement on exactly what occurred. For example, McClure says he didn't go back to get the guns and the bomb, whereas McCaughey says that he did. Again McCaughey says that they met Ian Mitchell at the safe house, whereas Mitchell himself said that he met them at a pre-arranged spot at a cross roads.

David Wilson, in a statement dated 17 December 1978, made the following admissions:

“Sometime near the end of May 1976 Gary Armstrong who was a Constable in the no. 6 section SPG in Armagh came to my house and asked me to go out to his car which was parked outside. I went out to the car with Armstrong and he said ‘I have something I want to put to you.’ He asked me if I would drive a car on a ‘run’. I then asked Armstrong what the run was. He said something had to take place before Friday. I then asked him what was taking place and he said they were going to do the Rock Bar and if they didn't do it they would do the Clonoose Bar at Derrynoose. I told Armstrong I wasn't interested, that I had too much at stake and that I would not do it...”

Although Wilson did not participate in the attack or the planning of the attack, he did not pass on this information and was convicted for his failure to do so.

Convictions and sentencing:

Those who admitted responsibility for the attack came before Belfast Crown Court on 30 June 1980 for sentencing. McCaughey received sentences of 7 years for wounding with intent, 4 years for possession of explosives, 3 years for possession of a firearm and 2 years for causing an explosion. He was also sentenced to life imprisonment for the murder of William Strathearn. Although McClure and Mitchell were charged with wounding with intent, a *nolle prosequi* was entered in respect of that charge for both of them. They received sentences of 2 years, suspended for 3 years, for each of the other three charges. David Wilson received a sentence of 1 year, suspended for 2 years, for failing to give information, contrary to s.5(1), Criminal Law Act (Northern Ireland) 1967.

Finally; according to the Daily Record Sheets, information emerged linking a number of named persons with certain sectarian attacks including that on Donnelly's Bar, Silverbridge.¹¹³ In the latter case, six names were mentioned: Sammy McCoo, Robert McConnell, Suspect T, Laurence McClure, Lily Shields and James Mitchell.¹¹⁴ However, no information emerged to link anyone directly with the Dundalk bombing. Possible reasons for this are discussed below.

Allegations of John Weir:

John Weir was convicted on charges relating to the murder of one William Strathearn on 18 April 1977 and served 12 years in prison. He was released in 1992. Both during and after his imprisonment he made allegations of collusion between loyalist paramilitaries and certain members of the RUC and UDR. Many of these allegations were based on information obtained by him in the course of visits to Mitchell's farm, where he consorted with loyalist paramilitaries and took part in the planning of gun and bomb attacks on civilian targets.

A lengthy account of Weir's personal history, his allegations and the investigations into those allegations by the RUC and An Garda Síochána are contained in the Inquiry's Report on the Dublin and Monaghan Bombings. For the purposes of the present report, it is necessary to outline in greater detail his allegations concerning the attacks on Dundalk and Silverbridge.

In a written statement dated 3 January 1999, Weir said in relation to the Silverbridge attack:

“This was carried out in retaliation for the murder of an RUC Reserve Constable, William Meeklim, who – the group believed – had been held at the bar after he had been kidnapped by the IRA... Those responsible for this attack are: Stuart Young, Sammy McCoo, ‘Shilly’ [Suspect T], [Robert] McConnell, with the getaway car provided by Laurence McClure and Lily Shields. After the attack, the group reassembled at Mitchell's farmhouse. I believe that no-one has been prosecuted for these murders but that the RUC has known the truth for many years.”

In relation to Dundalk he stated:

“On the same night, Robin Jackson led a gang which placed a bomb in Dundalk, south of the border... Both attacks were co-ordinated.”

¹¹³ Other incidents about which information emerged were the attacks on the Rock Bar, Keady and the Step Inn, Keady; the murder of William Strathearn; the killing of members of the O'Dowd and Reavey families; the Miami Showband murders; and the murders of Sean Farmer & Colm McCartney near Altnamackan.

¹¹⁴ McCoo, McConnell and Suspect T were alleged to have carried out the attack; McClure and Shields were said to have picked up the attackers at a designated point afterwards and returned them to James Mitchell's house.

He reiterated these claims to Gardaí on 15 April 1999, claiming to have got his information on Dundalk from “my group of colleagues in the SPG and probably from James Mitchell.”

Perhaps the most curious aspect of the above information is Weir’s insistence that the Dundalk bomb did not come from Mitchell’s farm. The reason for his belief is not clear: he has offered no alternative explanation as to where the bomb might have been made or stored.

By contrast, Weir had the following to say concerning the bomb used to attack the Three Star Inn, Castleblayney:

“I am 100% sure that the bomb was made at Mitchell’s farm in Glenanne. I know that [a named UDR officer] supplied the explosives... I cannot remember exactly who told me but it was common knowledge among my group.”¹¹⁵

Forensic scientist Dr James Donovan examined material from both bomb scenes, and expressed the view that the Castleblayney bomb “would be the same as that used in Dundalk.” This is not proof that the two bombs were made by the same hand, but does suggest that similar ingredients and methods of construction were used. The nature and origin of these bombs is considered in detail elsewhere in this Report.¹¹⁶

It has been suggested that Weir’s apparent lack of knowledge regarding the perpetrators of the Dundalk bombing may have been intended to conceal his participation in the outrage. When this allegation was put to him by the Inquiry, Weir denied any involvement in the attack, saying once again that he had already disclosed all of his own illegal activities with the Glenanne group. The Inquiry finds no reason to disbelieve him in this case.

Robin Jackson and the ‘Glenanne group’:

As we shall see in the section concerning individual suspects, Jackson is one of the principal suspects for the Dundalk bombing, though there is little evidence of his involvement apart from Weir’s information that he led the attack.

Weir claimed to have met Jackson for the first time in 1974 in a pub in Moira, Co. Armagh:

“I was having a drink with a girlfriend... when we were bought drinks by two men in the pub. We had an easy conversation and one of the men, who had already known my name, told me that he had heard good reports about me and knew me to be sympathetic to the loyalists. They left within 15 minutes and I made enquiries as to who they were. That was the first time I had ever met Robin Jackson and RJ Kerr...”¹¹⁷

¹¹⁵ Statement of John Weir to An Garda Síochána, 15 April 1999.

¹¹⁶ See chapter 12.

¹¹⁷ Statement of John Weir, 3 January 1999.

After this, Weir claims not to have met Jackson again until October 1976, when he was stationed in Newry. According to Weir, fellow RUC officer Gary Armstrong came to visit him there, and took him to see Jackson on at least four occasions in the ensuing months. The timing of these meetings is plausible, as Armstrong had been transferred to Lurgan (where Jackson lived) in August 1976. Weir also met Jackson without Armstrong on at least one occasion – the shooting of William Strathearn in April 1977.

It is clear that Jackson had some level of contact with a number of those who made up the core of the ‘Glenanne group’, but he does not seem to be a central figure in the group’s activities. For instance, it is notable that he is not among those said to have brought arms and ammunition to Glenanne; and Weir never mentions meeting him there, although he did meet other UVF members such as Sammy McCoo and Stewart Young. This may explain why Weir did not know who was alleged to have accompanied Jackson on the Dundalk bombing operation. It seems likely that Jackson used members of the Glenanne group from time to time, but also engaged in other actions with other UVF members.

Support for this view was given by a former RUC Special Branch officer who spoke to the Inquiry in October 2003. He said that loyalist paramilitaries from Portadown (such as the Young brothers and others who frequented Mitchell’s farm) tended to associate with groups from Belfast; whereas those from Lurgan (including Robin Jackson) tended to bypass Portadown and link up with extremists in Dungannon (such as the Somerville brothers).

This could explain why so little information about the Dundalk bombing emerged from the arrests in December 1978. However, it may also be the case that the investigating RUC officers were more interested in pursuing crimes committed in Northern Ireland, and did not question their subjects on the Dundalk bombing. The Inquiry has spoken to a retired RUC detective who was based in Newry during the 1970s and had participated in the Silverbridge investigation. When information began to emerge from those arrested in December 1978, he was asked to come to Belfast and question John Weir and Laurence McClure about Silverbridge. As he recalled, this was towards the end of their detention period. Although he cannot recall for certain what questions he asked, he believes that with time running out, he and the other interviewers would have focused on crimes that occurred in Northern Ireland.¹¹⁸

CONCLUSIONS:

Responsibility for the Dundalk attack was not claimed by the leaders of either of the two main loyalist paramilitary groups – the UDA or the UVF. The claims that were made – for the Red Hand Commandos and the ‘Mid-Ulster UDA’ – tend to support the view that the bombing was carried out by a maverick group of extremists from the mid-Ulster region, possibly on their own initiative. The origin of the bomb car suggests that some assistance must have been obtained from Belfast loyalists, but little more can be said with confidence.

¹¹⁸ Notes of meeting with retired RUC officer, 7 April 2005.

The existence of small, semi-independent ‘gangs’ within the larger loyalist organizations is confirmed by the information conveyed to Army Intelligence from British intelligence sources, and by John Weir’s information concerning one such group who were based around the farm at Glenanne.

The problem is that membership of such groups is fluid and difficult to determine. As the Inquiry said in its report into the Dublin and Monaghan Bombings of May 1974:

“In considering what group or groups were responsible, it should be remembered that the clear distinctions between the UVF and the UDA which existed in Belfast were blurred in more rural areas such as Portadown. Individuals moved between one group and another at different times. Others joined neither group, but were used by both for specific purposes – stealing cars, getting explosives and the like.”

If what Weir says is true – and the information obtained by the RUC following the arrest of Mitchell and others in December 1978 tends to support this – then the group of security force personnel and others with whom Weir associated were involved in the attack on Donnelly’s Bar, Silverbridge, and not in Dundalk, though the two attacks were said to have been co-ordinated.

The Inquiry notes that a similar double attack took place on the 4 January 1976 at the homes of the Reavey and O’Dowd families. From the information available to the Inquiry, it appears that the Reavey attack was carried out by a group including SPG and UDR members, whilst the O’Dowd attack is said to have been the work of a group led by Robin Jackson.

Ultimately, however, the lack of reliable evidence against individual suspects makes it impossible to identify with certainty the group of loyalist extremists responsible for the Dundalk bombing. The opinion of the Inquiry as to what group is most likely to have been responsible is expressed in part five of this report.

ATTACK ON THE REAVEY FAMILY

The attack:

The Reavey family lived at White Cross near Markethill, Co. Armagh. At 6.10pm on Sunday 4 January three sons of the family - John Martin, Anthony and Brian - were alone in the living room of the house watching television. What happened then was recounted by Anthony, who survived the attack but died of a brain haemorrhage a month later.

He saw a man with a gun coming through the hall door. He initially thought it was a soldier, but quickly realised that it was not. The man who was holding a gun was about 5' 11" and there were two men of medium build in the hall behind him. All three were wearing black woollen balaclava hoods. The man with the gun was wearing a green anorak and dark trousers: Anthony thought he was aged between 25 and 26.

The gun was a machine gun with holes in the barrel. The man with the gun started firing immediately. John Martin fell off his chair and Brian and Anthony ran into a bedroom. Anthony got under the bed. There was constant shouting for a while and when it stopped he could hear the men going around the house kicking the doors.

After they had gone he saw that John Martin and Brian appeared to be dead. He immediately sought help at a neighbour's house. He told them what had happened and they took care of matters until the ambulance arrived.

There appeared to be no reason for the attack. At the inquest for John Martin and Brian Reavey, the RUC admitted that the family were in no way involved with paramilitary subversives.

It was generally believed by the family to have been a loyalist attack. They were told by neighbours that there were two check points one on either side of the house which would have prevented innocent passers by from seeing what was happening. The RUC said that they had no patrols in the area but that the check points could have been manned by UDR.

The nearest UDR base was in Glenanne. It was alleged that James Mitchell effectively controlled the operations of that base. Eugene Reavey, who had worked for Ross Poultry as a technical poultry advisor, knew James Mitchell. He knew of his loyalist connection as his friends would often tease him by saying 'watch yourself in Mitchell's'. He used to visit James Mitchell's farm weekly on a Thursday afternoon and would stay for about an hour. He knew not only James Mitchell but John and sister Ruby as well as Lily Shields. He never saw any army or other security members when at the farm. Following the attack he was told by the police that they could not guarantee his safety if he continued to visit the farm. He was switched by his firm to a different area and advised to alter his route and to take a different car if possible.

The police also thought that the loyalists were responsible. According to family members, police officers were hostile and unhelpful to the family, the attitude being that 'your brothers were not shot for nothing'. In the course of looking around the house after the attack one member of the RUC, when asked why he was looking in the cupboard, said that they had received a tip that there was ammunition in the house.

Family members have told the Inquiry of harassment by the RUC. One incident which was detailed was that when they went to the hospital to recover the effects of the two who had been killed they were stopped coming out by the RUC who tipped the total contents of the bag in which the effects had been contained onto the roadway. Another incident was when the mother and another member of the family were visiting Anthony in hospital they were stopped by the RUC until the time for visiting had passed. Other worse incidents of harassment were also reported. They were told in such a way as to indicate passive acceptance of such matters.

Information obtained by Eugene Reavey:

Eugene Reavey told the Inquiry that he had received information from several sources as to who may well have been involved in the attack. The RUC officer who was in charge of the investigation arranged a meeting with him in Banbridge. Before that both his father and he had made statements to the RUC. At the meeting the RUC officer gave him three names: those of Laurence McClure, Robert McConnell and James Mitchell. He also said that McConnell and McClure were involved at Silverbridge and the Rock Bar. He said that McConnell was going to turn Queen's evidence but the judge let the others off and there was no need to do so. It was also said that McConnell had entered their house first. It was always the custom to leave a key in the hall door and McConnell had entered by turning that key.

On another occasion between 1978 and 1979, an officer of the Royal Marines visited the Reavey household on a number of occasions. The officer said that he could not help them but he also showed them a document which had references to Silverbridge, Mount Morris, Shaw's Lake (which is a lake on Mitchell's farm) and the Rock Bar.

The Shaw's lake incident was the UDR shot police around about 1973. Mount Norris was an incident where shots were fired through a window

Eugene Reavey had also received information from meeting Billy McCaughey while in prison. The circumstances for which he was in prison were that he received a three month sentence for refusing to give police information about subversive racketeering within the building industry something carried out by both sets of paramilitaries. This was confirmed to the Inquiry by the RUC in Belfast.

The receipt of information from McCaughey took place in 1988. Eddie Sayers, a loyalist paramilitary conveyed the information from McCaughey to Eugene Reavey. McCaughey said that Mitchell drove the car with Lily Shields to the Reavey house and brought away the three attackers. McCaughey said that he was at the house but fired no shots. Eddie Sayers also gave him the names that he had been given by the RUC officer who had investigated the attack. Eugene Reavey also told the Inquiry that another civilian in Markethill had come up to his father and passed on the names of McClure, McConnell, Mitchell and another who may have been there.

In relation to the police investigation he was told that they had the names of three people who had passed one of the check points but that they had not questioned them.

In this case, Eugene Reavey appears to have obtained detailed knowledge of those involved. He took the matter up with the investigating officer, but although his information apparently was already known in part if not in whole the investigation was not advanced.

Allegations of John Weir:

In his statement dated 3 January 1999, former RUC officer John Weir alleged that the attack on the Reavey family was carried out by Robert McConnell, Laurence McClure, James ('Johnny') Mitchell and another man, who was not a member of the security forces.

ATTACK ON THE O'DOWD FAMILY

The attack:

Within 20 minutes of the attack on the Reavey family, a similar attack took place at the home of the O'Dowd family at Ballyduggan, Gilford, Co. Down. It was about 6.30 pm and there roughly sixteen members of the family in the house. Barney O'Dowd and two of sons as well as his brother Joe O'Dowd and two of his daughters were in the living room. The rest of the family was in the kitchen.

Three masked men arrived without warning. They were wearing cheese cloth masks. Only one of them had a gun: the gun was described as long, and appeared to have a silencer. The gunman was about 5' 8" tall as was the second man. The third was about 6' tall. The man with the gun immediately started shooting. Barney O'Dowd was wounded but the other three male members in the living room were all killed. No shots were fired at the female members of the family.

At a meeting between members of the O'Dowd family, members of the Pat Finucane Centre and a Detective Chief Inspector of the PSNI, it was said that the weapon used to kill members of the O'Dowd family was a 9mm sub-machine gun. It was also said that the evidence at the scene suggested only one weapon was used: if any other weapon which discharges cases had been used, then such cases would have been found. Bernard O'Dowd, who was himself injured in the attack, believed that the weapon used against him was a pistol with a silencer. A witness in the kitchen of the home at the time spoke of two bursts of automatic machine gun fire. Nevertheless, it is possible that this witness would not have recognised shots from a silenced pistol; or alternatively, would not have heard them if they had been fired at the same time as the sub-machine gun.

The police investigation:

The police were telephoned and came about forty minutes later. A forensic team arrived. This team took photographs, dusted for fingerprints etc. No statements were taken from any member of the family.

It would have been obvious to anybody investigating that the attackers had come across the field beside the house on foot. There was evidence that members of the UDR had been seen in these fields on the day before.

The RUC officer in charge of the investigation was took a statement from Barney O'Dowd about a week later. Barney O'Dowd told him that the profile of the man with the gun resembled someone whom he knew. The RUC officer said that the person Barney knew was not the man involved. Nevertheless the officer appears to have questioned this man and satisfied himself that that man was not involved.

About a month after the attack, two detectives (one male, one female) came to the house. They mentioned the name of Robin Jackson. When asked if they were going to arrest him they said that there were complications.

About six months later, Barney O'Dowd was shown a photograph of a gun which was said to have been used in the murders of members of the Miami Showband and also of Mr and Mrs Devlin. Barney O'Dowd said that it looked similar to the gun that had been used to shoot the members of the O'Dowd family.

The family moved to Meath about six months after the attack. Before the move, Barney O'Dowd asked to see whoever was in charge of the investigation. Two detectives came and said that the RUC officer he had met previously was no longer on the case. They were not prepared to discuss details of the case with him. Years later, in the 1980s he says that detectives told him that Jackson was responsible but that there had not been enough evidence to charge him.

Members of the family were questioned in or around 1978 by a detective who asked questions but gave no answers. He never came again.

The family feels that it was targeted because some of members were workers for the SDLP. Barney O'Dowd was a milkman and coalman and was known generally in the locality. The O'Dowd family had also been involved in investigating an attack on a mini bus in Gilford on 1 August 1975: Declan O'Dowd was arrested in relation to the bombing but released without charge. Norman O'Dowd had heard a week before the arrest that he had in fact been arrested.

Norman O'Dowd was in the civil service and heard various colleagues discussing the fact that the O'Dowds might be attacked. Apparently, there had been an INLA bombing in Gilford on New Year's Eve and one colleague had heard people in Harry's Bar in Banbridge mentioning the O'Dowd family. It was apparently not difficult to put two and two together and to expect an attack on the family.

Allegations of John Weir:

In his statement dated 3 January 1999, former RUC officer John Weir alleged that the three O'Dowd brothers had been shot by Robin Jackson. He did not name anybody else as having taken part in the attack. Weir's allegations are considered further in chapters 10 and 11 of this report.

INFORMATION CONCERNING INDIVIDUAL SUSPECTS

1. LIST OF SUSPECTS
2. ASSESSMENT OF EVIDENCE
3. CONCLUSIONS

LIST OF SUSPECTS:

The following is a list of persons who have been suspected of taking part in the Dundalk attack; together with the information upon which those suspicions have been based.

Robin Jackson:

Jackson, also known by the nickname ‘the Jackal’, was a notorious UVF member from Lurgan. He was suspected by the security forces in Northern Ireland of having taken part in a large number of sectarian attacks from the early 1970s until his death in 1998. Though arrested many times, he was only convicted of one serious offence – possession of a firearm and ammunition in suspicious circumstances on 9 October 1979, for which he received a sentence of 7 years imprisonment.

Jackson was not identified by any eyewitnesses at or near the Dundalk bomb scene. He was one of a number of loyalist extremists said by the RUC to have been seen “celebrating some recent happening” in Harry’s Bar, Banbridge after 9pm that evening, but even if the informant was correct in stating they were celebrating the Dundalk bombing, this does not necessarily imply that any or all of those in the bar actually took part in the attack.

Gardaí also received information from an unknown source, described as “reliable”, that Jackson and his car, a Vauxhall Viva (colour unknown) CIA 2771, were involved in the attack. However, there were no reported sightings of this car in connection with the attack.

In 1999, former RUC officer John Weir alleged that Jackson led the team which planted the Dundalk bomb. He claimed not to know any other members of the team, though he said that the attack was co-ordinated with that on Donnelly’s Bar, Silverbridge on the same night – for which he named no fewer than six people as having played a part.

Some years previously, while still in prison, Weir had written a letter to a friend in which he claimed Jackson had close links with British Army Captain Robert Nairac. This claim was also made in the 1993 Yorkshire Television programme investigating the Dublin / Monaghan bombings: ‘Hidden Hand’, and by former British intelligence operative Colin Wallace, who expressed the opinion that if the link had not been authorized, Nairac would have been removed immediately from Northern Ireland. The significance of the relationship is heightened with the knowledge that Nairac also worked closely with RUC Special Branch officers based in Portadown. All of these

connections give rise to a perception that if Jackson was involved in the Dundalk attack, this fact would have been known to certain members of the Security Forces.¹¹⁹

On 15 April 1999, Weir made a statement for An Garda Síochána concerning such of his allegations as pertained to incidents in the State. In relation to the Dundalk bombing he stated:

“I wish to refer to my statement of the 3/1/99 at Paragraph 13(iv). I say in my statement at that paragraph that in December 1975 Robin Jackson led a gang that placed a bomb in Dundalk which exploded and killed one person. I got this information from my group of colleagues in the SPG and probably from James Mitchell. I have no information or evidence that could assist the Gardaí in this case; neither do I know who was with Jackson. I am satisfied that the bomb did not come from Mitchell’s farmhouse.”

He concluded that statement by saying:

“I wish to state that I have no first hand knowledge or evidence relating to any of the crimes committed in the Republic of Ireland that I have discussed in this statement. I was not present at the commission of any of these crimes and I was not involved directly or indirectly in the operation or commission of any of them. All I have is information that was given to me by others about their commission.”

James Nelson Young:

A well-known loyalist extremist from the Portadown area. He was known to have connections with other loyalist paramilitaries who operated from James Mitchell’s farm at Glenanne, near Markethill, Co. Armagh – including his brother, Stewart Young.

There were a number of purported sightings of James Nelson Young in and around Dundalk on the day of the bombing. Only two of these took place in circumstances which allowed the witness to get a good look at the person concerned. The first was at a pub on the Ardee-Dundalk road before the bombing; the second at a house near Heynestown after the bombing. Neither of these sightings involved the bomb car.

Young was also said to have been seen celebrating in Harry’s Bar with Robin Jackson and others on the night of the bombing.

Joseph Stewart Young:

Brother of James Nelson Young, and another of those said to have been in Harry’s Bar on the night of the bombing. According to Weir, Young was part of a group of extremists who based themselves at James Mitchell’s farm, Glenanne. Information obtained following the arrest of Weir and others in December 1978 suggests that

¹¹⁹ See the Inquiry’s Report into the Dublin and Monaghan Bombings of May 1974.

Young was one of a number of people who brought arms and / or explosives to and from Mitchell's farm.

In January 1976, the RUC received information from an unnamed source, considered reliable, who said that orders for the bombing of Dundalk were given to Stewart Young and his brother Ivor by Suspect F, who apparently visited the area beforehand and selected the target.

In January 1979, the RUC told Supt John Courtney that Stewart Young was named in information from an unnamed source as having been involved in the bombings of Dublin / Monaghan and Dundalk. No further information emerged from this line of inquiry.

John Weir believes that Young was involved in the attack on Donnelly's Bar, Silverbridge, not that on Kay's Tavern. If this was so, it seems unlikely that he could have been in Harry's Bar between 9 and 9.30 p.m.

It is known that there were photographs of Young in the albums shown to witnesses by Gardai, but none of them picked him out.

Suspect A:

Confidential information received by Gardai on 23 December 1975 indicated that this man, a UVF member from the Shankill area of Belfast, had stolen the car which contained the Dundalk bomb.

According to the investigation report, this information was supplied by "the RUC in Belfast." It seems likely that the source was the unnamed RUC constable whom D/Insp Courtney and D/Sgt Corrigan sought unsuccessfully to interview during a visit to Belfast.¹²⁰ No further corroboration of the information exists.

Suspect B:

The same informant who mentioned Suspect A said that Suspect B, another UVF member from the Shankill Road, Belfast, was one of those who travelled to Dundalk to carry out the bombing. As we have seen, Suspect B was said to have been an explosives expert, and it is possible that he may have been involved in making the Dundalk bomb, though there is no evidence of this.

There were no eyewitness identifications of Suspect B in Dundalk. However, it is possible that the photograph albums used by the Garda investigation team did not contain any pictures of him. His fingerprints were amongst those requested by Gardai in 1976.

¹²⁰ See p.19.

Sammy McCoo:

A UVF member from Portadown, McCoo was picked out by a Garda witness as resembling a man seen driving a red Cortina travelling the wrong way through Roden Place shortly before the bomb exploded. The timing of the sighting and the direction the car was travelling suggest that this was not the bomb car. The witness was positive in his identification; but its value is lessened somewhat by the fact that his wife picked out photographs of James Nelson Young, not McCoo, as resembling the driver.

Another witness identified McCoo as resembling one of two men seen standing with a flashlamp beside a red Cortina near Defender's Row. The identification was not positive, and there is no evidence that the men seen had anything to do with the bombing.

Information acquired by the RUC in December 1978 suggested that McCoo was one of those who brought arms and ammunition to and from Mitchell's farm, Glenanne.

John Weir believes that McCoo was part of the group who attacked Silverbridge on the same night as the Dundalk bombing. An RUC officer who worked on the Silverbridge investigation told the Inquiry that police were convinced McCoo had been involved in the attack. They brought a witness to identify him outside the dole office in Portadown, but the witness failed to do so.

McCoo was another of those said to have been in Harry's Bar between 9 and 9.30 p.m. If he took part in the Silverbridge attack at 9.20 p.m., he could not have been in Banbridge at the time suggested.

Suspect C:

One of the UVF leaders in the Portadown area, Whitten was also said to have acted as quartermaster, in charge of storing UVF weapons. Information obtained by the RUC in December 1978 named him as one of those who brought arms to and from Glenanne.

Other information was obtained by the RUC following the finding of arms on a farm near Ballynewry in August 1979. It was said that the farm owner had been approached by friends of Whitten 5 years previously to manufacture sub-machine guns, and by Whitten himself six months ago, asking him to store the weapons. It would appear that following the search of James Mitchell's farm at Glenanne in December 1978, the UVF needed a new place to store their arms and ammunition.

Gardaí in Monaghan received information from an unknown source that Whitten and his car, a green Escort BIJ 6320, took part in the bombings. No sightings of this car were reported in the investigation file.

Suspect D:

A UVF member from Portadown.

Two separate items of intelligence received by Gardaí stated that Suspect D and his car - a Capri, either gold or silver in colour – were involved in the bombing.

Suspect D was also named as one of the group seen in Harry's Bar after 9 p.m. that night.

It is known that there were photographs of Suspect D in the albums shown to witnesses by Gardaí, but none of them picked him out.

Suspect E:

A known loyalist extremist from Tandragee. Gardaí in Monaghan received information that he and his car, a bronze Capri, played a part in the bombing.

Suspect F:

In January 1976, the RUC received information from an unnamed source, considered reliable, who said that orders for the bombing of Dundalk were given to Stewart Young and his brother Ivor by Suspect F, who apparently visited the area beforehand and selected the target.

Ivor Dean Knox Young:

The oldest of the three Young brothers from Portadown, believed to have been a prominent UDA member at the time. In January 1976, the RUC received information from an unnamed source, considered reliable, who said that orders for the bombing of Dundalk were given to Ivor and his brother Stewart by Suspect F, who apparently visited the area beforehand and selected the target.

John James Somerville:

A loyalist extremist from Dungannon. In 1979, Garda received information from the RUC that Somerville had been involved the Dublin / Monaghan and Dundalk bombings. No further information was obtained.

Samuel Whitten:

A lorry driver picked out photographs of Whitten, a well-known UVF member from Portadown, as being like the driver of a red Cortina double-parked outside Kay's Tavern at around 4.40 p.m.

It seems that this was too early to have been the bomb car, as eyewitness evidence suggests it was not parked outside Kay's until after 6 p.m. The possibility that Whitten was in Dundalk in connection with the bombing cannot be ruled out, but there is no other evidence to that effect.

Whitten also resembles the description given by another witness of one of four men in a pub on the Ardee-Dundalk road between 4.10 and 4.40 p.m.

Suspect G:

A UVF member from Tandragee. Suspect G's photograph was picked out by a man who saw someone parking a car outside Kay's Tavern around 4.45 p.m. and then getting into a maroon Hillman Hunter.

As the bomb car does not seem to have been in place until after 6 p.m., it is unlikely that this person had anything to do with the bombing.

Suspect H:

A UVF member from Portadown. this man's photograph was picked out as resembling one of the men seen in a pub on the Ardee-Dundalk road between 4.10 and 4.40 p.m.

There were no other sightings of him in the Dundalk area on the day in question.

Suspect J:

In January 1976, the RUC passed on information from a source considered to be reliable to An Garda Síochána. The source alleged that Suspect J, a loyalist extremist from Belfast, had made the bombs used in Dublin Airport on 29 November 1975. Two months later, Gardaí received confidential information that Suspect J may have been involved in the Dundalk bombing.

Aside from this information, there is nothing to link Suspect J with the manufacture of the Dundalk bomb. Even if it could be proven that he did make the Dublin Airport bombs, these were different in size and construction to that used in Dundalk.

Suspect K:

A woman who saw a red Cortina on several occasions in Francis St between 4.35 and 6 p.m. picked out a photograph of Suspect K, a loyalist extremist and suspected UVF member from Newtownhamilton, as the driver of the car. However, the quality of the identification is affected by the fact that the man in the photograph had a beard, whereas the man she saw in Francis St was clean-shaven. It should also be noted that the woman's daughter picked out two photographs of James Nelson Young as resembling the same man.

Suspect L:

An extreme loyalist from Banbridge. He was another of those said to have been celebrating in Harry's Bar, Banbridge on the night of the bombing.

'Alexander':

Described by the witness who knew him as a loyalist from Belfast, his true identity is unknown. The name 'Alexander' could have been a surname, a Christian name or possibly a nickname.

ASSESSMENT OF EVIDENCE:

All of those named above (with the exception of 'Alexander') fall into the category of loyalist extremists, well-known to the Security Forces, who would be deemed capable of taking part in an attack like that on Kay's Tavern. Some of the more notorious figures – Robin Jackson, the Youngs, Suspect C – would probably have been suspects for the Dundalk bombing even in the absence of any specific evidence. Those suspicions would also have extended to others with whom they associated (such as the Somervilles and Sammy McCoo). But proving that any of them actually did take part in the bombings requires evidence of a kind which is lacking in this instance.

Forensic evidence:

The only pieces of forensic evidence that could point to any individual as having been involved were the fingermarks found by Gardaí. As we have seen, these marks have been compared with the fingerprints of some, but not all, of the potential suspects for the bombing. No matches resulted.

Eyewitness information:

As we have seen, the eyewitness identifications are largely unreliable, and in some cases conflicting. Furthermore, none of them form a direct link to the bomb car. The most reliable sightings - of James Nelson Young – connect him with a dark-coloured Ford Corsair which may or may not have been linked to the bombing operation.

While it is true that Suspect D's car was apparently seen leaving Portadown in convoy with the bomb car and another vehicle, the anonymous informant did not say whether Suspect D himself was in it: nor did they identify any of the occupants of the three cars.

Another problem with the items of information received by the investigation team is that there is little corroboration between them. Take for instance the question of the cars used in the operation. Information received by Monaghan Gardaí named five cars (other than the bomb car) which were said to have been involved in the attack. Only

one of these – Suspect D’s Ford Capri – was mentioned in the alleged sighting of the bombers leaving Portadown. The witness who met James Nelson Young in Heynestown mentioned another two cars – a Ford Anglia and a Ford Corsair. A Ford Corsair was also seen outside the pub on the Ardee-Dundalk road before the bombing, though the witnesses thought it was a black Cortina. Samuel Whitten, Sammy McCoo and Suspect H were said to have been seen separately in red Cortinas which were almost certainly not the bomb car. Finally, the witness who claimed to have seen ‘Alexander’ park the bomb car outside Kay’s Tavern said he left in a brown or red sports car, similar to an Opel Manta.

It is extremely unlikely that all of these cars had a part to play in the bombing. This means that at least some of these sources of information must be wrong.

Intelligence information:

A similar situation pertains to the intelligence information received: the first item of information named two Belfast loyalists – Suspects A and B – who are not named in any subsequent item of intelligence. Others who are mentioned later, but only once are Suspect F, Ivor Young, James Somerville and Suspect J.

The only source of intelligence information who is known to the Inquiry is former RUC Sergeant John Weir. In its Report on the Dublin and Monaghan bombings, the Inquiry examined Weir’s background, knowledge and allegations in some detail. It concluded:

“Having regard to his own admitted conduct, and his relationships with those with whom he was admittedly involved at Glenanne, and at the attacks at Tully’s Bar, Belleek, and the Step Inn, Keady, he was certainly in a position through conversations and observation to have obtained the information which he now claims to be true. While it is possible that he obtained all these details from other sources since his conviction, this is unlikely. The amount of details on which he has been proven correct suggest that his sources were authentic and contemporary.

Bearing in mind that Weir was an active member of the security services, and that his allegations relating to the period from May to August, 1976, have received considerable confirmation, the Inquiry believes that his evidence overall is credible. Some reservation is appropriate in relation to his allegations against police officers having regard to his possible motive in going public, and also in relation to his own part in the offences which he relates.

This view is one based also on a meeting with Weir, in which he came over as someone with considerable knowledge of the events which were taking place in the areas where he was stationed and who was prepared to tell what he knew. As has already been noted, the Garda officers who interviewed him were of the same opinion. In the light of all the above, the Inquiry agrees with

the view of An Garda Síochána that Weir's allegations regarding the Dublin and Monaghan bombings must be treated with the utmost seriousness."¹²¹

In its work on this Report, the Inquiry has seen nothing to alter that opinion. Indeed, such new information as the Inquiry has obtained tends to reinforce Weir's credibility.¹²² However, his credibility merely goes to prove that he is telling the truth about what he was told concerning who was responsible for the Dundalk bombing.

CONCLUSIONS:

Clearly, the evidence currently available against the list of suspects given above is not sufficient to found a successful prosecution. The fragility of eyewitness evidence in general is well-established; and in this instance, the only identifications which appear reliable were in situations which have no proven link to the bombings.

The intelligence information obtained is sporadic, largely unrelated and from unknown sources, whose authenticity and reliability cannot be judged by the Inquiry.

The exception to this – former RUC Sergeant John Weir – claims to know little about those responsible for the attack. His naming of Robin Jackson is based on information acquired by him in the course of his own involvement with loyalist subversives during 1976-77, and the Inquiry believes that he is telling the truth when he says that he was given this information. In the absence of any sightings or other reliable information to corroborate it, however, it is not a sufficient basis for concluding that Jackson was involved.

¹²¹ Report into the Dublin and Monaghan Bombings, chapter 17.

¹²² One example is the admission by the Northern Ireland authorities that the RUC were aware in January 1976 that the UVF were using Mitchell's farm as a base for their operations. [see above p. 59.] Another example relates to an allegation by Weir that the arrest of Garfield Beattie and two others led to a planned bombing of Clontibret being called off. The Inquiry has established that Beattie was indeed arrested around the time of the proposed attack and co-operated with police by showing them where certain guns were concealed, though it is not certain he informed them about Clontibret.

ALLEGATIONS OF COLLUSION:

- 1. INTRODUCTION**
- 2. LOYALIST PARAMILITARIES AND THE SECURITY FORCES**
- 3. NATURE AND SOURCE OF EXPLOSIVES USED**

INTRODUCTION:

In its Report into the Dublin and Monaghan bombings of May 1974, the Inquiry summarised the situation which gave rise to incidents of collusion in the 1970s as follows:

“The rise of the loyalist paramilitary groups led to collaboration between them and elements of the security forces on the basis that both had a common goal – the defeat of the PIRA. Such collusion was greatest between locally enlisted members of the RUC and UDR; so much so that no firm line of definition between some members of those forces and the loyalist paramilitaries could be discerned. Allegations abounded that information available to the former was passing directly to the latter. Senior officers appeared to lack sufficient purpose to ensure that such links were terminated, although efforts were made to keep some intelligence information out of the hands of local officers who might have passed it on.

In addition, there were sections of the security forces engaged in obtaining intelligence on loyalist and republican subversives. To that end, they actively sought and cultivated associations with members of loyalist extremist groups. There was no overall body or person who controlled the dissemination of this intelligence, though there were arrangements in place for the exchange of information between the various intelligence groups. Information obtained by the RUC passed along lines of communication until it reached the Chief Constable. Similarly, military intelligence passed ultimately to the Army GOC. Both strands ultimately passed through the Secretary of State for Northern Ireland. These divisions, together with the operation of a ‘need to know’ principle, created a climate in which intelligence relating to the bombings could have been withheld from those in authority.”

There is no doubt that collusion between members of the security forces and loyalist paramilitaries existed in many instances. It was not just a matter of a few bad apples, as suggested by the Northern Ireland authorities. That it was taking place around the time of the Dundalk bombings is confirmed by the convictions of three UDR members for their part in the Miami Showband murders on 31 July 1975 and the convictions of three RUC officers on charges relating to the attack on the Rock Bar, Keady on 5 June 1976. The killers of Sean Farmer and Colm McCartney at Alnamackan wore UDR uniforms, and Seamus Mallon MP received information that they were in fact members of the UDR. The owner of a farm near Dungannon on which weapons, ammunition and explosive-related materials were discovered on 18-19 May 1976 was a former ‘B Special’; and the owner of another farm near Ballynewry, Portadown at which weapons were found on 2 August 1979 was a UDR member.

MURDER OF COLM MCCARTNEY AND SEAN FARMER, AUGUST 1975

The attack:

Both Colm McCartney and Sean Farmer were killed at a bogus check point near Altnamackan, Newtownhamilton Co Armagh on the 24th August 1975. Colm McCartney was then aged 22 and Sean Farmer aged 30. They were driving in Colm McCartney's car and were returning from an All Ireland gaelic football semi-final in Croke Park Dublin. The evidence as to their injuries appears from the inquest documents. Sean Farmer was shot six times and Colm McCartney four times. Colm McCartney had apparently run from the scene and his place of death was approximately 50 yards from where the car had been stopped. Some of the shots that killed him were shots to the head while his body lay on the ground.

Two couples also returning from the match at Croke Park at between 11.30 and 11.45 pm were the first to see the bodies. They drove on until they found a house where they asked to use the telephone to report the incident. While there they were joined by the occupants of a third car who confirmed that there were two dead bodies on the road. A woman answered the door and refused to allow them to use the telephone saying that she had none and when asked for the name of the townland she said she did not know. These witnesses then drove to Keady which they reached at about 11.50 pm. Shortly after leaving the house they saw a car burning fiercely in the field about twenty yards from the road. This car turned out to be Colm McCartney's car. At Keady they telephoned the RUC from a coin box in the square of the town. About thirty minutes later, several vehicles with RUC and British army personnel came to them and they told them what they had seen. They say that members of the security forces were aggressive if not actually hostile. An offer to show them where the bodies were refused on the grounds that they would not approach them until daylight for fear of booby traps.

The RUC investigation:

At the inquest in July 1976 the RUC said that following extensive inquiries no one had been made amenable for the crimes. The nature of these inquiries is not known. One of the passengers in the first car on the scene was a first cousin of Colm McCartney. This was given media coverage. Notwithstanding this, neither he nor any of those who reported the incident were contacted and no statements were taken from them. Nor does there appear to have been any RUC appeal for witnesses to come forward. It is not surprising in the circumstances that there should have been a perception that the RUC did not carry out a full and proper investigation of the crimes.

In 2001, some witnesses who drove in a car through the check point were located. The two front seat witnesses recall seeing at least four and possibly five men at the scene. One of the witnesses recalls that one of the men was wearing an RUC uniform. He carried a torch but no weapon was visible. The others were in British Army style uniforms, one of whom had hair longer than would be normal for a soldier. The men were not stopping traffic.

It seems that there was also a witness to the shooting incident itself, who made a statement to the RUC. A portion of this statement was read aloud at a meeting between the RUC, members of the McCartney family and the Pat Finucane Centre. The witness said that he saw the car; the light was on, and he saw the door opening. He then heard the shooting. The Inquiry has requested a copy of the witness' full statement, but it has not been produced. It has been suggested to the Inquiry that it was not unusual when a car was stopped for one of those who had stopped it to get into the car, for the purported reason of going with the occupants to the nearest RUC station. If so, the car could have been stopped at any point. According to the above witness, the Cortamlet Road was busier than usual that evening.

The other main evidence in relation to the vehicle check point comes from the depositions of three RUC members, sworn for the inquest in July 1976. At approximately 22.45 pm on the evening in question, these RUC men were travelling from Newtownhamilton towards the border on the A25 wearing uniforms concealed under civilian jackets and driving a hired unmarked car. They were stopped by a man wearing a combat jacket, army uniform trousers, black boots and a dark green beret with the cap badge blacked out. He spoke with an Ulster but not South Armagh accent. They couldn't see his face as when they stopped he was shining a torch in their faces. Each of the members of the RUC was able to say that the two men who they saw were not members of the local UDR. They thought perhaps that they may have been members of a different UDR grouping. The location of the check point was approximately 600 metres from the border.

The driver of the police car was asked for his driving licence. When the man saw two men in the back of the car with submachine guns trained on him, he said 'Oh, its you police' and stepped back about a yard from the car "as though expecting to be shot". The RUC only saw one other person at the check point. He was lying in the ditch and carrying a self-loading rifle. Both men were described as being in their early twenties.

The RUC officers say that the man at the check point took down the registration number of their car. They accelerated away and returned back to their base by a different route. On the way they reported the existence of the

check point and a reply came back after some fifteen minutes that there was no patrol in the area. "A few minutes" after they returned to the station they were told that there had been a shooting incident in the area they had just left.

A call at 1.15 a.m. from Newry RUC station to Castleblayney Garda station reported the finding of two bodies approximately 200 yards north of the border at Altnamackan. This implied that the bodies were lying where the RUC patrol had met the checkpoint. It has not been established where the bogus checkpoint was located at the time of the murders. The two victims would not have passed the spot where the RUC patrol met the checkpoint. They would have come from Newtownhamilton direction and turned right onto Cortamlet Road. The actual circumstances of where the victims were stopped and how their bodies got to where they were found is not clear.

Taking all the above information into account, a chronology would suggest the following times:

- (1) 10:45 pm: the RUC patrol meets a two-man checkpoint on the main road, south of the junction with Cortamlet Road.
- (2) 11:45 pm: Newry RUC station notifies Castleblayney concerning this checkpoint. It places it 200 yards from the border.
- (3) 12:00 a.m. approx: a witness to the shootings reports the matter to the RUC (station not indicated). The times at which the patrol radioed its base and received a reply have not been recorded.¹²³
- (4) 1:15 am: the RUC are still informing An Garda Síochána that the bodies were 200 yards from the border.

Assuming the above times are correct, there is a delay of almost one hour between the discovery of the illegal checkpoint by the RUC and their notifying Castleblayney Garda station. The Inquiry could not establish whether that delay originated with the RUC patrol who found the checkpoint or with Newry RUC station. Nor could it be established why it took so long for the patrol to return to its station.

At this particular period there was considerable concern amongst the Catholic population that members of the UDR were involved in this type of illegal activity. The matter was taken up again by Seamus Mallon after the depositions at the inquest entered the public domain. He issued a statement a portion of which said:

"Despite having been stopped by this patrol, prior to the shooting of Mr McCartney and Mr Farmer, and having recognised that it was not an authorised army patrol, the RUC involved, had neglected to either take action on the spot or to keep the patrol under surveillance. Had this been done it is very probable that both men would still be alive. It is incomprehensible that police officers who are responsible for the safety of the public should have been so negative in dealing with what they themselves admit to have recognised as an unauthorised road block. The... evidence states that after a considerable lapse of time the RUC handed the matter over to the army stating that it was 'an army matter' and took no further action. This was a complete abdication by the RUC involved of their responsibility to the public and the law..."

Further inquiries:

Following the arrests and interrogation of former RUC Sergeant John Weir, William McCaughey, James Mitchell and others by the RUC in December 1978, information emerged which suggested that loyalist extremist Suspect T was one of the gunmen who shot Farmer and McCartney.

The Inquiry is aware of no other information which emerged concerning the murders until the statement of Weir himself dated 3 January 1999, in which he claimed to have obtained the following information from fellow RUC officer Laurence McClure at a meeting at James Mitchell's farmhouse, Glenanne in 1976. He referred to:

"...the murder of two Gaelic football supporters at Tullevallen, near Newtownhamilton, in August 1975, by McClure, McConnell and other Loyalists belonging to the Ulster Volunteer Force [UVF]."

The McConnell referred to was former UDR officer Robert McConnell, who was killed by the IRA on 5 April 1976. For further information see the Inquiry's Report into the Dublin and Monaghan Bombings of May 1974.

¹²³ A former RUC officer told the Inquiry that it was most unusual for a small rural station not to record such information.

These and other incidents paint a clear picture of collaboration between members of the security sources and loyalist extremists. The Inquiry would be shutting its eyes to reality if it accepted that such collaboration was limited to the cases in which collusion has been proven.

However, it is one thing to accept that collusion was widespread in Northern Ireland during the 1970s. It is quite another to make an accurate assessment of the extent of such collusion; the extent to which non-participating soldiers and policemen were aware of it, and the level of seniority at which it was known and approved of. The Inquiry is not suggesting that collusion was the norm, and it accepts John Weir's statement that where it did occur, it was usually in circumstances where the security forces in Northern Ireland were under extreme pressure. In any event, the Inquiry has not had the time or resources to examine allegations of collusion except in relation to a particular area of mid-Ulster at a particular period of the 1970s.

For the purposes of this Report, the question before the Inquiry is narrower still: was the attack on Kay's Tavern on 19 December 1975 an instance of such collusion?

As a general rule, proof of collusion in a specific case is dependent on knowing who carried out the crime in question. In the case of the Dundalk bombing, as we have seen, there is little evidence to identify the individuals responsible. Nonetheless, in the interests of completeness, the Inquiry has considered whether the available evidence supports allegations that certain persons suspected of taking part in the bombing had illicit connections with members of the security forces in Northern Ireland.

There is a second way in which collusion in the case of the Dundalk bombing might be established: if it could be shown that the explosives used in the bombing could only have come from stocks in the possession of the security forces, then a *prima facie* case for collusion would surely exist. For that reason, the Inquiry has also devoted some time to examining the nature and origin of the explosives used.

LOYALIST PARAMILITARIES AND THE SECURITY FORCES:

Allegations concerning the Armagh Special Patrol Group:

Some of those listed in an earlier chapter as possible suspects for the Dundalk attack, such as James Nelson Young and Sammy McCoo, are alleged to have been part of the Glenanne group, which also contained some members of the Armagh Special Patrol Group (SPG). Allegations concerning that group were considered in detail in the Inquiry's Report on the Dublin and Monaghan bombings, and have been revisited in the context of this Report.

The Special Patrol Groups were composed of uniformed policemen, but were intended to focus on tackling subversive crime. They were specialist units, separate from the regular RUC and under the direction of an Assistant Chief Constable. According to John Weir, by the time of the Ulster Workers Strike in May 1974, membership of the Armagh SPG was entirely Protestant. Its members fully supported

the striking loyalists' efforts to bring down the power-sharing executive. According to Weir, they toured the barricades and encouraged the strikers to persevere, and when ordered to go to Portadown to contain the loyalist protest, deliberately sabotaged their police vehicles by putting sugar in the petrol tanks.

Another former member of the Armagh SPG, Gary Armstrong, later wrote a book in which he described the circumstances in which he joined the unit. While an RUC officer based at Newtownhamilton station, Armstrong witnessed the shooting of a colleague by republican subversives. He vowed vengeance:

“The execution of that vow began in a pathetic way two days later, as I grabbed a man I believed to be a terrorist, or at least a supporter, and pushed him through the window of a bombed-out building opposite the station. That was the beginning of the end of my stay in Newtownhamilton, as my apparent hatred forced my sympathetic superiors from Bessbrook to literally arrange a transfer overnight, to the Special Patrol Group based in Armagh... I bypassed the up to then mandatory interviews for the SPG and I began to serve out a three year period of venting my frustration by terrorizing the terrorists or their supporters.”¹²⁴

Armstrong is clearly suggesting that his superiors placed him in the SPG because, rather than in spite of, his capacity for violent action. And it appears that he was not the only one:

“I soon realized I was in the midst of a group of about forty men who for the most part were just as venomous and militant as I was – men who had been fighting since 1969 from the streets of Londonderry, to the bandit land of South Armagh, and who by experience knew who the enemy was and had the means and the freedom to do something about it.”¹²⁵

He continued:

“We knew who the terrorists were, and although we would torture them, beat them and intimidate them, we could never convict them. Colleagues were being killed, Protestant neighbours were being killed and nothing seemed to be having any effect.

It was against this background that I decided to cast my lot in with the Protestant terrorist organization... to hit before being hit – to strike at the strikers - to terrorise the terrorists. Several of my SPG friends felt the same way and so began a series of terrorist ventures aimed at terrorists that was to go on for many months. During this time gun and bomb attacks took place; terrorists were terrorized and information valuable to terrorist-seekers was given. We used our influence, our knowledge and our position to make war on the terrorists, and for the first time we felt we were making an impression.”¹²⁶

¹²⁴ Armstrong, Gary, *From the palace to the prison* (Chichester, 1991) pp.24-25.

¹²⁵ *Ibid.*, p.26.

¹²⁶ *Ibid.*, p.33.

As we have seen, Armstrong admitted a role in the kidnapping of Fr Murphy, but was not charged in relation to the Rock Bar attack, in which he denied taking part.¹²⁷ Two fellow SPG members, Laurence McClure and Ian Mitchell, received convictions for their roles in that attack.¹²⁸

Even if senior officers did not know or approve of RUC officers engaging with loyalist paramilitaries in gun and bomb attacks, such collusion was a foreseeable consequence of the creation of units like the SPG, in which prejudice, intimidation and violence towards the nationalist community seem to have been encouraged.

Armstrong also describes a sense of invincibility felt by the SPG members – a sense that they would not be punished for what they were doing. He recalled one occasion on which erratic driving resulted in a crash between two SPG landrovers, saying:

“I wasn’t prosecuted but then again no-one ever remembered an SPG man who had been.”

This sense of immunity remained with him following his promotion to sergeant and consequent transfer to Lurgan in August 1976. He wrote:

“With my sergeant friend I continued my vendetta against Roman Catholics and used every chance to book, batter or break them... eventually we went too far. My car number was taken by the victim of an aggressive assault and three of us were suspended whilst investigations took place. I wasn’t charged but my friends were, only to be acquitted to our celebratory delight, and customary two finger salute to the authorities. I was disciplined and was the first officer to be suspended whilst already suspended for further extra police activity. I received a warning and a transfer [to Portadown].”

Weir also reported a number of incidents from which he was led to believe that his connections with loyalist paramilitaries were known and had the tacit approval of certain senior RUC officers. He referred to himself and Armstrong being waved through a checkpoint by an RUC Inspector, despite the fact that they were in the company of known UVF member Robin Jackson. He also claimed to have visited an RUC constable who was making submachine guns for loyalist extremists, with the express approval of a senior RUC officer who accompanied Weir on his visit.

¹²⁷ Although Armstrong denied taking part in it, his book contains at p.96 the following description of an incident which matches the Rock Bar attack in every detail:

“One night I was at the scene of an incident when a bomb was planted outside the door of a Roman Catholic owned pub. A five gallon tin had been packed with gelignite and a fused detonator. Shots had been fired from machine guns and handguns to introduce the arrival of the gang who proceeded to plant the bomb at the door of the pub. Having shot one man they fled the scene to allow their bomb to go off, causing maximum injury and devastation. The fact is that the bomb failed to go off because only the detonator exploded – not the bomb!”

¹²⁸ It is worth noting that fellow RUC officer William McCaughey, who also took part in the Rock Bar attack, said that the stolen car used in the operation was driven to “a safe house in South Armagh”. The use of the phrase “safe house” again suggests a level of connection between these members of the security forces and loyalist paramilitary groups.

As was mentioned in the Inquiry's Report on the Dublin / Monaghan Bombings, Seamus Mallon MP, who was resident in Markethill, Co. Armagh during the 1970s, told the Inquiry that his prevailing impression of the security forces was one of confusion. In his view, there was no clear primacy of the RUC over the UDR. He believed that uncontrolled interchanges were taking place between sections of the UDR and paramilitary groups. He believed that some senior police officers saw no harm in what was happening, and others were firmly opposed to it but felt too vulnerable in their own positions to do anything about it. He remembered one occasion in 1977 following an attack on his house, when an Army Colonel and a Chief Superintendent came to see him:

“...I was amazed at how vulnerable they felt. They did not have the type of people in the service at that time that they could rely on.”

He concluded:

“The overall situation at that time was that law ceased to exist. There was no viable authority. Good senior police officers were vulnerable. The Government approach was to close your eyes and get on with worrying about winning the war.”¹²⁹

Once again though, it must be said that whilst all of this does go to show that senior members of the security forces fostered the creation of an environment in which illegality was almost certain to flourish, it does not go to prove that collusion played a direct part in the Dundalk bombings.

Information received by An Garda Síochána:

In August 1975, Gardaí received confidential information that four members of the RUC in the Portadown area were members of the UVF and that one of them was actively engaged in the murder investigations of the Murder Triangle area. This information was passed by the Security Department of An Garda Síochána to the Secretary of the Department of Justice by letter dated the 15th August 1975, and passed in turn by the latter Department on the 18th August 1975 to an Assistant Secretary in the Department of Foreign Affairs.

The information available to the Inquiry was provided by the latter Department. It is no longer available on any of the files of either An Garda Síochána or the Department of Justice, Equality and Law Reform. The information did not provide any names.

That information was brought to the notice of senior members of the Northern Ireland Office by our Ambassador in London. They assured that latter that the matter would be fully investigated as a matter of urgency; that there could be no question of membership of the UVF by members of the RUC being tolerated for a moment.

At a further meeting at the beginning of September 1975, between a senior official at the Northern Ireland Office and our Ambassador, it was indicated that it was difficult

¹²⁹Interview with Seamus Mallon MP, 10 December 2002.

for the authorities in Northern Ireland to do much in the absence of any additional information. The Chief Constable had been informed and the Special Investigations Squad which dealt with questions of police loyalty had been asked to look into the allegation discreetly, but so far had come up with nothing.

The matter was not referred to again in any document supplied to the Inquiry.

Allegations concerning Robin Jackson:

Aside from allegations concerning the Glenanne group, the person about whom most allegations of collusion have been made is Robin Jackson.

In the Inquiry's Report into the Dublin and Monaghan bombings, reference was made to certain allegations that Jackson had improper connections with members of the security forces:

“On the ‘Hidden Hand’ programme, it was claimed that [Billy] Hanna, Robin Jackson and Harris Boyle were run as agents by Captain Robert Nairac both before and after the bombings. Nairac was accused of supplying them with arms and helping them plan targets. The sources for this allegation were said to come from the RUC, the Garda Special Branch and senior loyalists from Armagh; but in the absence of further details, the Inquiry cannot make a proper assessment of it. It is noted that both John Weir and Colin Wallace have made allegations that Nairac was on friendly terms with Robin Jackson and other prominent loyalist paramilitaries.”¹³⁰

The Inquiry also dealt with allegations that Jackson was given an effective immunity from prosecution by the security forces in relation to the murder of William Strathearn:

“Murder of William Strathearn:

It has been suggested that the failure of the RUC to prosecute UVF members Robin Jackson and R.J. Kerr in connection with this crime is evidence of such a policy. Particular attention has been given to the fact that an RUC detective was said to have told the court that this was for “reasons of operational strategy.”

In the absence of further explanation, it is hardly surprising that this oblique phrase has been taken by some to indicate that Jackson and Kerr were working for or with the RUC Special Branch. But it may have meant no more than that the RUC had no evidence on which to prosecute them, but did not wish to admit this in public.

An RUC officer who had been involved in the 1978 investigation as a junior officer elaborated on this possible reason for not questioning Jackson and Kerr. He recalled a policy in CID of not bringing in hardened criminals unless

¹³⁰ Report of the Inquiry into Dublin and Monaghan bombings, p.240.

there was good evidence on which to charge them. In any other circumstances, questioning would not only be fruitless, but could actually be counterproductive in the sense that it revealed to the suspect what information the RUC had on him.

While it was true that Jackson and Kerr had been implicated in statements made by Weir and McCaughey, it was and remains the legal position that such statements could not be used as evidence against Jackson or Kerr unless the person who made them was willing to testify in court. Weir did make an offer to testify, but only on the basis that the murder charge against him would be withdrawn. This offer was refused by the Assistant Director of Public Prosecutions, who stated:

‘Kerr and Jackson have not been interviewed by police because the police state they are ‘virtually immune to interrogation’ and the common police consensus is that to arrest and interview either man is a waste of time. Both men are known to police to be very active and notorious UVF murderers. Nevertheless the police do not recommend consideration of withdrawal of charges against Weir. I agree with this view. Weir and McCaughey must be proceeded against. When proceedings against them are terminated the position may be reviewed in respect of Jackson and Kerr.’

A former senior RUC officer told the Inquiry that Weir and McCaughey were approached again after their convictions and asked to turn Queen’s evidence, but both refused. There is no indication in any of the documents supplied to the Inquiry that this was done; and neither Weir nor McCaughey appear to have made mention of it in subsequent interviews.

There are some discrepancies concerning those who were charged and convicted of offences arising from their admissions. In relation to the Rock Bar attack, the evidence clearly showed that those who arrived in the car from which the attack was launched were of a common enterprise. This is presumably why McCaughey was charged with causing an explosion although he was not the person who placed the bomb. However, by the same logic, Laurence McClure should have been charged with wounding with intent, but he was not. It is also to be noted that amongst the sentences given to William McCaughey was a sentence of four years for possession of explosives, whereas Mitchell and McClure for the same offence received a two-year sentence suspended for three years.

All of these facts would indicate that McCaughey - who was already serving a life sentence for the Strathearn murder - was scapegoated. Because any sentence imposed in this hearing would be concurrent to his life sentence, it would not involve serving any extra time in jail. This may well explain why lesser sentences were given to other RUC officers.”

Finally, the Inquiry considered a number of other incidents which had been used as a basis for alleging that Jackson was being protected by the security forces:

“Other incidents allegedly involving Robin Jackson:

There are other incidents involving Robin Jackson, some of which have been used to support the theory that he in particular was being protected from prosecution by elements of the security forces. One was the murder of Patrick Campbell at his home in Banbridge on 28 October 1973. According to the victim’s wife, she answered the door to two men, who asked to see her husband. Her husband came to the door, and she went inside to make tea. Something attracted her attention, and she returned to the door. She saw her husband on the outside step between the two men. He said to her twice, forcefully, “Get you in.” According to Mrs. Campbell, it was then she saw the smaller of the two men take out a handgun and shoot her husband. The taller man then took out an automatic self-loading gun and fired indiscriminately.

Mrs Campbell made a statement to the RUC officer investigating the case. Sometime later, another local RUC officer brought her to Belfast to attend an identity parade. At that parade, at Castlereagh, she was asked to identify either of the men she had seen at the door from a line-up; there was no partition between her and the men.¹³¹ The PSNI have recently confirmed that an identification was made. Mrs Campbell maintains it was Jackson she identified.

From newspapers it appears that Robin Jackson was arrested on the 8th of November 1973, when he made a verbal statement. This was related to a special court in Banbridge held on 9 November 1973, where Jackson was remanded in custody. It was said that when charged he said “Nothing, I just can’t believe it”. The verbal statement has not been disclosed at any stage.

It appears that a police investigation file was submitted to the Director of Public Prosecutions on 7 November 1973. Jackson was again remanded in custody on 16 November. Ultimately the charge was dropped on 4 January 1974 in the Belfast Magistrates court.

It appears that the reason the prosecution may have been dropped was that some time after the identity parade had taken place, a neighbour of Mrs Campbell told the RUC about having seen Robin Jackson coming out of another neighbour’s house. This appears to have made the RUC think that Mrs. Campbell knew Jackson before she made the identification. Jackson also maintained that Mrs. Campbell knew him as he worked in the same shoe factory as her husband. Mrs. Campbell denies this; she may have been at social events at the factory but that was all. She makes the telling point that she never told her husband who was at the door, merely that someone wanted to see him.¹³²

¹³¹ The lack of a partition seems to have made Mrs Campbell reluctant to make an identification at first.

¹³² The point can also be made that if she had known Jackson, she would have told the police that it was Jackson who called to the door.

Another incident which has been put forward as evidence of a failure to pursue Jackson was the murder of the O'Dowd brothers on 4 January 1976. According to witnesses who survived the attack, the gun which was used appeared to have a silencer attached.¹³³

The RUC officer in charge of the O'Dowd investigation was George Christie. He took a statement from Barney O'Dowd about a week later. Barney O'Dowd told him that the profile of the man with the gun resembled someone whom he knew. When he named the man, Christie told him that was not the right name, adding that the real suspect came from Lurgan. According to O'Dowd, Christie subsequently claimed to have spoken to the man named by O'Dowd, confirming that he was not involved.

It is assumed that the man from Lurgan referred to was Robin Jackson. This is supported by another statement of O'Dowd, saying that a month or so after the attack, they were visited by two other RUC officers. They mentioned the name of Robin Jackson. When asked if they were going to arrest him they said that there were complications.

About six months later, Barney O'Dowd says he was shown a photograph of a gun which was said to have been used in the murders of members of the Miami Showband and also of Mr and Mrs Devlin. Barney O'Dowd said that it looked similar to the gun that had been used to shoot the members of the O'Dowd family.

An incident in 1976 suggests that contrary to the views of some, the security forces were indeed seeking to have Jackson put in prison for his activities. This involved the discovery of Jackson's fingerprint on insulating tape wrapped around a home-made silencer for a Luger pistol. The silencer had been found with the pistol on the premises of one Edward Sinclair on 19 May.

On this occasion, Jackson was charged, but not convicted. The judge was reported to have said:

“At the end of the day I find that the accused somehow touched the silencer but the Crown evidence has left me completely in the dark as to whether he did that wittingly or unwittingly, willingly or unwillingly.”

The Luger pistol to which the silencer was attached was found to have been used in other offences including the Miami Showband attack and the murder of John Francis Green. Jackson was questioned at length in relation to the former but no admissions were obtained. He subsequently brought a successful action for compensation for alleged physical maltreatment during the course of the interrogation – which would seem inconsistent with allegations of his being a police informer.

¹³³ According to the PSNI, the evidence at the scene suggested that the only gun fired in the attack was a sub-machine gun. However, it is possible that a gun with a silencer was also used. See pp 102-103.

Jackson's sole conviction for a subversive offence came from an arrest on 16 October 1979. Guns and hoods were found hidden beside where Jackson and two others were arrested. On 20 January 1981¹³⁴, he pleaded guilty to possessing firearms and ammunition in suspicious circumstances, and was sentenced to 7 years imprisonment. He was released on 12 May 1983.

The Inquiry has been told by former senior RUC officers that there were sections of the police force who worked tirelessly to obtain evidence to sustain charges against Jackson and others like him. They ridiculed the notion that he might have been working for them. Notwithstanding this, the possibility that Jackson had an individual relationship with a 'handler' in the security forces cannot be ruled out."¹³⁵

The additional information obtained by the Inquiry since the publication of its first Report has not helped in resolving the question of whether Jackson might have been working with or for the security forces. One retired CID officer interviewed by the Inquiry in April 2005 said he would consider it inconceivable that the Special Branch and / or the British Army would not try to recruit someone as influential as Jackson for intelligence purposes. In his view, it would have amounted to a dereliction of their duty if they did not attempt to do so. That said, he had no evidence that such attempts were made, successful or otherwise.

NATURE AND SOURCE OF EXPLOSIVES USED:

Forensic reports:

As was the case with the Dublin and Monaghan bombings of May 1974, there is a frustrating lack of information concerning the handling of material collected for forensic analysis. The possibility of contamination cannot be ruled out. Nor is there an explanation for the fact that Dr Donovan at the State Laboratory received samples more than two weeks after the explosion had occurred. The Inquiry wrote to the Garda officer who delivered the samples on this issue, who was unable to help on the issue. He believed that he had always handed over all items for analysis promptly.

Nonetheless, the Inquiry believes there is sufficient evidence to conclude that the bomb was composed of recrystallised ammonium nitrate mixed with fuel oil (ANFO), with a smaller amount of commercial gelignite to act as a booster.

Mr Hall, who received debris for analysis two days after the explosion, was satisfied from what he found that the bomb incorporated at least some commercial explosive. He did not find traces of ANFO, but this is not surprising for two reasons:

¹³⁴ The second day of his trial. It has been suggested that he was imprisoned on this occasion for his own protection: the Inquiry has seen no evidence to support this, aside from the fact that a guilty plea was out of character for Jackson.

¹³⁵ Report of the Inquiry into the Dublin / Monaghan Bombings, pp.258-261.

- (1) Most of the material received by him was wet, and ammonium nitrate dissolves in water;
- (2) Mr Hall reported that the amount of debris supplied to him for analysis fell far short of what he would consider necessary for a thorough forensic investigation.¹³⁶

Dr Donovan received about the same amount of debris for analysis as Mr Hall, but also received items of clothing worn by the deceased victims of the bombing, and scrapings taken from the car wreckage by D/Sgt Jones. Analysing these items, he obtained very different results. He detected “a profusion” of ammonium nitrate traces, in particular on the outer clothing of Jack Rooney (who was beside the bomb car when it exploded) and on the car scrapings. Some of the traces were in the form of irregular-shaped crystals, suggesting that the AN had been recrystallised from Calcium Ammonium Nitrate (CAN) fertiliser.

The other difference in the findings of Mr Hall and Dr Donovan was that the latter found no trace of nitroglycerine or other residues typical of commercial explosives. The reason for this may lie in the delay in transmitting the samples to him. A failure to store the samples correctly (i.e. in nylon bags) might have allowed any nitroglycerine traces to diffuse into the atmosphere.¹³⁷ The Inquiry has not been able to establish how the samples were stored.

As was the case in the Dublin and Monaghan investigation, neither Mr Hall nor Dr Donovan were shown each other’s findings. The Inquiry sent a copy of Dr Donovan’s report to the Northern Ireland Forensic Science Agency on 12 May 2005, asking that it be shown to Mr Hall, and seeking his views on a number of related matters. On 3 June, the Chief Executive of the Forensic Science Agency, Michael Walker replied, stating:

“... I hope you will understand when I say that for a number of reasons, not least the overall passage of time and the fact that he has been retired for some years now, I have decided not to approach Mr Hall directly, but to rely on records and the opinions of current scientists to answer these points.”¹³⁸

Having stated that in the circumstances “we can only offer rudimentary, and possible obvious, comments on Dr Donovan’s report”, he went on to say that he and his staff would “sound a note of caution” over Dr Donovan’s conclusion that his findings of irregularly shaped AN crystals implied recrystallisation.

“We point this out because the nature of the debris examined by Mr Hall suggests that at some stage the bomb scene was subject to very wet conditions and this could affect the physical structure of unconsumed ammonium nitrate, giving the impression that the recovered or recrystallised version had been used.”¹³⁹

¹³⁶ Report of R.A. Hall, date unknown.

¹³⁷ See Report of the Commission of Inquiry into the Dublin / Monaghan bombings, p. 105.

¹³⁸ Letter from NI Forensic Science Agency to the Inquiry, 3 June 2005.

¹³⁹ Ibid.

The Inquiry wrote to Mr Walker on 8 June 2005, pointing out that this possibility had not been adverted to by anyone else with whom the Inquiry had spoken on forensic issues. Mr Walker replied:

“In offering the comment for your consideration, we had taken into account the possibility that if an aqueous solution of ammonium nitrate, resulting from hosing down residues, was allowed to stand and evaporate, then a crystalline form of ammonium nitrate could result. We have occasionally noted this effect on items submitted to the laboratory.

In making the comment I was simply injecting a cautionary note regarding the weight to be placed on the finding of irregular shaped crystals of ammonium nitrate, given the possibility that the residues had been subject to very damp conditions as described in Mr Hall’s report.”¹⁴⁰

The suggestion that water might have altered the structure of any ammonium nitrate left after the explosion was firmly rejected by former British Army EOD officer Nigel Wylde, who told the Inquiry:

“If the ammonium nitrate had been subjected to a dousing it would have dissolved very quickly and would not have been found by Dr Donovan in the quantities he recorded...

I find the suggestion by Mr Walker... to be fanciful, unsupported by experimental evidence and incorrect ... I have never heard of such a conversion in the structure of the ammonium nitrate.”¹⁴¹

Whether or not the thesis advanced by the Northern Ireland Forensic Science Agency is correct, the evidence is that some of the items on which Dr Donovan detected the crystals were dry – in particular, the outer clothes of Jack Rooney. This makes it almost certain that these crystals were formed before the explosion, not as a result of it.

Other ANFO bombs:

It has been suggested to the Inquiry – notably by Mr Hall and his successors at the Northern Ireland Forensic Science Agency – that ANFO was not characteristic of loyalist bombs in the mid-1970s. However, in his report on the bombing of the Three Star Inn, Castleblayney,¹⁴² Dr Donovan again found “considerable traces” of ammonium nitrate, and concluded that the bomb was of the same construction as that used in the Dundalk attack.

‘Blue flash’ effect:

¹⁴⁰ Letter from NI Forensic Science Agency to the Inquiry, 6 July 2005.

¹⁴¹ Letter from Nigel Wylde to the Inquiry, 14 June 2005.

¹⁴² 7 March 1976. See appendix 3.

Witnesses to the Castleblayney bombs reported seeing a blue flash when the bomb went off. A blue flash was also reported by two witnesses to the Dundalk bombing, and by witnesses to other bombings around that time, including

- Farrenlester, Coleraine, 2 October 1975¹⁴³;
- Donnelly's Bar, Silverbridge, 19 December 1975¹⁴⁴;
- the Hillcrest Bar, Dungannon, 17 March 1976;
- Clancy's Bar, Charlemont, 15 May 1976.

In a report for Justice for the Forgotten entitled 'Bombings in the Republic of Ireland, 1972-76', former British Army bomb disposal expert Nigel Wylde, stated:

"The blue flash... is a characteristic of an explosion of ANFO. I have not witnessed the blue effect with any other explosive."¹⁴⁵

The Inquiry sought the views of the Army Ordnance section on this matter, and received the following response from Colonel Dowling, Director of Ordnance:

"Comdt R Lane, Staff Officer Explosive Ordnance Disposal ... has informed me that he considers the presence of a blue flash when ANFO detonates as highly unlikely. If the mix of explosive was saturated with fuel oil there is a possibility of a smoky yellow colour. Blue flame would be typical of copper which is not a constituent of ANFO.

It is possible to see a spectrum of colours when high temperature explosives detonate. ANFO is not a high temperature explosive. There is a possibility that the people in question may have mistaken a white flash on a blue background (such as the sky), which to the untrained eye could appear to be a blue flash. Comdt Lane is a member of the Institute of Explosive Engineers (UK) and addressed your question to the Institute for assistance. They informed him that a blue flash from the detonation of ANFO was not a possibility. The Institute could not recommend literature to support the theory of the blue flash."¹⁴⁶

This information was conveyed to Mr Wylde by email on 7 December 2005, who responded as follows to Comdt Lane's observations:

"I note he feels that an explosion resulting from ANFO would be highly unlikely to be blue. With commercial ANFO made from pure ammonium nitrate and high quality fuel oil I would agree with him. The temperature of the explosion as he states is relatively low and this would mitigate against a blue flash. This assumes the fuel oil added to the ammonium nitrate is either from diesel fuel available for use in road vehicles or from fuel supplied for domestic heating purposes. These fuels were as I recall pink in colour.

¹⁴³ See *Lost Lives*, p.581-82. Four UVF members were killed when a bomb they were transporting exploded prematurely, two miles outside Coleraine.

¹⁴⁴ See above pp.78-92.

¹⁴⁵ 22 May 2002, p.50.

¹⁴⁶ Letter from Col B Dowling, Director of Ordnance to the Inquiry, 15 November 2005.

In the mid 1970s there was a third source of fuel oil and that was marine fuel. In the 1970s and 1980s when, as a keen ocean yachtsman, I was familiar with this fuel it had a blue additive designed to reduce the misuse of this tax free fuel (in the 1970s neither fuel tax nor VAT were payable on this fuel) in domestic and commercial vehicles. In Belfast there was then a lucrative trade in this fuel. The notorious black taxi organisations of both Loyalist and Republican persuasion all had access to this cheap fuel that was readily available from the Belfast Docks. I always assumed this was the main source of the fuel oil used to make up ANFO.

I also agree with Commandant Lane that other chemicals may also have caused the blue colour. He suggests copper as one possible option. I note there is no forensic evidence to support the use of another chemical.

I have attended 22 car bombs where the explosive used was ANFO. Of the 22 six exploded partially or wholly when I was at the scene. I have seen the blue flash described [by the Castleblayney witness] on each occasion. I have spoken to a former colleague who served in Northern Ireland during 1978 and he remembers the effect, although by the time he was involved the incidence of car bombs was much lower than in the mid 1970s.

My evidence only relates to a period 30 years ago. Since that time the way ammonium nitrate has been produced by terrorists has changed, with different characteristics being produced from the purer ground variety that was used from the early 1980s onwards. This is much more efficient and seldom produces a flash as the mixture detonates rather than burning and detonating...

I have reported on what I witnessed of terrorist explosions in Northern Ireland and not what I witnessed under controlled experiments on demolition grounds in England both before and after my time in Northern Ireland. Theory and practice can be very different.”¹⁴⁷

The Inquiry does not have the resources to conduct an exhaustive search on the matter; but all of the above information does seem to indicate that at least some loyalist extremists had access to ANFO during 1975/76. Whether the ammonium nitrate used was pure or recrystallised can not be proven simply from the nature of the flash; but it does imply that the use of ANFO in Dundalk was not a one-off. This is supported by information given to Irish Army Intelligence by British Intelligence sources in April 1976, to the effect that loyalist paramilitaries in Mid-Ulster were husbanding their supplies of commercial explosive by adding ‘chemicals and fertilisers’ to their bombs.

Sources of ammonium nitrate:

In the early 1970s, the primary source of ammonium nitrate for militant groups was from fertilisers. In 1972, the Irish Government introduced secondary legislation designating ammonium nitrate, sodium chlorate and nitro-benzene as controlled

¹⁴⁷ Email from Nigel Wylde to the Inquiry, 8 December 2005.

substances under the Explosives Act, 1875. Similar regulations were introduced in Northern Ireland. Amongst other measures, the ammonium nitrate content of fertilisers was restricted to 79% maximum.

This restriction rendered commercial fertilisers inert. However, ammonium nitrate of sufficient purity to create an explosion could still be extracted from such fertilisers by a process of “re-crystallisation”. Former British Army bomb disposal officer Nigel Wylde described it as:

“... a time consuming process that required the fertiliser to be boiled in a very large container. The ammonium nitrate dissolved and the other substances could be removed from the surface of the water. The dissolved ammonium nitrate was then allowed to re-crystallise and the process repeated... The resulting fumes were detectable.”¹⁴⁸

It is known that the Provisional IRA had the means to do this, and were using large amounts of recrystallised ammonium nitrate from late 1973 onwards. An Irish Army report following a meeting with MI5 on 26 January 1974 stated:

“There is believed to be some kind of a plant in existence in the Republic where Ammonium Nitrate fertiliser is de-neutralised by a re-crystallisation process. The use of this material increased markedly towards the end of 1973. Since 5 May 1973 some 17,590 lbs of nitrate were recovered while and estimated 15,000 lbs were used in explosions making a total of 32,590 lbs for this period.”

As far as loyalist paramilitary groups were concerned, however, the Inquiry has been told by the Northern Ireland Forensic Science Agency that they were not manufacturing recrystallised AN:

“...our records and the collective memories of current employees who worked in the field of explosives investigation around the mid to late 1970s strongly supports the view that loyalist subversives did not use recrystallised or recovered ammonium nitrate; this component of improvised explosives was only recorded as being used by republican extremists. There is some evidence to support loyalist use of a commercial form of ammonium nitrate, mixed with either fuel oil or, more commonly, with sugar and sodium nitrate or potassium nitrate.”¹⁴⁹

Former British Army officer Nigel Wylde, in addition to his period as a bomb disposal officer in Belfast,¹⁵⁰ also served as a regimental intelligence officer in County Armagh from November 1976 until June 1977. In a written submission to the Oireachtas Joint Committee concerned with the Inquiry’s Report into the Dublin and Monaghan bombings, he stated:

¹⁴⁸ Report of former Lt Col. Nigel Wylde dated 5 February, 2001.

¹⁴⁹ Letter from Michael Walker, Chief Executive, NI Forensic Agency to the Inquiry, 3 June 2005.

¹⁵⁰ He commanded No.1 Section, 321 EOD Unit from June-October 1974.

“During this time I was responsible for intelligence collection operations in rural County Armagh (excluding the city of Armagh) from Newtownhamilton to Loch Neagh. No clandestine re-crystallised ANFO manufacturing facilities were found during my time in this role. Further, I can state that no records of any such manufacturing were held in the official records, which started in 1970. I know this for a fact because in early 1977 we started a new system of plotting terrorist incidents to identify trends and this required the collation of all such information held on record.”¹⁵¹

The re-crystallisation process is not technically difficult: the science is easily understood and it requires minimal equipment. But the requirements of space, the fumes associated with the operation, and the need to dispose of unwanted sludge as a byproduct would make it hard to carry out on a large scale without detection.

The Inquiry believes Dr Donovan’s findings are strong evidence that re-crystallised ammonium nitrate was used in the Dundalk bombing. Assuming this was so, that gives rise to the following possible scenarios:

- (1) that a group of loyalist extremists had acquired the knowledge of how to recrystallise AN, and were doing so undetected in some remote rural area of Northern Ireland;
- (2) that a group of loyalists were recrystallising AN with the knowledge and tacit approval of elements of the security forces in Northern Ireland;
- (3) that a group of loyalists had stolen some recrystallised AN from the Provisional IRA; or
- (4) that elements of the security forces in Northern Ireland were supplying loyalists with recrystallised AN from confiscated stocks.

Nigel Wylde has dismissed the first possibility for two reasons:

- (1) No intelligence information came to him concerning any such loyalist operation; and
- (2) The relative ease with which the security forces could patrol loyalist rural areas meant that any such operation could not have remained hidden.

The Inquiry does not believe that these reasons are sufficient in themselves to discount the possibility that loyalist groups might have been recrystallising AN in 1975. In the first place, the information available to the Inquiry suggests that the intelligence information available to Wylde through military channels at that time was not exhaustive. For instance, he told the Inquiry that he was not aware of any information concerning a farm in Mid-Ulster being used by the UVF as a base for bombing operations;¹⁵² but the Northern Ireland Office has confirmed to the Inquiry

¹⁵¹ Additional submission from Nigel Wylde to Oireachtas Joint Committee, 10 March 2004.

¹⁵² Letter from Nigel Wylde to the Inquiry, 6 June 2005.

that this intelligence (which related to James Mitchell's farm at Glenanne) was in the possession of the RUC from as early as January 1976.¹⁵³

As for the need for recrystallising operations to remain hidden; this does not take into account the possibility that the security forces could have been aware of such an operation but refrained from acting against it, either in the interests of gaining further intelligence or because of collusive relationships between elements of the security forces and loyalist paramilitaries. A case in point is James Mitchell's farm, which was known to the RUC in 1976; but was not searched until December 1978, following the arrest of William McCaughey, John Weir and others by CID detectives.

The Inquiry is not saying that Wylde is wrong to believe that loyalists did not have the capacity to manufacture large quantities of recrystallised AN; it is simply that, without more complete information, the possibility that a loyalist group did acquire this capacity cannot be ruled out.

The third possible scenario – that the ammonium nitrate was stolen directly from the Provisional IRA – seems the least likely. The ANFO used by republican extremists would either have been made in the State, or in areas of Northern Ireland where loyalist paramilitaries would be extremely reluctant to go; and the chances of a loyalist group intercepting an IRA bombing team and capturing their explosives must be considered remote.

It should be noted that the statement purporting to come from the Mid-Ulster UDA which assumed responsibility for the Dundalk attack, claimed that the explosives used were "IRA material defused and retrieved [sic] in Belfast."¹⁵⁴ As we have seen, there are doubts as to the authenticity of this document, and the claim to have seized explosives from the IRA is one which would play well with those who supported loyalist violence.

This leaves the possibility of loyalist groups obtaining ANFO from stores of explosives found or defused by the British Army. In relation to the storage of confiscated explosives around the time of the Dublin / Monaghan bombings in May 1974, Nigel Wylde wrote on 15 November 2001:

"In 1974 the Army were consistently recovering large quantities of re-crystallised ANFO each week. This came from finds, interceptions and from defused bombs. In the Belfast area I would estimate that throughout the summer of 1974 we recovered at least 1000lbs of ANFO every week. The other Sections of 321 EOD Unit also recovered similar quantities... The material recovered in this way that was not sent for scientific analysis (very small quantities only) was destroyed on a regular basis. The most common method was to flush ANFO into the drains where it would dissolve. If a large quantity of ANFO together with commercial explosive had been discovered in the Belfast area it would all be taken to a quarry outside the city and blown up. This task was undertaken at least once a week. In Belfast we frequently

¹⁵³ Letter from NIO to the Inquiry, 27 June 2005. If former British Army intelligence operative Colin Wallace is to be believed, knowledge of the farm's UVF connections may date back to 1972: see Report of the Inquiry into the Dublin and Monaghan bombings.

¹⁵⁴ See appendix 1.

received consignments from other parts of the Province because the other Sections did experience difficulties in disposing of their stocks due to lack of resources and time. The key issue was that quantity and type of explosive involved was not recorded. No account ledgers were maintained and no stock takes were ever undertaken. For anybody who had access to the stocks, it would have been relatively easy to accumulate a large quantity of explosives in a very short time. It is impossible for me to say that the entire quantity of explosive collected in Belfast was properly destroyed. I believe it was, but I had no way of confirming this at the time.”

In a later report, he expressed the view that the procedural flaws in how such explosives were accounted for would not have been ironed out by the time of the Dundalk bombings in 1975.

Conclusions:

Clearly, if what Mr Wylde says is correct, then it is possible that some members of the security forces could have supplied loyalist paramilitaries with the explosives necessary to carry out the Dundalk bombing. The Inquiry does not dismiss or underestimate this possibility. But also, it cannot dismiss the possibility that a group of loyalists had acquired the means of recrystallising ammonium nitrate, and did so either with or without the knowledge of the security forces.

Both of these scenarios place a certain level of responsibility for what happened in Dundalk with the security forces in Northern Ireland – at best through an inadvertent failure to clamp down on the source of the explosives used; at worst through deliberate collusion between certain members of the security forces and the extremists who planned and carried out the bombing.

But without further information, the issue of whether collusion took place in relation to the Dundalk bombing cannot be resolved by reference to the nature of the explosives alone.

PART FIVE

CONCLUSIONS

The conclusions of the Inquiry regarding the facts, circumstances, causes and perpetrators of the bombing can be summarised as follows:

1. The bombing of Kay's Tavern was carried out by loyalist extremists, most probably associated with the Mid-Ulster UVF. Some assistance must have been obtained from Belfast loyalists regarding the theft of the bomb car.
2. It is likely that the attack was carried out on the initiative of a group largely consisting of UVF members, possibly without the sanction of the UVF leadership.
3. In light the information available to it and in consideration of John Weir's background and character, the Inquiry accepts Weir's claim that the Dundalk bomb did not come from James Mitchell's farm at Glenanne. However, the Inquiry believes that the attacks on Dundalk and Silverbridge were co-ordinated; that those who carried out the Silverbridge attack came from the 'Glenanne group', and therefore that members of that group must at least have known in advance of the plan to attack Dundalk. Given that the information available to the Inquiry suggests the involvement of some members of the security forces in the Silverbridge attack, this implies that the security forces may or should have known who was responsible for the Dundalk bombing.
4. The facts and circumstances of the bombing lead almost automatically to the suspicion that certain prominent loyalist subversives from mid-Ulster were involved. However, the best efforts of An Garda Síochána and the Inquiry have not obtained the quality of information to found a conclusion that those individuals were involved, even as a matter of probability. Taking into account also that the intelligence relating to the farm of James Mitchell at Glenanne was not included in the intelligence provided to An Garda Síochána in January 1976 by the RUC, a suspicion remains that contemporary actions were designed to limit information relating to security forces collusion in terrorist activity from reaching the public domain, which in turn did nothing to counteract such activity.
5. Without proof as to who was involved in the bombing, allegations of collusion are impossible to prove or disprove. What can be said is the following:
 - (i) The group of loyalist extremists based around Mitchell's farm at Glenanne contained members of the RUC and the UDR, some of whom probably knew of the plan to attack Dundalk; even if they took no part in it themselves;
 - (ii) The security forces in Northern Ireland knew that Mitchell's farm was a centre for illegal activities on as early as January 1976, and probably for some time before that. Yet these activities were allowed to continue unhindered until the arrest of William McCaughey and others in December 1978.
 - (iii) The Inquiry believes that by their attitudes towards loyalist violence and towards violent members of their own forces, some senior members allowed a climate to develop in which loyalist

subversives could believe that they could attack with impunity. However, there is no evidence that senior members of the security forces were in any way involved in the bombing.

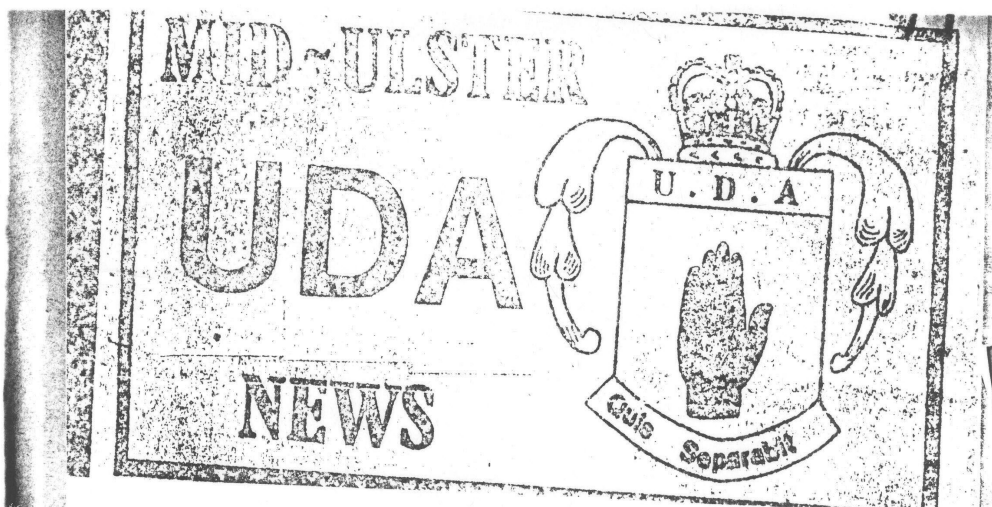
- (iv) Some of those suspected of the bombings – notably Robin Jackson and the Young brothers – were reliably said to have had relationships with British Intelligence and / or RUC Special Branch officers. It is reasonable to assume that exchanges of information took place. It is therefore possible that the assistance provided to the Garda investigation team by the security forces in Northern Ireland was affected by a reluctance to compromise those relationships, in the interests of securing further information in the future.

But any such conclusion would require very cogent evidence. No such evidence is in the possession of the Inquiry. There remains a deep suspicion that the investigation into the bombings was hampered by such factors, but it cannot be put further than that.

6. The forensic evidence is inconclusive, but the nature of the explosives used does suggest a possible link between the perpetrators of the Dublin, Monaghan, Dundalk and Castleblayney bombings.
7. The security forces in Northern Ireland did receive advance warning of an impending attack on Dundalk and this warning was conveyed to An Garda Síochána. The Inquiry has not been able to establish whether the apparent sighting of the bomb convoy leaving Portadown on the day of the bombing was known to the authorities in Northern Ireland before the attack itself took place. In the circumstances, it is impossible to say whether those authorities knew enough to have prevented the attack taking place.

APPENDICES

CLAIM OF RESPONSIBILITY BY 'MID-ULSTER UDA'



19th Dec. 1975.

DEAR SIR,

The bombs at Dundalk and Silverbridge were not intended to cause injury. To this end messages were sent to Mr. McCrory of the Irish Press and the Editor of The Longford Leader. No action was taken and as a result 4 devices had to be removed from sites in Navan, two in Dublin and one in Roscommon, at great personal risk to volunteers, an act not to be repeated.

The responsibility for the deaths and the injuries lies with the journalists mentioned. The explosives used were I.R.A. material defused and retrieved in Belfast. We must insist that the authorities in the South pay special heed to warnings ''.

These attacks were meant to have a four fold effect.

- (1) To demonstrate to the people of the Republic, who have long supported the carnage in the North, how popular a bombing campaign really is.
- (2) As a reminder that in the wake of further I.R.A. violence, initiatives will be taken to seriously damage the Southern economy. These include economic sabotage in all its forms. It is to be hoped that Britain will follow our example in the economic and diplomatic field. Economic sanctions directed against Eire as a result of being able to accommodate the I.R.A. monster, will speedily ensure the elimination of the Beast.
- (3) To remind the people of the Republic of their vulnerability to acts of terrorism and their ambivalence towards it, and that two can play at that game.
- (4) To highlight the visit of the American I.R.A. Chief to Dublin this week and to demonstrate to them what they have achieved so far and the likely consequences for Eire if they are to persist with their activities.

Signed : S. Black.

S.L.R. Black (Captain)
F.N. White (Captain)

BOMBING OF DUBLIN AIRPORT, NOVEMBER 1975

The bombing:

At approximately 1.20 p.m. on Saturday 29 November 1975, a bomb exploded in a cubicle in the gents' toilet adjacent to the public bar on the ground floor of Dublin Airport. An Airport Security Officer who was on duty upstairs at Pier B in the Departure Area, described what happened as follows:

“At about 1.20 p.m. I heard a bang and a scream. I rushed down the stairs and I saw the toilet beside the main lounge in a shambles. I left my hat and coat in the Security Office and I went into the toilets. When I went into toilets there was a man stooping over an injured person on the floor... I did not see any other person injured. I think some person took out a second person that was injured before I arrived. I then took out the injured man with the help of some other person I did not know. As far as I can recollect all the cubicles had collapsed sideways on top of each other and the roof was down on top of them.

I then got a lamp and went back into the toilet and had a quick look in the cubicles but could not see any person in them. When I got back in I got a strong smell of what I think was sulphur and it was burning my throat.”¹⁵⁵

The officer then checked the ladies' toilet on the same floor, before proceeding upstairs to check the toilets on the Mezzanine floor (the floor above the Departure area):

“I first went into the gents' toilet... The first cubicle you meet as you go in the door was locked. I then checked the other two cubicles and found that they were empty. I then came back to the first cubicle to re-check, which I did by going into the second cubicle and looking over the partition. When I looked into the cubicle I saw that there was no person there. I saw one page of a newspaper, rolled from top to bottom, about 6” in diameter. The paper appeared to be loose and it was open at both ends. It was sitting on top of the bowl of the toilet and there was a square toilet pack sitting on top of it. There was what appeared to be bell wire, cream colour, sticking out of one end. It came out in a semi-circle, 1” diameter, and back into the paper. I then climbed back down and left the toilet that I ran down the stairs and I told... the Duty Officer that I had found a second bomb.”¹⁵⁶

The Duty Officer, who then went to examine the find, described the bomb as follows:

“From the nearest open end of the folded newspaper, I saw a plastic bag protruding. About one and a half (1 ½) inches of this bag was visible and it contained a white substance. At least two thin yellow wires protruded and were wrapped once or twice around what appeared to be the neck of the plastic bag. I got the impression that the plastic bag was about 3 1/2 “ wide. The

¹⁵⁵ Statement of Edward Balfe, 29 November 1975.

¹⁵⁶ Ibid.

dimensions of the total object would be fourteen inches long by about 4 ½ inches wide. I decided to treat the object as a bomb and... left the scene immediately.”¹⁵⁷

He returned to the Arrivals floor and warned the crew leader of the device. A few minutes later, at 2.07 p.m., the device exploded.

The victims:

The only person to be killed in the explosions was **John Francis Hayes**, 38 years old, married, from Balbriggan, Co. Dublin, who was in the toilet on the Arrivals floor when the first bomb exploded. Owing to the delays caused by the evacuation of the building, the discovery of the second bomb, the examination of the area for any further devices by Army EOD personnel and the clearing of rubble; the body of Mr Hayes was not discovered until 6.40 p.m.

Five persons who were in the toilets on the Arrivals floor at the time of the first explosion were injured, though not seriously. Another three, who were transit passengers to New York, received slight injuries, but were nonetheless able to complete their journey.

Eyewitness evidence:

It seems that no one saw the bombs being planted. The toilets on the Arrivals and Mezzanine levels were last cleaned at 12.57 p.m. and 11.45 a.m. respectively, so it is assumed that the bombs were left there subsequent to these visits.

A number of witnesses described persons in the Terminal Building before the explosions, whose behaviour they considered to be suspect. These statements were followed up by Gardaí, but to no avail.

Four witnesses who had travelled from Dublin to London described a fellow passenger who had seemed very nervous during the flight. Gardaí identified and interviewed this man, who admitted obtaining his flight ticket in his younger brother's name in order to avail of a youth economy fare. Gardaí also interviewed another brother of the man in London, and met with policemen who had been on security duty at Heathrow Airport at the relevant time. In the end, Gardaí were satisfied that the man in question had no connection to the bombings or to any subversive organisation.

Another witness had used the toilets where the first bomb was situated just minutes before the explosion. There was another man there who left just as the witness came in.

“He appeared to be fumbling with the front of his jacket coat. The man did not carry any case, parcel, paper or other object... The man walked out of the toilet and as he did so I completed my toilet and I followed him out almost

¹⁵⁷ Statement of Arthur Coughlan, 6 December 1975.

immediately. He was gone out the door when I came out and I did not see where he went. I did not see him again.”¹⁵⁸

The witness gave a description of the man he saw, but Gardaí were unable to trace him.

A cleaner saw a girl of about 18/20 years in a toilet on the Departure floor at about 12.40 p.m. She was squatting near the sink, with an overnight case on the floor in front of her. The cleaner noticed that there was a newspaper in the case and that something appeared to be wrapped in it:

“I went into one of the cubicles and was there for about two minutes. This lady was still in the same position when I came out of the cubicle... She kept watching me... I washed my hands and she was still watching me. She never moved from the same position. I left the toilet then and the lady was still there. This was about 12.45 or 12.50 p.m.

I only went about 3 or 4 steps out of the toilet when I remembered that I had forgotten my duster. I went back in immediately and when I went back she was still in the one position and she still had the case slightly open. I watched this woman for about three minutes as I thought she was going to dump rubbish in the bin out of the case. I pretended to be cleaning the toilet so that I could watch her. When I came in the second time to the toilet she dropped the lid of the case very carefully. In all this time she never stood up. There was nobody only this lady and I in the toilet on both occasions. I then left the toilet and she was still there in the same position. It would have been about 1 o'clock at this stage.”¹⁵⁹

The witness gave a description of the girl to Gardaí, but to no avail:

“Despite every effort to trace this unknown girl she yet remains unidentified. Photographs portraying a girl model of similar appearance and dress to that described by the witness were prepared and shown to selected witnesses with negative result.”

The investigation report concluded:

“While the behaviour of this unknown girl does require explanation, investigations have not at this stage produced any evidence to suggest that she was involved in the commission of the crime. The two explosions occurred on the Arrival and Mezzanine floors and the Departure floor area was untouched.”

¹⁵⁸ Statement dated 20.12.75.

¹⁵⁹ Statement dated 7 December 1975.

Suspicious vehicles:

In the period immediately following the explosions, information was received concerning a yellow Triumph Spitfire car with a Northern registration which was observed in the vicinity of the Airport prior to the incidents. The car was subsequently traced, and found to have been driven to Dublin Airport by the owner and her boyfriend. Gardaí were satisfied that “both persons have satisfactorily accounted for their presence at the Airport on that date.”¹⁶⁰

At 5.30 p.m. on the day of the bombing, the Garda Communications Centre sent a telex concerning another vehicle to Commissioner ‘C’, C3, all stations and the RUC. It read as follows:

“Information received at this center re above:

At 1130 hrs 29/11/75 a beige Morris Minor, old type was seen driven around the car park at Dublin Airport. There was ample parking but the car circled and drove away.

Driver: male, long dirty dirty brown hair, wearing an open-neck blue sleeved pullover.

Bring to notice of all members on checkpoints, and to divisional and district officers.”

This car is not mentioned in the investigation report. The Inquiry does not know if any further inquiries were carried out in this regard.

An incident room for the investigation was set up at Ballymun Garda Station. On 10 December 1975, a telex was sent to all stations as follows:

“The following vehicles were seen on 28/11/75 and 29/11/75 false plates

- (1) WMA-399M, Datsun 180B, Yellow colour, seen at Dublin Airport on 29/11/75. Enquiries to Chester police reveal that this reg no was allocated to a white Marina car.
- (2) FFW-624D, Mini, green colour, seen at Dublin Airport on 29/11/75. Enquiries by Lincolnshire police reveal that this reg. No. was allocated to a blue Hillman Minx deluxe.
- (3) VVT-859L, green coloured Minivan or comer Minibus seen at Slane on 28/11/75. Enquiries by Staffordshire police reveal that this vehicle is owned by a man living in Stoke-on-Trent and the vehicle has not been out of England recently.”

The first car, WMA 399M, was subsequently eliminated from inquiries.

A second telex, also sent on 10 December 1975, stated:

¹⁶⁰ Investigation Report, 5 April 1976.

“The investigation unit at Ballymun station are anxious to trace the under described vehicle which was seen at Dublin Airport on two occasions prior to 29/11/75 namely on 27/11/75 and 28/11/75.

White Triumph Spitfire ---600E. The initial letters of the reg no are not known.

It is requested that a special look out be kept for this vehicle and if intercepted name and address of owner / driver to be taken and verified and information passed to incident room, Ballymun.
Please insert in Fogra Tora pt 1.”

There is no indication of any result from these inquiries.

Forensic evidence:

Dr James Donovan, forensic scientist at the State Laboratory, reported as follows:

“On the 5th and 15th December, 1975 I received from Detective Sergeant T. Jones and Detective Garda M. Niland the clothes of the victim of the explosion and debris from the surface of the body. I also received debris and rubble from the both sites at the Airport...

I found traces of nitroglycerine, nitrocellulose on the clothing and also blackened prills of Ammonium Nitrate. (A prill is a very small round ball about the size of a pin head). The aforementioned chemicals are found in high explosives of the gelignite type...

I also found traces of nitrated esters and ammonium nitrate on the debris from the downstairs toilet and these indicate an explosive of the gelignite type.

When I examined the debris from the upstairs toilet I detected nitroglycerine, nitrocellulose and prills of ammonium nitrate among the debris particularly from a plastic bag of rubbish marked ‘Upstairs Toilet’. The debris examined consisted of newspaper, toilet paper, wood, wires, ceramic ware, fiberglass padding, sanitary fittings and plastic material.

The finding of nitroglycerine, nitrocellulose and prilled ammonium nitrate at the site of both bombs would indicate that an explosive of the gelignite type was used such as Frangex or Open Cast Gelignite. To detonate such a gelignite explosive it would be necessary to attach wires, a detonator, a watch or clock and a battery to it. These objects would be so close to the explosion that they would be completely shattered and one would not find them in the resulting debris.

Gelignite explosives with timing mechanisms attached are widely used terrorist devices and are referred to as sausage bombs as the explosive is normally packed in a rather narrow white plastic sleeve. These bombs are

further classified according to weight, that is a 2 lb. Or 3 lb and a popular type in this part of the world is the 5 lb sausage.”¹⁶¹

Claims of responsibility:

The following statement was issued to the Press Association, Belfast on the morning of 1 December 1975:

“The Military Command of the UDA wish it to be known that it’s Belfast Brigade were responsible for the explosion at Dublin Airport. The action was taken in retaliation for the murder of members of the Security Forces by the PIRA operating unhindered from the haven of the Republic with the blessing of the Dublin Government.”

Intelligence information:

According to the investigation report, confidential information was received that students from Trinity College, Dublin were responsible for the bombing.

“[This] was followed up, but nothing to substantiate this was forthcoming. Likewise, information from the same source that there is a unit of Loyalist students at Trinity capable of using explosives in the Republic could not be substantiated. It is true that quite a number of students at Trinity are from Northern Ireland, but from information available none of them are involved with Loyalist subversives...”

Similar information to this was received after the May 1974 bombings in Dublin, with the difference that in that instance individuals, supposedly students in Trinity were named...”

In a letter dated 16 January 1976 from RUC Headquarters, Assistant Commissioner Larry Wren (C3) received the following information concerning possible suspects for the Dublin Airport attack:

“We have received a report from a source considered to be reliable to the effect that the two bombs which exploded at Dublin airport on 29 November 1975 were made by [Suspect J]... Belfast, who uses watches for timing devices. One of those involved in the planting of the bombs is reported to be [another named loyalist from Belfast, hereinafter referred to as Suspect N].

[Suspect J]... was known to be explosives officer on the former UVF Brigade Staff. His services are known to be valuable to the present UVF Brigade Staff. After being interviewed on 30/31 October 1974 he was described as being “a free talking person with a lot of political ideals but unlikely to be helpful.” He is described as being 5’9” tall; heavy build; rectangular face; fresh complexion; dark brown hair; blue eyes; burn scar on left elbow;

¹⁶¹ Report of Dr James Donovan, date unknown.

Tattoo marks: Rt arm – ‘True Love’, ‘Sylvia’ and blue bird.
Lt arm – ‘Mum’, ‘Dad’ and blue bird.

[Suspect N]... was a member of the former UVF Brigade Staff. He was detained on 19 September 1973 as a suspected terrorist and released on 4 September 1974. On 2 August 1975 while in Scotland was served with an exclusion order signed by the Home Secretary and returned to Northern Ireland on the same day. He is still considered to be a dangerous member of the UVF. Described as being 6’0” tall; sturdy build; round face; ruddy complexion; black curly hair turning gray; brown eyes (photograph enclosed).”

Further inquiries:

The investigation report on the bombing was submitted by Supt Maurice Connor on 5 April 1976. It concluded:

“Bearing in mind the lack of physical evidence to suggest the origins of the bombs used, it can only be assumed at this stage that some organization from the North, such as the UDA were responsible for this act...”

Any further information that may come to light in the future will be forwarded immediately.”

On 19 January 1977, the Deputy Commissioner’s Office wrote to the Superintendent of ‘H’ District, Santry, enquiring if there had been any further developments in the case. The reply dated 24 January was in the negative. A further memo from the Deputy Commissioner’s Office simply stated: “Please report again in the event of developments.”

It seems that no further developments took place.

ATTACK ON THREE STAR INN, CASTLEBLAYNEY, 7 MARCH 1976

At about 8.22pm on 7 March 1976 a car bomb exploded outside the Three Star Inn on West St., Castleblayney. One man was killed and another twenty-six people were injured. Extensive damage was caused to the Three Star Inn and in the immediate vicinity.

THE VICTIM:

Patrick Mone, 56, was a farmer who lived in Tattinclave, Castleblayney, Co. Monaghan. He and his wife Anna had been married for six and a half years. On the evening of the bomb attack, they drove a friend into the town to enable her to catch a bus. Arriving at about 8.05 p.m., Mr Mone initially parked his car across the street from the Three Star Inn, but later decided to move to a space beside the bomb car – apparently so they could get a better view of the bus' approach route. At about 8.20 p.m. he stepped out of the car to see if the bus was coming. His wife and friend remained in the car. About two minutes after he left the car, the explosion occurred. Anna Mone described what happened:

“A very short time after Packie got out of the car I saw a blue flash which seemed to light up the place and then heard a very loud bang. The car was turned over on its left side and shattered glass came in on top of us. The street went into darkness and the car was filled with smoke and dust. I thought at this stage that we might be smothered. When the dust began to clear I saw that the windscreen was smashed and I got out through it.

I remembered that Packie had been standing beside the car and I went to see where he was. He was lying beside the car with his feet facing towards the footpath... he was still breathing.”

The sound of the explosion brought a large crowd onto the street. Anna Mone was taken to a friend's house and later to Monaghan Hospital, where she learned that her husband had died in the ambulance taking him to hospital.

EYEWITNESS INFORMATION:

Possible sightings of the bomb car:

The car in which the bomb was contained was a metallic blue Cortina Mark III 1300XL, registration number CIJ 3935. The owner, a man from Co. Antrim, stated that his car was stolen between 10 a.m. and 4 p.m. on Saturday 6 March from the Shankill Road, Belfast; close to his place of work. He reported the theft to Tennent Street RUC station at around 4.15 p.m.

In the course of their investigation, Gardaí received information that a woman from Armagh had seen the bomb car being driven out of a car park in Portadown on Saturday afternoon, the day before the bombing. The witness asked a friend to pass on the information to Gardaí, but stressed that under no circumstances were members of the RUC or An Garda Síochána to call on her. She promised to call to Castleblayney Garda Station, but at the date of completion of the Investigation Report, had not done so. It is regrettable that according to Garda records, this lead was not followed up any further.

Another possible sighting of the bomb car took place at about 4 p.m. on Sunday, the day of the attack. The first witness, who was visiting a house in the Creighanroe area on the main Keady-Castleblayney road, noticed two cars parked on the road, both facing towards Keady:

“One of these cars was a white colour, fairly big... The other car was a blue colour, a big car, colour like the patrol car. I do not know the make of any of these cars. There were only two persons – both drivers. One of these came from the railway line and got into the white car and the other person who was standing on the road got into the blue car and drove off towards Keady. The man that came off the railway line was not carrying anything. I think he was wearing something white. There was nothing suspicious-looking about them. From the time I seen these two cars first and until they moved off it would be ten to fifteen minutes.”¹⁶²

Another witness in the area at the time gave a slightly different version of events. In her account, there was only one car parked on the road at first: she described it as ‘fairly big’, silver-grey in colour, make and registration number unknown.

“I then saw a man walking out from the ditch at the railway line and around the back of this car and he got into the driver’s seat. As this man walked out from the ditch a whitish car came from the Castleblayney direction and it stopped immediately behind the other car. This car seemed to me to be the same shape as an A.1100 but it seemed to be a bit bigger. I cannot give any further description of these cars.

The occupants of these two cars did not converse with one another. About a minute after the man got into the first car both cars drove off in the Keady direction.”¹⁶³

The witness put the time at which this occurred as being around 4.30 p.m.

The earliest reliable sighting of the bomb car in Castleblayney itself was at 4.25 p.m. The witness in question saw a blue Mark III Cortina parked outside the Three Star Inn at that time:

¹⁶² Statement to Gardaí, 22 March 1976.

¹⁶³ Statement to Gardaí, 23 March 1976.

“It was faced in towards the door at an angle. There was a red number plate on the rear of this car and the numbers were painted on in black, dull, flat lettering. The letters read JBI and the figures were 3-9. there was a 5 also in the number but I could not say where it was placed. I realized at the time that this was an incorrect number. I considered the car to be old for a JBI as we had a car Reg. No. IBI... which was a 1971 car...

The booth and the back window were filthy. The right side also was visible as it was parked slanted... This side also appeared greyish and dirty and I think there was a white stripe along the side.”¹⁶⁴

The Garda investigation report concluded that her evidence was reliable, stating:

“The description of this car as given by her would certainly appear to be the bomb car, although some people... have said that there was no such car parked outside the Three Star Inn at the time stated by [the witness]. It should be noted, however, that the account given by [the witness] for that day has been checked out and found to be accurate in almost every detail. Therefore, it might be accepted that [she] is quite right in saying that this car was in fact parked there at the time stated by her.”¹⁶⁵

Although the correct registration number for the car was CIJ 3935, it seems that the registration plates had been altered, using paint and black adhesive tape. The above witness' recollection of the number was echoed by a man who saw the car at 7 p.m., on his way into the Three Star Inn. His description of where the car was parked matches that of the earlier witness, and he noted the registration number as JBI 3593, painted in black lettering on a red background. He too thought the number suspicious:

“I knew this was an incorrect number with the four figures after the Monaghan Reg. No. I mentioned to my father that the car was funny. I walked over past the car to go in the front door and I looked in and I saw that there were personal belongings in the car... I looked back as I went in the door and I saw the same type of red number plate was on the front... The number was also JBI 3593.”¹⁶⁶

Further confirmation came when Gardaí searching through the wreckage found a portion of a number plate which was maroon in colour, with portions of black tape on it.

There were a number of other sightings of a blue Cortina outside the Inn at various times between 4.30 and 8 p.m. These witnesses could not provide much detail in their observations, but Gardaí were satisfied that the bomb car was the only blue Cortina that could have been seen parked outside the Three Star Inn as described by these witnesses.¹⁶⁷

¹⁶⁴ Statement to Gardaí, 9 March 1976.

¹⁶⁵ Garda Investigation Report, 24 March 1976.

¹⁶⁶ Statement to Gardaí, 8 March 1976.

¹⁶⁷ Investigation Report, 24 March 1976.

Other suspicious vehicles:

At about 6.15 p.m., a driver saw two cars passing through a junction about two miles outside Castleblayney, on the main Keady-Castleblayney road. He described them as follows:

“1) Blue car: It was a wide car and long, low to the ground at the back, and seemed to be well worn. It was not all that clean looking, a bit dull... I took it to be a Cortina...

2) The off-white car: I cannot give the make of this car. It was coloured between white and cream. There were three men seated in the back of it, but even so the rear was high off the ground... The rear number plate was yellow with black figures.”

He followed these cars into Castleblayney:

“As far as I could see there was only one man in the blue car, the driver. The two cars were travelling at 50 m.p.h. steady when I caught up to them, and driving very close together.”

On arriving in the town, the witness lost sight of the cars until he came onto Main Street:

“There I saw the off-white car stopped in the street. I would put its position dead centre between the two doors into the Three Star Inn. It was parked well out on the street, at least the width of one car out... I came up behind it... and I knew it was the car I was behind coming in the road. The three men were still in the back of it and the driver was seated in the driver’s seat. The front passenger door was wide open. It looked as if this car was letting someone out or picking someone up. The four men in the car were not making any move to get out, they seemed to be waiting.

I did not see the blue car, but it could have been parked inside the off-white car or it could be stopped anywhere in the town. I did not look at the cars that were parked nose to the kerb outside the Three Star Inn or any of the cars on the side of the street.”

On 14 March, the witness was shown a large fragment of the bomb car. He had no doubt that it was the same colour as the blue car he saw travelling to Castleblayney.

If the bomb car was in place at 4.25 p.m., as seems to be the case, then it cannot have been seen by this witness. It is possible that the two cars seen by him were the same cars seen driving towards Keady at around 4.30 p.m.; but without better descriptions of the vehicles this could not be established.

Gardaí also received information from a confidential source that at approximately 5.50 p.m. on the evening of the attack, two cars were seen parked on the road side between Annyalla and Creighanroe crossroads. This road joins the main Keady – Castleblayney road about seven miles out from Castleblayney. The Investigation Report stated:

“The cars were described as (1) a dirty white Hillman Hunter with Northern Ireland registration plates; the rear plate was yellow and of the new type. The second car was referred to as a Ford Cortina and was not better described. It was stated that there were a number of people standing around the cars.”

The Report continued:

“Despite numerous approaches the informant would not reveal the identity of the person who saw the two cars and local enquiries yielded no further information.”

Having regard to the description of the two cars and the time and location at which they were observed, there is good reason to believe that they were the cars seen by the witness who followed a white and a blue car into Castleblayney at around 6.15 p.m. Police carried out extensive enquiries in the area where the cars were seen, but no further sightings were reported.

A search of the roadside between Annyalla and Creighanroe resulted in the discovery of some items of possible relevance to the bombing. The Investigation Report stated:

“At Lisnagrieve Crossroads two pieces of red coloured adhesive tape each approx. 6” in length was found. This tape was similar to the red adhesive tape used to keep wire in position on the face of the clock used as the timing device for the explosion. A short distance further on the same road towards Annyalla was found a blue strip of light cardboard the same width as the red adhesive tape and believed to be the spool end of the roll of tape.

About one mile further on along the roadside and near Annyalla Crossroads on the main Monaghan / Castleblayney road was found a piece of cardboard box heavily stained with a brownish coloured paint resembling the paint used on the false registration plates on the bomb car.”

THE FORENSIC INVESTIGATION:

Members of the Garda Technical Bureau arrived at the scene at 2.30 a.m. on the morning of 8 March 1976, and commenced a technical examination. Samples of debris from the bomb car and surrounding area were collected and delivered on 9 March to Dr James Donovan for forensic analysis.

The search of the scene resulted in several significant finds: the first was an alarm clock, almost certainly used as a timing device for the bomb. According to handwritten notes made by D/Garda Colm Dardis, Ballistics Section, the clock was a ‘Baby Ben’ type – as was the clock used in the Dundalk bombing. A wire was stuck to the face with red tape, with the bared end of the wire sticking out at the 6 o’clock position, about ¼ inch from the center of the clock face.

Also found was an Exide PP7, 9 volt battery with a piece of wire soldered to its negative terminal.

The third significant find was a fragment of a false number plate that had been on the bomb car. It was described as follows by D/Garda Dardis:

“Portion of car number plate. Old aluminium type.
Holes on it as if plastic raised type letters & figures had been removed.
Purple / maroon paint on back.
[?? Illegible] handpainted dark maroon. Raised edge on sides painted black.
Letters were plastic tape type black outline looked like JHI . 3
H could be a B. Outline of old number what could be a 9 in front of 3.”

These items were given to the Fingerprint Section for examination.

None of the exhibits from the investigation would appear to be available today. The files in the Technical Bureau seen by the Inquiry contained only the forensic reports.

Fingerprints:

Detective Garda Niall Heron, Fingerprint Section, took possession of a number of objects from his examination of the bomb scene. He described them as follows:

- “1) Portions of a metallic blue Ford Cortina which was in fact the bomb car. I had these conveyed to Dublin. I subsequently handed over possession to D/Garda C. Dardis.
- 2) Particles of newspaper which were stuck to the driving seat of the aforementioned car and also some particles of newspaper burned and charred which were on the ground adjacent to this car. Technical examination of these for fingermarks proved negative.
- 3) Portion of car number plate, maroon colour with ¼” black surround with portions of black taped numbers. I technically examined this object and handed it over to D/Garda C. Dardis.
- 4) A broken portion of a car interior mirror and a tin of dark blue colour paint spray. These articles were found in the vicinity of where the bomb car had been parked. Identifiable fingermarks were developed on both of these items.”

D/Gda Heron also examined the alarm clock and another portion of number plate for fingerprints, but with negative results.

The Investigation Report concluded:

“Enquiries are continuing in this regard, and the finger and palm prints of known UDA and UVF personnel will be requested for comparison purposes through Commissioner C3... The result of any further enquiries will be communicated to you in due course.”

There is no record of any comparisons having been sought at the Technical Bureau. Recent Garda enquiries have established that there are no records in Northern Ireland either on this issue.

Photographs:

As well as photographing the scene, Detective Sergeant Michael Reilly took photographs of the battery, the clock portion, a number plate fragment and of the fingerprints found on the car mirror and blue paint tin. None of these photographs appear to be available today.

Army Explosives Ordnance Disposal (EOD):

The site was also inspected by Captain Rory Kelleher from the Army EOD section. He reported as follows:

“The car was placed directly outside the pub with its front facing inwards. The bomb was in the boot of the car...

One man died as a result of the explosion. The indentation on the road was slight, about three (3) ins. It was difficult to see the internal damage to the pub as the front had been boarded up. 25-30 cars in the area had had their glass broken. Windows in houses to a distance of 450 ft had been broken. This would indicate that approx 100-150 lbs of explosive had been used. I was informed by local military personnel that the smell remaining after the explosion was that of commercial explosive and not that of home made mixes. The bomb car did not burn out, some seat filling was still to be seen.”¹⁶⁸

Forensic analysis:

Dr Donovan gave the first of two reports on 23 March 1976, stating:

“On 9th March I received from D/Garda C. Dardis debris from the area of the explosion at Castleblayney. This debris consisted of samples of the surface of the bomb crater, twisted pieces of metal, foam rubber from car seats and general dirt.

I analysed the debris for explosive residues and found a faint trace of nitrated esters, traces of diesel oil and considerable traces of Ammonium Nitrate. These residues indicate that the bomb was homemade involving a mixture of Ammonium Nitrate and diesel oil and this explosive mixture was detonated by a charge of high explosive gelignite such as Frangex.

However, the traces of explosives are less than those found after other recent bomb explosions and would suggest an efficiently made homemade bomb. It

¹⁶⁸ Report of Capt R. Kelleher, 11 March 1976.

must also be noted that the residues found are not inconsistent with a purely gelignite bomb if the diesel oil found is ascribed to wrecked car engines. But I have usually found nitroglycerine and more of nitrated esters after a straight charge of gelignite.

The bomb of oil and ammonium nitrate is widely used as a terrorist device with the ammonium nitrate being extracted from the fertiliser, calcium ammonium nitrate. The fertiliser contains about 75% ammonium nitrate and 25% calcium carbonate and the actual percentages vary according to production conditions in the factory but the AN does not go below 73% and cannot legally go above 79%. This fertiliser is sold in this country as CAN or NET Nitrate by Nitrigin Eireann from Arklow or Nitro-chalk by ICI. CAN from Arklow is sold as Nitro-calcium in the North.

This bomb would be the same as that used in Dundalk but the Swanlinbar bomb, while using the same ingredients, differs significantly in two respects:

- 1) Prilled ammonium nitrate was used.
- 2) It was a dirty bomb in that considerable traces of all the constituents remained after explosion.”¹⁶⁹

Dr Donovan’s second report concerned items received by him on 26 March 1976. These consisted of the tape and cardboard fragments found at Lisnagrieve Crossroads, together with fragments of the false number plate found at the bomb scene. He reported:

“I compared the three pieces of tape found at the site of the bombing with two pieces found at Lisnagrieve. From a consideration of colour, width and thickness the tapes found at both locations are the same. Two pieces of tape found at the bomb site could be linked by a physical fit of out ends and so also for pieces found at Lisnagrieve. Unfortunately it was not possible to find a link between both sites on the basis of the out ends of the tape.

I compared the paint on the cardboard found at Annyalla with the paint on the number plate. Due to the fact that the paint on the cardboard had soaked well into the fibre there was a limit to the number of tests possible. But I did find that the paint on the cardboard had the same dye-stuff and bonding medium as the paint on the number plate and a similarity between both is indicated.”¹⁷⁰

INTELLIGENCE INFORMATION:

On 13 March 1976, Gardaí searched the homes of a number of people in the Castleblayney area who were suspected loyalist sympathisers. They also searched_a

¹⁶⁹ Statement of Dr J. Donovan, 23 March 1976. The Swanlinbar explosion referred to is most likely 14 February 1976. See appendix 7.

¹⁷⁰ Report of Dr. J. Donovan, 7 April 1976.

number of homes of well-known Provisional IRA sympathisers. Nothing of an incriminating nature was found in any case.¹⁷¹

However, the Investigation Report contained additional information about two of the loyalist sympathisers whose houses were searched. The two men (referred to hereinafter as Suspect O and Suspect P) lived close to one another in Castleblayney. The Report stated:

“Recently, in company with... [Suspect P], [Suspect O] was seen parked in vicinity of Castleblayney Garda Station, observing the movements of members leaving and entering the station. He was interviewed at Castleblayney Garda Station concerning this incident.

On Saturday night following the massacre of ten Protestants at Bessbrook, [Suspect O] and [Suspect P] were seen in the vicinity of the Three Star Inn. Two local PIRA men left the bar and [Suspect O] and [Suspect P] were seen to observe their movements. On this night [Suspect O] car was stopped and searched by Gardaí.”¹⁷²

According to Garda intelligence files, Suspect P and Suspect O were known to associate with another loyalist sympathizer from Keady, Co. Armagh (hereinafter referred to as Suspect Q). All three men were suspected of collecting information in the State on behalf of loyalist elements. Gardaí also received confidential information which may indicate a link between the sightings of these men in Ballybay and the attack on the Three Star Inn. A report dated 31 March 1976 and headed ‘UDA Activities’ stated:

“Confidential information received indicates that prior to the car bomb explosion in Castleblayney on the 7th inst. a proposition had come before the UDA Command Structure in Belfast seeking that two specific targets in the Republic should be made the subject of attacks by that organisation. The targets named were the Three Star Inn, Castleblayney and Riverdale House Hotel, Ballybay.

The proposition is alleged to have originated in Newtownhamilton and passed through the Portadown structure of the UDA. It is believed that the proposition was examined by Andy Tyrie of the UDA and was rejected as contrary to UDA official policy. The information indicates that the car bomb in Castleblayney was carried out by members of the UDA without official sanction or approval.”

A later report to the Chief Superintendent, Monaghan headed “Loyalist Activities – Cavan / Monaghan division”, gave the following information concerning Suspect O and Suspect P’s activities:

“On the 5th February 1976, [Suspect O] and [Suspect P] were noted by a Garda sitting outside the licensed premises of Vincent McAvinney, Main St.,

¹⁷¹ Investigation Report, 24 March 1976.

¹⁷² Investigation Report, 24 March 1976. The killing of the ten Protestants (known as ‘the Kingsmill massacre’) took place on Monday, 5 January 1976.

Ballybay. They were kept under observation and remained there from 10.30 p.m. to 11.10 p.m. when they moved their vehicle and parked it outside the licensed premises of Michael Lynch, also situated at Main St, Ballybay. They left Ballybay at 11.30 p.m...

On the 6th February 1976, [Suspect Q] was observed seated in a car on Main St. Ballybay, at 9.30 p.m. He left shortly afterwards.

On the 11th March, 1976 [Suspect Q] was stopped at a Garda checkpoint while coming into Ballybay from the Castleblayney direction.

On the 13th March 1976 [Suspect O] and [Suspect P] were stopped at a Garda checkpoint while coming into Ballybay from the Castleblayney direction.

On the 21st March 1976 [Suspect P] was stopped at a Garda checkpoint at Clones Road, Ballybay. He was coming from the Clones direction.

On each occasion that the subjects were stopped... when questioned by the members on duty they did not appear to have any legitimate business in Ballybay and stated that they were out for a spin.”

The report continued:

“[Suspect Q], [Suspect O] and [Suspect P] have also been noted on occasions parked in the vicinity of licensed premises frequented by members of the PIRA and their associates in Castleblayney. It is suspected that they may have passed information to loyalist extremists which resulted in the planting of a bomb at the Three Star Inn, Castleblayney on the 7th March 1976.”¹⁷³

The Investigation Report on Castleblayney also mentioned two known loyalists from the Whitecross area of County Armagh, hereinafter referred to as Suspect R and Suspect S. These men were said to visit Castleblayney frequently. They too were suspected of gathering information on the movements of Provisional IRA members in the locality and passing that information on to loyalist paramilitary groups.

Suspect R and Suspect S were arrested at a checkpoint on the Keady-Castleblayney road on the night of 19 March 1976. They were taken to Monaghan Garda Station and interviewed at length, but no useful information was obtained. Both men were asked about their movements on 7 March, the day of the bombing. Suspect R said he was at his mother’s house from 1.30 until 4.30 p.m., and then he visited the home of a named woman in Castleblayney until 6.45 p.m.¹⁷⁴ He then drove with a female friend to McNally’s pub in Clontibret where they remained until 10 p.m. The Investigation Report stated that his story had been checked and verified “as far as possible.” Suspect S stated that he spent the entire day at home. This could not be verified. Statements were taken from both men and they were fingerprinted and photographed.

¹⁷³ Report of Supt D.S.Kavanagh, date stamped 18 June 1976.

¹⁷⁴ The woman in question was one of those injured in the bombing. According to her statement, she had left her house at about 8 p.m. and gone to the Three Star Inn with her brother-in-law. There was no mention of any visitors to the house in her statement.

As to possible reasons why the Three Star Inn might have been targeted by loyalist subversives, the Investigation Report stated that under its previous owner, the pub's customers had consisted almost exclusively of people from Northern Ireland, and a number of Provisional IRA functions had been held there, including celebrations for prison escapees.

No Provisional IRA functions had been held in the pub since it changed hands in 1975, but local Provisional IRA members were known to drink there occasionally.

THE INVESTIGATION REPORT:

The Investigation Report into the bombing of the Three Star Inn was completed on 24 March 1976, and signed by Supt D.S. Kavanagh. It was accompanied by a copy of the post-mortem report on the deceased, and by sixty-five statements from witnesses, Gardaí and Dr James Donovan, forensic scientist.

Having outlined the evidence accumulated during the investigation, the report stated:

“Under the circumstances, the only conclusion one can come to is that someone from Northern Ireland was responsible for this outrage.”

However, no conclusion or opinion was offered as to which particular subversive group might have been responsible for the attack.

FURTHER INQUIRIES:

In a statement dated 3 January 1999, former RUC Sergeant John Weir claimed to have information that the Castleblayney bombing was carried out by a fellow RUC officer, Laurence McClure and a UDR officer, Robert McConnell. He said the explosives were provided by a named UDR officer and were stored in James Mitchell's farmhouse at Glenanne before the operation.

In a later statement made to An Garda Síochána (dated 15 April 1999), Weir stated:

“I wish to refer to my statement of the 3/1/99 paragraph 13(vi) where I mention a bomb in Castleblayney in March 1976. I am 100% sure that the bomb was made at Mitchell's farm in Glenanne. I know that [a named UDR officer] supplied the explosives. Laurence McClure and Robert McConnell, UDR Sgt., Newtownhamilton planted the bomb. I cannot remember exactly who told me but it was common knowledge among my group.”

The background to Weir's allegations and the subsequent efforts of both the RUC and An Garda Síochána to investigate the truth of those allegations were considered in detail in the Inquiry's Report into the Dublin and Monaghan Bombings of May 1974.

ATTACK ON THE MIAMI SHOWBAND, JULY 1975

THE ATTACK:

On 30 July 1975 the Miami Showband played a gig at the Castle Ballroom in Banbridge, Co. Down. One of the most successful bands in the country, they had played at various places in Northern Ireland on numerous occasions, and were well-known on both sides of the border.

In the early hours of the morning, five members of the band left the town and headed towards the border in a minibus, driving along the main north-south road towards Newry. Most of the band's equipment had gone on already in another van, driven by their road manager.

Some time around 2.30 a.m. on the morning of 31 July, the band's minibus was flagged down by a group of armed men wearing army-type uniforms and waving a red torch in circular motion – the standard practice for mobile vehicle checkpoints. The driver assumed that it was a legitimate checkpoint, and pulled over into a lay-by. When he did so, a car which had been driving behind them also pulled in.

The band members were told to stand outside the van with their hands on their heads, facing the field beside the road. A number of armed men were in the vicinity of the minibus – perhaps as many as ten, though other accounts suggest between five and seven. Some at least of these were dressed in what gave the appearance of being military uniform.¹⁷⁵ Some were wearing berets. One of the survivors recalled the van driver as saying that he had the impression they were British Army, not UDR soldiers.

The band members were asked for their names and addresses, while some of the armed men appeared to be carrying out a search of the minibus. One of the band, Stephen Travers, concerned that his guitar might be damaged in the search, approached the men at the back of the van, asking them why they had his guitar case open. He was pushed and punched back into the line-up with the other band members.

A few seconds later there was a loud explosion from the rear of the van. Two of the armed men were killed instantly. Travers and another band member, Des McAlea, were hurled into the air, landing in the field beside the road. There were a number of bursts of gunfire at that time also, in which Travers was hit.

The other members of the band, Anthony Geraghty, Brian McCoy and Francis O'Toole, died from multiple gunshot wounds.

Stephen Travers, badly injured, lay on the ground beside the body of McCoy. Someone walked towards him, then he heard a voice near the van shout 'I got those bastards with dum-dums; they're dead.' The footsteps receded.

¹⁷⁵ See transcript of judgment of Gibson LJ at the trial of J.J. Somerville, 9 November 1981.

Des McAlea managed to evade the attackers by fleeing across the field. He returned to the road some distance away from the scene and hitched a lift to Newry RUC station, where he raised the alarm.

THE VICTIMS:

Francis O'Toole, a twenty-nine year old married man with two children, was the lead singer of the band. Stephen Travers recalled hearing O'Toole and Anthony Geraghty pleading with someone not to shoot them, but to no avail. O'Toole was shot some 22 times as he lay on the roadside.

Anthony Geraghty, 23 years of age, was shot at least four times in the back. From Kimmage in Dublin, he was engaged to be married at the time.

Brian McCoy, 33 years of age, was the band's trumpet player. Originally from Caledon, Co. Tyrone, he was living in Raheny, Dublin at the time. He had been driving the minibus when it was flagged down by the attackers.

THE PERPETRATORS:

The bombers:

When the RUC arrived at the scene, they found two bodies blown apart and burned beyond recognition. The only recognisable feature of either was an arm with 'UVF' tattooed on it.

Within 12 hours of the attack, a statement from the UVF named the dead men as Harris Boyle and Wesley Somerville. In a transparent attempt to deflect blame for the incident, it said:

“A UVF patrol led by Major Boyle was suspicious of two vehicles, a minibus and a car parked near the border. Major Boyle ordered his patrol to apprehend the occupants for questioning. As they were being questioned, Major Boyle and Lieutenant Sommerville began to search the minibus. As they began to enter the vehicle, a bomb was detonated and both men were killed outright.

At the precise moment of the explosion the patrol came under fire from the occupants of the other vehicle. The patrol sergeant immediately ordered fire to be returned. Using self-loading rifles and sub-machine guns, the patrol returned fire killing three of their attackers and wounding another...”¹⁷⁶

Contrary to this account, it seems clear that the bogus checkpoint was in fact set up to allow Boyle and Somerville to place a bomb in the van: at the trial of one of those later convicted of participating in the attack, J.J. Somerville, the judge said he had no

¹⁷⁶ *Irish Times*, 1 August 1975.

doubt that the bomb was brought to the scene by members of the gang.¹⁷⁷ The idea was for it to explode some time after the van had crossed the border, making it look as if the Miami band had been transporting explosives for the IRA. When the bomb detonated prematurely, an attempt was made to kill all the eyewitnesses, in the hope that the true story would not emerge.

The UVF magazine, *Combat*, carried a page of sympathy notices for Boyle and Somerville. Two were from UDR members in Portadown, Lurgan, Carrickfergus and Dungannon, and were printed under the regimental crest of the UDR. It emerged that both Boyle and Somerville had been part-time members of the UDR. Alongside these messages was one of sympathy from the Protestant Action Force – one of a number of names believed to have been used by elements of the UVF to carry out atrocities for which the UVF did not wish to claim responsibility.

A number of items were found at the scene by the RUC, including three green berets, a Sterling sub-machine gun, a magazine containing .32 rounds, another with 9mm bullets and a .38 pistol. Ballistic tests revealed that one of the weapons used, a 9mm automatic Star pistol, had been used in the murder of John Francis Green six months previously. The RUC estimated that six or more weapons were used in the attack, including two sub-machine guns, a 9mm pistol, a .455 Colt revolver, a .38 revolver and a .32 semi-automatic.¹⁷⁸ The 9mm pistol appears to have been a Luger: in a letter to the Inquiry dated 22 February 2004, the Northern Ireland Office stated:

“The PSNI have confirmed that a 9mm Luger pistol is ballistically traced both to the murder of John Francis Green and to the Miami Showband murders.”

Newspapers also reported on a Ford Escort (white with a black bonnet) that was found near the scene. It had been stolen earlier that evening in Portadown.¹⁷⁹

Arrests of suspects:

Immediately following the attack, the RUC announced the formation of a new investigative unit, called the Assassination or ‘A’ Squad, aimed at bringing to justice those responsible for a spate of killings in the Mid-Ulster area.

On 2 August 1975, the *Irish Times* quoted the RUC as saying that two men from Dungannon were being questioned in relation to ‘serious crimes in the Mid-Ulster area’. By 4 August it was reported that four men were now being questioned. On 8 August, it was reported that one of those questioned was the owner of a Ford Escort car found at the scene. This man was said to have lodged a complaint of ill-treatment against the officers who interviewed him.

Another man who was questioned and who subsequently made allegations of assault against the RUC was Robin Jackson. Newspaper reports of the trial indicate that the medical evidence left open the possibility that the injuries could have been self-

¹⁷⁷ See transcript of judgment of Gibson LJ at the trial of J.J. Somerville, 9 November 1981.

¹⁷⁸ At the trial of J.J. Somerville, Gibson LJ accepted that the attackers had at least six weapons.

¹⁷⁹ *Irish News*, 1 August 1975. The *Irish Times* of the same date referred to a white Ford Cortina.

inflicted. Nonetheless, on 23 December 1975, a magistrate upheld the charge against two RUC officers, fining them each £10.

The convictions of the two RUC officers were overturned on appeal to Newry Crown Court on 10 January 1976. The grounds on which the convictions were overturned are not known to the Inquiry.

On 22 January 1976, a UDR Sergeant James McDowell was charged with murder arising out of the Miami attack. The RUC had been led to suspect him following the discovery of a pair of spectacles at the crime scene. Tests showed them to be of a prescription worn by only 1 in 500,000 of the population.

Also charged with murder was Thomas Crozier, a Lance-Corporal in the UDR. The trial of both men took place in October 1976. In the book *Lost Lives*, McDowell was reported as having made the following admissions:

“There was very little planning. I only came into it because of my UDR connection and the fact that I had a uniform. I was given a sub-machine gun but I had never fired it. I passed out when the explosion happened and that was when I lost the gun, the glasses and a UDR beret.”¹⁸⁰

Crozier also denied any direct involvement in the deaths of Geraghty, O’Toole and McCoy, maintaining that he had not opened fire at any stage. Nonetheless, both men were convicted and sentenced to life imprisonment, with a minimum recommendation of 35 years.

On 26 September 1980, RUC officers carried out raids in the Dungannon area, and arrested John James Somerville – a former UDR member and brother of Wesley, who was blown up by the Miami bomb. He was charged with the Miami murders, the murder of a man named Patrick Falls in 1974, a bomb attack on Devlin’s Bar, Dungannon in 1973, and an attack on a CIE bus in the Fermanagh / Tyrone area, also in 1973. In an unsworn statement given at his trial, he admitted being present at the Miami attack, but denied taking part in the shooting. He was convicted and sentenced to life imprisonment with a minimum of 35 years.

In the course of the case taken by Robin Jackson against two RUC officers, one of the officers stated that seven persons had been taken in for questioning in August 1975. According to a newspaper report:

“...these included Jackson, Neill, Crozier and men named Stewart, Young, Totten and Wright.”¹⁸¹

Robin Jackson and Thomas Crozier have already been referred to. ‘Neill’ was Samuel Fulton Neill: allegations emerged during Jackson’s case and during the trial of Thomas Crozier that Neill’s car had been used in the Miami attack. These allegations

¹⁸⁰ McKittrick & ors., *Lost Lives* (Edinburgh 1999), p.556.

¹⁸¹ *Irish Times*, 23 December 1975.

were not proven. On 25 January 1976, Neill himself was murdered in a loyalist area of Portadown.

Other information:

The Inquiry has interviewed Stephen Travers, who spoke of what he remembered concerning the events of that night.

Travers was sitting in the front passenger seat beside the driver, Brian McCoy. He said that as they reached the checkpoint and saw the armed men, McCoy assured him that they were British Army and not UDR.

To his recollection, the initial atmosphere was friendly. They were asked for their names and addresses by men with Northern accents. Then a man with an educated English accent arrived and seemed to take charge. This man asked for names and dates of birth. Travers was very impressed by him – his voice, his confidence. He seemed to treat the others as amateurs: they ‘jumped to it’ when he arrived. No-one asked who he was. He did not banter with the band members as others had done. This man was dressed in army-combat style, but his beret was a lighter colour than the others.

Travers was unable to give a description of this Englishman, save that he was about normal height. He thought he had fair hair but couldn’t be sure. He was shown a photograph of English Army Captain Robert Nairac, but did not believe him to have been the man at the scene.

Some time after the attack, RUC officers interviewed Travers at Dublin Castle. Travers says that they refused to accept his description of the Englishman’s beret.

Allegations of John Weir:

In 1980, former RUC officer John Weir was sentenced to 12 years imprisonment for his part in the murder of William Strathearn on 19 April 1977. While in prison, Weir wrote an undated letter to a friend, in which he stated:

“I believe Holroyd to be correct about the Miami Showband bomb. Explosives were collected, probably by Nairac himself, from a farmhouse belonging to James Mitchell (RUC Reserve), Glennane. This house was frequented by Army Intelligence.”

Former British Army captain Fred Holroyd alleged that Captain Nairac was amongst those involved in the Miami murders in his book, *War without honour*, published in 1989.¹⁸²

¹⁸² Holroyd, *War without honour* (Hull, 1989), pp.78-79. See also the Inquiry’s Report on the Dublin / Monaghan bombings.

EXPLOSION AND MURDER AT BARRONRATH BRIDGE, CO. KILDARE, JUNE 1975

The attack:

At approximately 2:05 pm on 22 June 1975 there was an explosion on a railway line at Straffan, Co. Kildare, three miles on the Dublin side of Sallins. About one and a half metres of track on both the up and the down line were damaged. As a result of this explosion a CIE worker arrived on the scene at about 2:15 pm where he discovered the body of Christopher Phelan. The body was lying (not concealed) under an overhanging hedge at the top of a step embankment at the Railway Bridge, and inside the parapet of the bridge.

Examination of the scene:

Christopher Phelan lived about 200 yards from the scene of the explosion. Having left for his regular walk at about 11:30 am, he had failed to return at the usual time. A report by the State pathologist revealed that the deceased had been stabbed three times in the chest, had been strangled and had received several other blows to the head. He also had "defence cuts on his hands". At about 1:30 pm, before the body was discovered, a bayonet-type knife was found nearly 3 miles away on the road that led from the scene to the Kill-Dublin dual carriageway.

A search of the area several days later brought forth another knife. This was spotted on the 26th of June in a field about three 3/4 of a mile from the murder scene. The field borders the road from the bridge to the Dublin-Kill dual carriageway. The knife was bloodstained and had a fingerprint mark upon it. Dr. Harbison, the State Pathologist pronounced this to be the murder weapon. The knife and fingerprint were photographed by the Technical Bureau. Detective Inspector W. Byrne of the Fingerprint Section, having examined the knife, later took it over to Scotland Yard for further tests.

Upon examination of the scene, Gardaí recovered a "time delay power unit". This consisted of a Lucerne watch modified for use of a timer in a bomb connected to a P.P.4 Ever Ready power pack battery. There was no trace of any explosive substance. The bomb had been placed under the Barronrath bridge, under the rails adjacent to the wooden sleepers supporting the track. Photographs of the explosive device and the scene, and an accompanying report were sent to the Chief Superintendent Finn, RUC Headquarters, who in turn forwarded them to Dr. R.A. Hall, Principal Scientific Officer of the Department of Industrial and Forensic Science.

Eyewitness information:

The Sunday morning in question had seen a steady flow of traffic past the scene in question, mainly from people on their way to mass in Kill at 11am and 12:15 am. This means that there was traffic on or about the bridge from about 10:45 until 12:50.

Many people reported the strange activities of a blue or green Hillman Hunter on the road to the bridge.

From the various witness statements it appears that the car drove up the Kill-Straffan road from the dual carriageway between approximately 11:05 am and 11:15 am with three occupants. Two of these were dropped off at the bridge and the car continued on towards Straffan, via Whitechurch Cross. The car was then seen at about 11:40 and 11:45 am driving back from this direction towards the bridge with only one occupant. A blue Hillman Hunter was also seen at approximately this time parked only a short distance from the Barronrath railway bridge on the Kill side. A number of other people saw what they described as a brownish Hillman Hunter driving towards Kill at about 12:15. As a number of people travelled over or near the bridge in between this sighting it would appear that the car drove up to the bridge with three men at about 11:15 am. It then dropped off two of the passengers and drove off in the direction of Straffan. It returned to the bridge at about 11:45 am and left ten or fifteen minutes later.

At the time of the murder there were two local men working on the railway line, a half a mile up the track. Before the bomb went off they walked back up the track to their truck which was parked a few yards from the Barronrath bridge. When the bomb went off they leaned over the bridge and were able to confirm that the lines were severed. At no time did either of these men see or hear anything suspicious, nor did they see anyone else on the track. This includes the body of Christy Phelan which they must have walked past on the way to their truck. They also failed to see the unconcealed body when inspecting the track, even though his body was discovered by the next person attempting to ascertain the state of the railway. This is puzzling: however, the men were not known members of any subversive group, and Gardaí were apparently satisfied with their story.

Train timetable information:

The incident occurred on the Dublin-Sallins line. On the day in question CIE had laid on an extra train, which would take this line, to take 281 republicans to a special commemoration ceremony at Bodenstown. The train had been scheduled to depart Heuston Station at 1:30 pm, which would place the train at Hazelhatch station at 1:47 pm, and passing through the Barronrath Bridge at about 1:52 pm. However, it was decided to carry out maintenance work on one of the tracks on Sunday 22 June and so on Friday the 19th notification was sent out and advertising placed to this effect, advising that there would be a ten minute delay on parts of the track. This would have meant that although the train was still scheduled to leave Heuston at 1:30pm it would not pass under Barronrath Bridge until 2:02 pm.

There was only a very small window of opportunity during which an attempt to blow the tracks would do anything other than inconvenience the passengers. If the intent was to derail the train and cause a maximum of damage then the bomb would have to explode between the time when the train leaves Hazelhatch station and reaches Barronrath bridge. If the revised timetable was adhered to, the bomb would have to go off between 1:57 pm and 2:02 pm. Any earlier and the warning system on the track

would allow signalmen to stop the train at Hazelhatch Station; any later and the train would have passed under Barronrath Bridge.

However, the published revised timetable was not adhered to. On Friday the 19th it was decided to carry out the maintenance work on the Saturday night and early Sunday morning. This meant that the train would leave Heuston station at its scheduled time of 1:30 pm, but would meet no delay and so would arrive at Hazelhatch at 1:47 pm and pass under the bridge at 1:52 pm. This decision was not advertised and so the bombers would have been unaware of the change. In fact, the train left Dublin two minutes behind schedule at 1:32 pm, but picked up four minutes over the journey, passing through Hazelhatch at 1:46 pm and the Barronrath bridge at 1:52 pm, arriving in Sallins two minutes ahead of schedule at 1:58 pm. There is no way to know whether the bombers were aware of any of this; in any case, the bomb went off at 1:55 / 1:56 pm. In theory this would have allowed the signalman at Hazelhatch enough time to halt the train.

The Garda investigation:

Due to the special nature of this particular 1:30 pm train, the Gardaí at first assumed that the perpetrators of the crime were Republican subversives, most likely the IRSP which was at that time engaged in a murderous feud with the OIRA. As a result the early investigation centred on arresting members of paramilitary organisations and attempting to match their fingerprints to those found on the murder weapon. As late as 15th July the main focus of the Garda investigation was on checking the fingerprints of all subversives within the State, particularly the Carlow / Kildare region.

However a letter dated 17 July 1975 from Chief Superintendent Finn of the RUC, forwarding the report prepared by Mr. Richard Hall of the Department of Industrial and Forensic Science changed Garda thinking.

In his report (dated 3 July), Mr. Hall concluded that the bomb timer was broadly similar to many IRA bombs that had been used in the North in terms of its components and their adaptation for use in a bomb. However, he did go on to say that there was one particular case in the North where the characteristics of the timing and power unit were so similar as to “defy coincidence”. The bomb in this case was set off in Belfast on 21 June 1975, the day before the bomb at Barronrath. Mr. Hall concluded that “The Belfast device is certainly of Loyalist origin”. The Inquiry has not been able to establish why there was a two-week delay in sending Mr Hall’s report to the Gardaí.

An Garda Síochána did continue to investigate the possibility of Republican subversive involvement on the basis of a number of tip-offs, either anonymous or confidential. However, these do not appear to have turned into concrete leads. On 25 August an investigation report was filed; it concluded that the investigating officers were confident of a successful conclusion to the case.

On 8 October 1975, Dr. Hall followed up his original report with a letter to Chief Superintendent Finn of the RUC. In this letter he described a fatal explosion at Macosquin, Co. Derry in which a bomb exploded prematurely, killing the four UVF

men who were attempting to plant it at the time. He described this bomb as being the same as that at Barronrath bridge in terms of “overall workmanship and design”. However, Dr. Hall acknowledged that his task on the Straffan bomb was hindered by having to work from photographs, and on the Macosquin bomb by the fact that the explosion had destroyed much of the fine detail and wiring. However, he still felt confident enough to say that because the design of this bomb was relatively rare, it was safe to say that both bombs were constructed by the same manufacturer.

On 16 October, Chief Superintendent Finn forwarded this letter to Chief Superintendent McMahon of An Garda Síochána, along with the names of the men killed at Macosquin. They were Samuel David Swanson, Robert Andrew Geoffrey Freeman, Frederick Aubrey Reid, all of Coleraine, and Frederick Mark Dodds, a seventeen year old from Ballymena.

Chief Superintendent Finn also forwarded descriptive particulars and the fingerprints of the four men. Upon comparison with the fingerprint found on the knife Detective Inspector W. Byrne of the Fingerprint Section asserted it to be that of Samuel David Swanson.

It appears that at this point the investigation stalled, for unstated reasons - possibly because the perpetrators were believed to be dead. Communications within the Gardaí as late as 1977 state that there had been no further developments in the case. In his letter to the Gardaí of 16 October 1975, RUC Chief Superintendent Finn had stated that enquiries were still being made regarding the Blue Hillman Hunter seen in the area, and a particular Hillman Hunter, registration number HOI-255. He said that the records of car hire companies were being checked to see if any of the men's names could be linked. He also said that the Coleraine police would be making enquiries into the men's deaths. There is also mention of sending on the photographs of the men involved. There is no record of any further contact from the RUC on this matter.

OTHER BOMBINGS IN THE STATE, 1974-76

BOMBING AT CLONES, JANUARY 1974

An explosion occurred in the boiler room of Reinhard's Factory at Liseggerton, Clones at 9:50 pm on 22 January 1974. The factory was on the northern side of Clones approximately two hundred and fifty yards from the border.

It was a large explosion and at the time three men were unloading pigs from a lorry parked in the factory yard alongside the wall of the boilerhouse. The lorry was destroyed in the explosion and the pigs were either killed or injured. Those injured were subsequently destroyed by a vet.

Following the explosion, Gardaí arrived from a checkpoint a hundred and fifty yards away on the road to Clones. It is thought that those who had planted the bomb had intended it for Clones town, but seeing the checkpoint decided to leave it at the factory instead.

The evidence as to the size of the bomb suggested that it was in excess of fifty pounds weight of explosives.

BOMBING AT CLONES, JUNE 1974

The bombing:

The owner of a red Volkswagen Variant, registration number JBI 609 was hijacked as he drove into his home, by several armed men. He lived just inside the border. Two milk-churn bombs were loaded into his car, and on threat of injury to his wife and children he was forced to drive to Murphy's pub in Fermanagh Street.

He passed a Garda checkpoint without stopping. As a result, the Garda station in Clones was contacted and as the car number had been taken, a mobile patrol and four other checkpoints were notified.

The car was driven into Fermanagh Street, opposite Murphy's pub. The street was cleared by the Gardaí and emergency services were alerted. The RUC was notified.

An unknown person took the timing device (an alarm clock and battery) from the two bombs and threw them onto the street. As this was done there was a small explosion caused by the detonator igniting. The churns were then taken out of the car by someone else and put on the pavement. The lids were removed and the contents were shown to be ANFO with a fuse leading out of the mixture. Both the clock and battery were brought to the Garda Station.

When the Explosive Ordnance Disposal (EOD) officer arrived at the scene he was concerned as to the safety of the bombs. He asked the Garda officers present for the name of the person who had removed the timing device. They were unable to give

him this information. However, the EOD officer took the view that it was being refused to him. Bad will was generated. The Garda Sergeant went to the Garda Station and came back with the clock and battery. The Army explosives officer was then satisfied to take the two bombs, which weighed approximately two hundred and twenty pounds, in a Land Rover. Having removed the bombs from the scene, the EOD officer disposed of them in a controlled explosion elsewhere.

Garda investigation:

There was a very full Garda investigation report into this incident. Despite this, Gardaí remained unsure whether the bombing had been carried out by Loyalist subversives or by the Provisional IRA.

The bombing was claimed by a group calling themselves “Young Militants of the UDA”. This information was conveyed in a message to RTE on 24 June 1974; it also contained a threat to the Army Explosives Officer if he defused anymore of their bombs. The “Young Militants...” name had also been used in a claim of responsibility for the bombs which exploded in Dublin on 17 May 1974. The Garda investigation report into those bombings had expressed doubt as to whether such an organization existed,¹⁸³ and it seems that a similarly skeptical view was taken of this claim.

There was some evidence that a trailer with two churns was seen some miles north of the border. If these were the two bombs, then it was assumed that the Provisional IRA would have risked bringing them through Northern Ireland, as they might have been stopped at any time by a UDR or Army patrol; whereas militant Loyalists were believed to have information about such patrols and so be better placed to avoid them.

Nevertheless, the Garda investigation team concluded that the better view was that the bombing was carried out by the Provisional IRA; an opinion also held by many locals. A Garda report suggested that the purpose for leaving the bomb by the Provisional IRA could have been:

- (1) to discredit the security forces by showing that it was possible to take a car containing a bomb through Garda checkpoint; and
- (2) to indicate to the people of Clones that the members of the Provisional IRA were their protectors and in this way boost their morale, which suffered considerably following the death of Senator William Fox earlier in the year.

The report highlighted two other factors which suggested IRA involvement in the bombing:

- (1) that the bomb was conveyed by proxy, and loyalist subversives were not yet known to have used that tactic;

¹⁸³ See the Report of the Independent Commission of Inquiry into the Dublin / Monaghan bombings of May 1974.

- (2) the person who pulled out the wires from the bombs was both unusually brave and in just the right position to do so. Gardaí were subsequently given the name of a prominent member of the IRA. This man was arrested and questioned under s.30 of the Offences Against the State Act 1939. No charges were brought against him. A second member of the IRA was also arrested under the same section and questioned. No charges were brought against him either.

In a report dated 29 June 1974, it was suggested that although Loyalists had used timing devices, they did not favour them as they had not mastered the art of using them. They were said to favour the slow burning fuse. In this case there were timing devices on the bombs.

BOMB ATTEMPT AT BLACKLION, SEPTEMBER 1974

At 10 pm on 11 September 1974 three armed men, dressed in battle dress uniform, similar to that worn by members of the British Army, and wearing masks, hijacked a Ford Cortina, registration number AIL 7380. The car was driven to a nearby wood where the men placed a bomb in the back of the car and told the driver to drive into Blacklion, about a mile away. One of the men had a gun and was threatened that his family would suffer if he refused.

The armed men had told the driver that the bomb was fitted with an anti-handling device and that they were from the UVF. They said that the bomb was timed to go off in fifteen minutes and that he was to tell the Gardaí once he had parked his car.

The driver arrived into Blacklion at 10:10 pm and parked the car with full headlights on in the centre of the village, opposite the Army / Garda checkpoint and near the local Garda station. On being informed, the security forces ensured that the village of Blacklion was evacuated within ten minutes.

On the following morning, Army EOD officer Captain P. Boyle blew up the car, but without detonating the bomb. However, the explosion ignited the car, which burnt out on the street.

The bomb was found to consist of ANFO in a ten gallon milk churn, with 4 lbs. of industrial gelignite. The remains of an alarm clock and battery were also found. The remains of the car were moved to the Garda station.

It was fortunate that the bomb itself did not explode since if it had done, it would have destroyed most of the village. The controlled explosion did cause considerable breakage of glass and some other minor damage.

Following the controlled explosion, checkpoints were manned on both sides of the border by both the RUC and the British Army.

BOMB EXPLOSION AT SWANLINBAR, FEBRUARY 1976

The bombing:

A bomb exploded without warning at 10:30 pm on Saturday 14 February 1976, outside the front of a drapery premises known as "Irish House". Considerable damage was done to the premises and to other buildings in Main Street. The mother of the owner, who lived on the premises, was treated for shock. There were no other injuries.

At 9:15 pm on the main Swanlinbar - Enniskillen road, approximately one and a quarter miles North of the border, a CIE expressway bus travelling to Donegal, via Enniskillen, was hijacked by a group armed men of at least five in number. The passengers were ordered out and told to return on foot to Swanlinbar. It was thought that the hijacking of the bus was carried out by the same persons who had placed the bomb, for the purpose of drawing security from the town. However, this did not in fact happen.

The premises which were bombed had been closed and locked up at 10:20 pm. Evidence at the back of the houses along Main St. indicated that those who brought the bomb - who must have been at least two in number - had damaged fences at the back of gardens in order to bring the bomb along a route behind the houses. It appears that when they reached "Irish House", they brought the bomb through a passageway between two houses, and left it in the front. A joint Garda/Army patrol had passed the house very shortly before the bomb exploded, but had seen nothing unusual.

EOD / Forensic analysis:

The Army EOD officer who examined the scene reported as follows:

"The bomb was in a milk churn and the explosion caused severe damage to the shop itself and broke windows of adjoining houses / shops up to 25 yards. It would appear that approx. 2 lbs of gelignite was used. Gardaí found traces of home-made explosive (Ammonium Nitrate / Diesel Oil) amongst the debris – this failed apparently to detonate. The Gardaí also found a length of safety fuse (burnt out) so this would explain the short delay between the laying and the detonation of the bomb."

The Garda examination of the scene discovered amongst the debris a circular twelve inch metal disk, being the base of a milk churn; two metal handles and pieces of twisted metal; two pieces of safety fuse- one two inches and the other seven inches in length and pieces of detonating cord. Cloth and scrapings of material appeared to be impregnated with oil.

These items were sent to Dr. Donovan of the State Laboratory for analysis. He found considerable traces of Ammonium Nitrate, diesel oil and nitroglycerine on the metal and cloth fragments. He concluded that the bomb contained a mixture of Ammonium

Nitrate and diesel oil, which was detonated by a charge of gelignite. There was evidence to suggest that the bomb manufacture had been inefficient.

Garda investigation:

On 10 December 1975, a combat jacket and rounds of ammunition had been found in the Swanlinbar area. Subsequently, on 1 February 1976 a local man was tarred and feathered and left tied to a telegraph pole. He was told by his assailants that he was an informer and that they blamed him for the finds made by the Gardaí on the 10th December 1975. The PIRA later claimed responsibility for the attack and indicated that similar action would be taken to anyone else passing information to the Gardaí. Two members of the PIRA were afterwards arrested on the 4th February in relation to this attack and after questioning were released on the 6th February.

Between 15 and 17 February 1976, five members of the Provisional IRA were arrested in connection with the Swanlinbar bombing, but were subsequently released without charge. A denial of involvement by this organisation was subsequently published in the Fermanagh Herald, on 28 February 1976.

There was one piece of information which suggested that the UVF might have been responsible. A C77 intelligence report dated 14 February 1976 – the date on which the bombing occurred – named a UVF member and another man who were said to have been working on a bomb the past two nights at the house of another named man near Newtownbutler, Co. Fermanagh. The report continued:

“Bomb is now ready in a creamery can to be removed across the border tonight, Saturday 14-2-76. Likely targets: Belturbet, Redhills, Swanlinbar or Clones.”

Notwithstanding this information, the Garda report on the investigation expressed the view that while there was no evidence at present to identify the culprits of the bombing, there could be little doubt but that the bomb was placed by members of the Provisional IRA and was intended to intimidate local people from giving any assistance to security forces and to demonstrate that the arrest of their leading members would be followed by violence.

The report concluded that “any developments would be communicated.” There appear to have been no further developments in the case.

INFORMATION CONCERNING CERTAIN WEAPONS

INTRODUCTION:

In an appendix to its Report into the Dublin and Monaghan Bombings of May 1974, the Inquiry set out information which it had received concerning the use of certain weapons in a number of subversive attacks. Since the publication of that report, the Inquiry has received more information, and now publishes the following revised account of the information received.

Space does not permit a full account of all the attacks referred to in the information received by the Inquiry from the PSNI; but it is appropriate to offer brief summaries of some of the incidents which will be referred to. They are recorded here in chronological order.

Murder of James and Gertrude Devlin:

James and Gertrude Devlin were murdered near their home at Congo Road, Dungannon, Co. Tyrone on 7 May 1974. As they were driving up the lane leading to their house, their car was flagged down by a uniformed man who opened fire on them as they slowed down. According to *Lost Lives*, the couple were each hit by up to 8 bullets. Their daughter, who was also in the car, was wounded but managed to reach a nearby house and raise the alarm.¹⁸⁴

In 1975, a 21 year-old UVF member named William Leonard was accused of driving the gunman to and from the murder scene. At a hearing in Belfast on 3 December 1975 he pleaded guilty and was sentenced to life imprisonment. In the course of this hearing, it was said that a Sten or Sterling sub-machine gun was also used in the course of this attack. Later information identified it as a Sterling sub-machine gun.

Murder of John Francis Green:

John Francis Green was murdered at a farmhouse near Comaghy, Castleblayney, Co. Monaghan on 10 January 1975. He was said in the Garda investigation report to have been a staff captain and intelligence officer within the Provisional IRA. The house, which belonged to one Gerry Carvill, was located in a rural area about one mile south of the border by road, but much closer over the fields.

Carvill and a neighbour had left Green in the house at about 7.10 p.m. Carvill returned home at 8.20 p.m. to discover Green's body lying on the floor. He had been shot six times in the head.

Two weapons were used in the Green murder - a 9mm Luger pistol and a .38 Star pistol. They were recovered by the Northern Ireland Security Forces on 19 May 1976

¹⁸⁴ McKittrick & others, *Lost Lives* (Edinburgh, 1999) p.444.

and 3 August 1979 respectively. Both guns were used in other incidents, as will be seen from the information set out later in this chapter.

More detailed information concerning the death of Green and the subsequent police investigation is contained in an appendix to the Inquiry's Report on the Dublin and Monaghan bombings of 1974.

Attack on Miami Showband:

A detailed account of this attack and the ensuing investigation is contained in appendix 4 of this report.

Murder of Sean Farmer and Colm McCartney:

These two men were shot at at Altnamackan, Newtownhamilton, Co. Armagh on 24 August 1975. They were returning from an All-Ireland gaelic football semi-final in Croke Park, Dublin. The evidence suggests that their car was stopped at a bogus checkpoint by men in army-type uniforms who then shot them.

A more detailed account of this attack is at pages 114-15 of this Report.

Murder of Peter and Jane McKearney:

On the evening of 23 October 1975, Mr and Mrs McKearney were shot dead at their home in Grange Road, Moy, Dungannon. The post-mortem showed that Peter McKearney had been shot between 14 and 18 times; Jane McKearney had been shot eleven times. The bodies were discovered within minutes of the shooting by two of their sons, who had been working in a nearby laneway.

In 8 December 1980, a man named Garnet Busby was arrested and interviewed over a number of days in relation to a number of incidents. He made verbal admissions in relation to three bombings and the shooting of the McKearneys.¹⁸⁵ At his trial, he was said to have admitted that he was one of two gunmen who went into the McKearney home. He fired one shot from a pistol, the bullet from which was found in the clothing of Jane McKearney. The remaining shots were fired by the other gunman.¹⁸⁶

Following a guilty plea, Busby was convicted of murder and sentenced to life imprisonment. He also received sentences in relation to the bombing incidents in which he had admitted involvement.

Attack on Donnelly's Bar, Silverbridge:

¹⁸⁵ The bombings were at O'Neill's Bar, Dungannon on 16 August 1973; Quinn's Bar, Dungannon on 12 November 1973 and the Hillcrest Bar, Dungannon on 17 March 1976.

¹⁸⁶ Transcript of R. v. Garnet Busby, 23 October 1981, provided to the Inquiry by the Northern Ireland Courts Service, via the Northern Ireland Office.

This bomb and gun attack, which resulted in the deaths of three people, took place on the same night as the Dundalk bombing. Police on both sides of the border believed that the two events may have been linked. A more detailed account of this incident is given at pages 78-92 of this Report.

Murder of John, Brian and Anthony Reavey:

On the evening of 4 January 1976, six masked UVF men entered the Reavey family home at Greyhilla, Whitecross, Co. Armagh and opened fire. John and Brian Reavey were killed immediately. Their younger brother Anthony managed to crawl 200 yards to get help from neighbours, despite having been shot several times. He was taken to hospital, but after several weeks his condition deteriorated and on 30 January he died.

A more detailed account of this attack is at page 101 of this Report.

Murder of Barry, Joseph and Declan O'Dowd:

Within twenty minutes of the Reavey shooting, a similar attack was carried out on the O'Dowd family home at Ballyduggan, Gilford, Co. Down. About 15 miles separate the two houses. Members of the O'Dowd family were engaged in a sing-song around the piano when masked gunmen burst in and sprayed the room with bullets.

The attacks on the Reavey and O'Dowd families were believed to have been in retaliation for a bomb attack by republican extremists on a public house in Gilford.

A more detailed account of this attack is at page 102 of this Report.

Murder of Frederick McLoughlin:

At approximately 11 p.m. on 15 May 1976, loyalist extremists left a short-fuse bomb in the hallway of Clancy's Bar, Charlemont. The bomb went off within minutes, killing three people. As the gang drove away from the scene, they fired a number of shots through the window of the nearby Eagle Bar. Several people were injured, including Frederick McLoughlin. Sixteen days later, he died as a result of his injuries.

According to the statement of the Scene of Crime Officer to the Inquest, two guns were used in the attack – a 9mm sub-machine gun and a .45 revolver. He found 30 bullet marks in the bar; of which 4 came from the revolver and the rest from the sub-machine gun.

Within four months of the attack, two men were arrested and charged in connection with it: Garfield Beattie and David Kane. Following his arrest, Beattie brought police officers to a place where a sub-machine gun and two revolvers were hidden. The sub-machine gun was that used in the killing of McLoughlin. No information has been obtained as to the history of the two revolvers, though presumably one of them was the .45 used on that occasion.

Beattie and Kane both pleaded guilty and were sentenced to life imprisonment. No minimum period was imposed. Beattie also pleaded guilty to two other murders: that of Denis Mullan on 1 September 1975 and Patrick McNeice on 25 July 1976.

Notwithstanding the apparent links between the Clancy's Bar and Eagle Bar attacks, neither Beattie nor Kane was convicted of any offence relating to the bomb attack on the former. Both men seem to have denied any involvement in that attack. However, in 1979, a UDR member named Joey Lutton was arrested, charged and convicted of participating in both the Clancy's Bar and Eagle Bar attacks, though the court was told he had not been involved in planning them. Lutton received a life sentence, but again no minimum period was imposed.

Attack on Rock Bar, Keady:

This bomb and gun attack took place on 5 June 1976. See pages 95-96 of this Report for further details.

Murder of William Strathearn:

On 19 April 1977, William Strathearn was shot at his home in Ahoghill, Co. Antrim. The owner of a general shop, he had answered a knock on the door at 2 a.m. from a man who said he needed aspirin for a sick child.

As mentioned above, RUC Sergeant William McCaughey was arrested in December 1978 and subsequently charged with the murder. He implicated three others in the shooting: fellow RUC Sergeant John Weir and known loyalist subversives Robin Jackson and R.J. Kerr. Weir was also charged and convicted of the murder.

FURTHER INFORMATION RECEIVED FROM PSNI:

At a meeting with PSNI officers on 27 March 2002, the Inquiry was given an opportunity to examine RUC files relating to two other arms finds:

- 1) The discovery of weapons, ammunition and explosive-related materials at a farm near Dungannon on 18-19 May 1976; and
- 2) The discovery of weapons, ammunition and explosive-related materials at a farm near Ballynewry, Portadown on 2 August 1979.

Weapons found at Dungannon, 1976:

The discovery of a .38 Colt pistol no.36330 was referred to in the PSNI report of November 2001, and is included in the above table.

Also found was a 9mm Luger pistol, serial number U4; a silencer, a magazine and 4 rounds of ammunition. This gun, which was not mentioned in the November 2001 report, had been used in the murder of John Francis Green¹⁸⁷, and in the attack on the Miami Showband.

Amongst the other items found were two home-made sub-machine guns.

Weapons found at Ballynewry, 1979:

A large number of guns were found including 8 rifles, 1 Thompson sub-machine gun, 8 home-made sub-machine guns, 5 revolvers, 4 pistols, 3 shotguns, 1 Bren gun and over 10,000 rounds of assorted ammunition. According to a report of an RUC Detective Inspector, the arms were believed to be the property of the Mid-Ulster UVF, 2nd Battalion.

In a statement, the farm owner said that he was approached in 1974 by two Belfast men who asked him if he would make guns for them. The men said they were friends of a named man (referred to elsewhere in this Report as Suspect C). Five years later, around May / June 1979, Suspect C himself approached the owner and asked him to store guns on his farm.

It seems that none of the weapons listed as having been found at this farm were mentioned in the PSNI report of November 2001. However, one of the guns found there, a .38 Star pistol no.344164, is known to have been used in a number of incidents. It was used in two shooting attacks in March 1973. Some time after this the barrel was replaced, and in 1975 the gun was used again: this time in the murders of John Francis Green and Dorothy Trainor.

Attack on Devlin family, 1974:

The following ballistics information was given:

“The examination of the scene of the car by police revealed 29 9mm calibre shells, fragments of 9mm bullets and one .45 bullet and fragments of .45 bullets. It would appear two guns, a Sten or Sterling sub-machine gun and a .45 revolver were used in the attack.”

Further information which may relate to the sub-machine gun used in this attack was obtained by the Inquiry from Barney O’Dowd, whose own family were the victims of a gun attack on 4 January 1976. In correspondence with the Inquiry, O’Dowd said that the investigating RUC officer had shown him a picture of the gun used in the attack on his family. The officer had said that this gun had also been used in the attack on the Miami Showband and the murder of James and Gertrude Devlin.¹⁸⁸

¹⁸⁷ 10 January 1975 at Mullyash, Castleblayney.

¹⁸⁸ Letter from Barney O’Dowd to the Inquiry, 22 January 2005.

Barney O'Dowd believes that the picture shown to him was of a Luger with a silencer attached, rather than a sub-machine gun. However, as information obtained by the Pat Finucane Centre makes clear, the ballistic evidence suggests that a 9mm sub-machine gun was the only weapon used in the O'Dowd attack.¹⁸⁹ The Northern Ireland Office has stated that the Luger used in the murder of John Francis Greene (and in the Miami Showband attack) was not used to kill the O'Dowd family members. It is known that the RUC investigating officer told Barney O'Dowd that Robin Jackson was suspected of being the gunman. At that time, Jackson's name had also been linked with a Luger pistol – his fingerprints were found on a silencer at the scene where the Luger was recovered¹⁹⁰ – and it is possible that Barney O'Dowd is confusing these two items of information.

INFORMATION OBTAINED FROM THE PSNI BY THE PAT FINUCANE CENTRE:

Meeting with PSNI, September 2002:

One of the attacks for which did not feature in the PSNI report of November 2001 was that on the O'Dowd family home at Ballyduggan near Gilford, Co. Down. The attack took place on the evening of 4 January 1976 and resulted in the deaths of Barry, Joe and Declan O'Dowd.

On 21 September 2002, members of the O'Dowd family, accompanied by representatives of the Pat Finucane Centre met with Detective Chief Inspector Charlie Patterson, Lurgan PSNI. The purpose of the meeting was to seek information regarding the investigation into the O'Dowd murders. The Inquiry has been supplied with a non-verbatim note of the information obtained.

According to the note, all information provided at the meeting came either from the PSNI file or from a conversation DCI Patterson had with the original investigating officer on the case.

When asked about weapons, DCI Patterson said that all bullet casings recovered at the scene came from one weapon – a 9mm sub-machine gun. This showed that only one weapon was fired at the scene. DCI Patterson said that this gun had also been used in the Miami Showband murders and in a couple of attacks in Tyrone.¹⁹¹ He said that it had not been used in the murder of the McKearneys, or in the attack on the Reavey family. There was no evidence of it having been used in any other attacks in the immediate area. He said the gun was recovered from Clonard Gardens, Belfast on 29 February 1980, at the scene of the murder of one Brendan McLoughlin. Three UVF members were caught leaving the scene: they were subsequently convicted of murder.

¹⁸⁹ See below.

¹⁹⁰ The Luger pistol was recovered at a farm near Dungannon on 19 May 1976. It is known to have been used in the Miami Showband attack.

¹⁹¹ It seems reasonable to suppose that this is the same gun referred to in the information given to Barney O'Dowd by an RUC officer, and said to have been used in the attack on the Devlins at Dungannon, Co. Tyrone.

Meeting with PSNI, November 2002

On 20 November 2002, a series of further meetings took place in relation to a number of sectarian attacks from the mid-1970s. Representatives of the PSNI and the Pat Finucane Centre were present at each meeting, together with representatives of the victims for each offence. According to notes taken by the Pat Finucane Centre at each meeting, the following information was obtained:

Attack on Donnelly's Bar, Silverbridge:

The PSNI said that a Sterling sub-machine gun was used in the attack, and that it had been used in other attacks. This confirms the information received by the Inquiry in November 2001.

Attack on Rock Bar, Keady:

The Pat Finucane Centre and the owner of the bar were told that three guns had been used: a 9mm Luger pistol, a 9mm parabellum sub-machine gun and a .455 Webley revolver.

According to the PSNI, the Luger and the sub-machine gun were never recovered. The Webley was recovered from the burnt-out wreckage of a car used by the attackers and could not be tested further. As a result, it could not be established whether it had been used to fire shots during the attack.

It should be noted that this Webley revolver is not the one referred to in the PSNI information of November 2001. According to the PSNI, the latter gun was found on 3 June 1978 on open ground. It could not be connected to any person.¹⁹²

Attack on Farmer and McCartney:

The PSNI said that three guns were used - a 9mm Luger, a .45 ACP pistol and a .455 Webley revolver. This tallies with what the Inquiry was told in November 2001. However, this does not accord with the statement of a Sergeant who collected bullets and shell casings at the scene. He stated that the guns used were a .45 ACP pistol, a .455 Webley revolver and a 9mm Sterling sub-machine gun.

They also said that charges were never considered in relation to the incident, but that police did suspect Laurence McClure of having been involved.

¹⁹² PSNI report annexed to a letter from the Northern Ireland Office to the Inquiry, 9 June 2003.

Attack on the Reavey family:

The list of guns used in the attack was the same as that given to the Inquiry in November 2001: a 9mm Luger pistol, a 9mm sub-machine gun, a Sterling sub-machine gun and a .455 Webley revolver.

The family referred to a statement of the Coroner to the effect that the weapons used were standard British Army / RUC issue. The PSNI responded by saying that the models of sub-machine guns used were easily available to the Security Forces, but that the Luger pistol was not. The Webley revolver was of a type issued to RUC personnel in the late 1960s and early 1970s. The PSNI said there was no suggestion that any of these weapons were from an RUC or British Army armoury.

Regarding bullet casings found at the scene, the PSNI said that on many occasions, casings have identification marks such as batch numbers on them; but no such marks were found in this instance.

Finally, it was said that the 9mm Sterling sub-machine gun was recovered, apparently after a shooting in 1976.¹⁹³ This information had not been in the PSNI report to the Inquiry of November 2001.

INFORMATION ARISING FROM TRIAL OF GARFIELD BEATTIE, 1979:

It seems that the recovery of the 9mm Sterling sub-machine gun referred to above took place following the arrest of Garfield Beattie, a twenty year-old from Annaghmore, Portadown. Beattie was arrested in 1976, and charged in connection with three murders in which the gun had been used: Denis Mullan (1 September 1975), Frederick McLoughlin (15 May 1976) and Patrick McNeice (25 July 1976).

At his trial in September 1977, he admitted taking part in all three murders and was sentenced to life imprisonment. Also convicted were David Kane, who pleaded guilty to the murder of McLoughlin; Henry Liggett, an admitted UVF member who took part in the McNeice murder; and Dorothy Mullen, who drove Beattie and Liggett to and from the scene of that murder.

According to a report of the trial in the *Portadown News*:

“The court heard that Beattie has used a Sterling sub-machine gun in all the attacks and that the other gun used was a .45 revolver. Crown counsel told the court that after his arrest last year Beattie had taken police to where a sub-machine gun was found. He has also dug up two revolvers and ammunition near his home.”¹⁹⁴

The arrest of Beattie took place around the time of a failed attack on Clontibret which was mentioned by John Weir in his statement of 3 January 1999. Weir alleged that the

¹⁹³ This presumably was the gun recovered by the RUC following the arrest of Garfield Beattie.

¹⁹⁴ *Portadown News*, 16 September 1979.

reason for the failure of the Clontibret attack was the arrest of three UVF members, including Beattie.

INFORMATION ARISING FROM TRIAL OF J.J. SOMERVILLE, 1981:

John James Somerville was the third person to be convicted of murder arising from the attack on the Miami Showband on 31 July 1975. The Inquiry has been provided with a transcript of the judgment and sentence given by the Rt Hon Lord Justice Gibson on 9 November 1981, and with two witness statements from staff at the Forensic Science Laboratory, Belfast concerning items found at the scene.

Ballistic evidence suggests that the group who carried out the attack had at least six guns with them. Two were found at the scene: a 9mm Sterling sub-machine gun and an Albion .38 S&W revolver. The latter had been damaged in a manner which suggested it had been close to the bomb when it exploded, and was not test fired. The sub-machine gun was test fired, but was none of the bullets or cases found at the scene were attributed to it.

Forensic examination of the bullets and spent cases from the scene revealed that at least four other weapons were fired in the attack: a 9mm Sterling-type sub-machine gun; a .45 Colt-type revolver; a 9mm Luger-type semi-automatic pistol, and a .32 ACP semi-automatic pistol. This accords with the account given in the judgment of Gibson LJ.

INFORMATION CONCERNING CERTAIN WEAPONS:

The information available on each of these weapons can be considered under the following aspects:

- What type of gun was it? Where did it come from?
- What incidents was it used in?
- Were the incidents with which the gun was connected close in time and / or geographical location?
- What persons are known or believed to have been involved in those incidents?
- Are there links between those persons and other incidents, in which other weapons were used?
- Was the gun found? If so, when and where?

As can be seen from that list, there are a number of possible ways in which one weapon can be linked with another – its origin, instances of use, association with certain persons, and the circumstances of its recovery by the Security Forces. The resulting picture is a complex one and requires careful reading. For that reason, the information discussed below will also be set out in tabular form.

Table of information received from the PSNI, November 2001:

Following a request for such information, in November 2001 the PSNI supplied a ballistics report detailing weapons used in more than one incident and attributed to Loyalists in the mid-Ulster area. The details supplied included the type of weapon, serial number (where known), the dates and places where it was used and the date on which it was sent to Weapon Control. Some of this information related to guns whose origin was unknown.

Most, though not all of the guns were assigned a 'unique weapon code' as a means of distinguishing them from other guns of the same type. In a few cases, details of when and where each weapon was recovered by the Security Forces were also given. The information received is given below in tabular form.

DATE	INCIDENT	A	B	C	D	E	F	G	H	I	J
		9mm Luger pistol	9mm sub-machine gun	9mm sub-machine gun	9mm Sterling sub-machine gun	9mm ERMA sub-machine gun	.45 ACP pistol	.45 ACP Colt pistol	.38 ACP Colt pistol	.455 Webley revolver	.455 revolver
13/06/73	Shooting at Argory, Armagh										*
04/08/73	Shooting of T. McAliskey at Corr, Coalisland (U)		*								
05/08/73	Murder of F. Mullen at Moy, Co. Tyrone		*								*
17/01/74	Murder of D. Hughes at Boyle's Bar, Cappagh, Co. Tyrone										*
07/05/74	Murder of J. and G. Devlin at Congo Road, Dungannon										*
03/09/74	Shooting of T.J. Chambers at Main St., Mountnorris, Bessbrook	*								*	
20/11/74	Murder of P. Falls at Fall's Pub, Aghnacloy										*
08/12/74	Shooting at Dundalk Road, Newtownhamilton (U)	*					*				
11/04/75	Murder of O. Boyle, Glencrew, Aghnacloy										*
02/08/75	Shooting at Fane Valley Park, Newtownhamilton									*	
24/08/75	Murder of S. Farmer and C. McCartney, Altnamackan	*					*			*	
01/09/75	Murder of D. Mullian at Aughnalig, Dungannon				*						
23/10/75	Murder of P. and J. McKearney at Grange Road, Moy				*	*			*		

DATE	INCIDENT	A	B	C	D	E	F	G	H	I	J
		9mm Luger pistol	9mm sub-machine gun	9mm sub-machine gun	9mm Sterling sub-machine gun	9mm ERMA sub-machine gun	.45 ACP pistol	.45 ACP Colt pistol	.38 ACP Colt pistol	.455 Webley revolver	.455 revolver
19/12/75	Attack on Donnelly's Bar, Silverbridge				*						
04/01/76	Attack on Reavey family at Whitecross, Armagh	*		*	*					*	
07/05/76	Shooting at Glenside Bar, Bessbrook				*						
15/05/76	Murder of F. McLoughlin at Eagle Bar, Charlemont, Moy				*						
18/05/76	<i>Discovery of arms at 60 Canary Road, Dungannon</i>								<i>found</i>		
05/06/76	Attack on Rock Bar, Tassagh, Keady, Armagh	*		*							
25/07/76	Murder of P. McNeice at Derrygarvagh Road, Loughgall				*						
19/04/77	Murder of W. Strathearn at Portglenone Road, Ahoghill, Ballymena							*			
23/06/77	Shooting at Lismurican Road, Ahoghill, Ballymena							*			
11/12/78	<i>Discovery of arms at 24 Parkfield Road, Ballymena</i>							<i>found</i>			

The incidents marked with the letter (U) were not attributed to loyalists or republicans. The use of all other guns was attributed to loyalists save in the case of the 9mm ERMA sub-machine gun, which was said to have been used four times; once by loyalists for the murder of Peter and Jenny McKearney, and three times by republicans in 1979. As there is no reference to this weapon in the transcript of the sentencing of those convicted of the McKearney murders, it is assumed that the ERMA gun was not used at this killing, and the reference was in error.

In addition to the weapons set out in the above table, the PSNI information also mentioned three 9mm Walther PP pistols, a Spandau GEW88 rifle and two home-made sub-machine guns. They were not known to have been used in any subversive attacks.

The information did not say where or when these weapons were discovered. However, the following reference may be relevant:

“14/12/78 - Find Ballylane Lough Rd – Find of SMG (home made) & ammo no history.”

This concerns the discovery of arms and ammunition on the farm of James Mitchell at Glennane. Full details of the find have not been made available to the Inquiry; but according to the report of RUC D/Sgt Elliott prepared for An Garda Síochána concerning the allegations of John Weir:

“The items included 2 home-made sub-machine guns and magazines, amounts of ammunition, 3 reels of cortex, masks and flak jackets.”¹⁹⁵

It seems reasonable to assume that these are the home-made sub-machine guns referred to in the PSNI weapons information. It is possible that the Walther pistols and the Spandau rifle were also found at Glennane, but this has not been confirmed.

Further information received:

The Inquiry has received additional information concerning weapons from the PSNI directly, from the Pat Finucane Centre and from certain court documents.

At a meeting with PSNI officers on 27 March 2002, the Inquiry was given an opportunity to examine RUC files relating to two other arms finds:

- 3) The discovery of weapons, ammunition and explosive-related materials at a farm near Dungannon on 18-19 May 1976; and
- 4) The discovery of weapons, ammunition and explosive-related materials at a farm near Ballynewry, Portadown on 2 August 1979.

On 22 April 2002 the Inquiry wrote to the PSNI seeking further information on a number of incidents which took place in Northern Ireland. These included the attacks on Donnelly's Bar, the Rock Bar, the Miami Showband, the Reavey and O'Dowd

¹⁹⁵ Report of RUC D/Sgt Elliott, 14 February 2000.

families, Sean Farmer and Colm McCartney, the Step Inn (Keady), Tully's Bar (Beleek), the murder of Robert Nairac and the prosecutions of Robin Jackson, Suspect T and Robert Thompson for possession of explosives in October 1979. The following reasons were given for the request:

“The attacks on Dublin, Monaghan and Dundalk being investigated were sectarian in their nature. The information being sought relates to other sectarian attacks and may compliment the information already received in relation to the interconnection of weapons and sectarian attacks apparent from the ballistic evidence already furnished...

Examination of the attacks upon which information is sought would answer questions coming within the general Terms of Reference of the Commission.

The information is being sought to assess the credibility of evidence which it has received and also to assess the truth or falsity of allegations of collusion by the RUC and other members of the Security Forces with members of loyalist paramilitary groups...

The Commission is not necessarily seeking to see the entirety of the police files on these incidents. What the Commission is seeking to ascertain is the nature of the evidence upon which convictions for sectarian murders were obtained in those cases where there were convictions. Where there were not, the Commission is seeking the names of those who were believed responsible for the attacks but against whom there would not have been sufficient evidence to justify a prosecution. In such cases, the Commission is also seeking to ascertain the nature of the evidence in the hands of the authorities in Northern Ireland in relation to such attacks.”¹⁹⁶

A reply, annexed to a letter from the Northern Ireland Office, was received on 9 June 2003. Details of convictions arising from the above incidents were given, along with a limited amount of trial records received from the Northern Ireland Courts Service. Concerning persons suspected but not convicted of any offence, the reply stated:

“It would not be appropriate for police in one jurisdiction to furnish confidential information regarding unconvicted suspects for a crime in that jurisdiction to a commission in another jurisdiction other than for the purpose of securing extradition.”

The court records received related to the trial of Garfield Beattie and two others in September 1977 on charges relating to three separate murders in 1975-76; the sentencing of William Thomas Leonard on 3 December 1975 in relation to the murders of James and Mildred Devlin on 7 May 1974. Some information was also supplied concerning the trial of Garnet Busby for the murder of Peter and Jennie McKearney on 24 October 1975.

Finally, the Inquiry was given information which the Pat Finucane Centre obtained at meetings between PSNI officers and various families in September and November

¹⁹⁶ Letter from the Inquiry to the PSNI, 22 April 2002.

2002. The Pat Finucane Centre also supplied the Inquiry with a copy of the judgment of Gibson L.J. in the trial of James John Somerville on charges relating to the Miami Showband massacre, which took place on 31 July 1975.

All of this information, when combined with what was initially obtained from the PSNI, is contained in the following table:

DATE	INCIDENT	A	B	C	D	E	F	H	I	J	K	L	M	N
10/03/73	Shooting of J. Turley at Crossmacaughy, Lurgan	9mm Luger pistol	9mm sub-machine gun	9mm sub-machine gun	9mm Sterling sub-machine gun	9mm ERMA sub-machine gun	.45 ACP pistol	.38 ACP Colt pistol	.455 Webley revolver	.455 revolver	.455 Webley revolver	.38 Star pistol	9mm Luger pistol	9mm Sterling sub-machine gun
24/03/73	Shooting at Redland Road, Loughgall											*		
13/06/73	Shooting at Argory, Armagh									*				
04/08/73	Shooting of T. McAliskey at Corr, Coalisland (U)		*											
05/08/73	Murder of F. Mullen at Moy, Co. Tyrone		*							*				
17/01/74	Murder of D. Hughes at Boyle's Bar, Cappagh, Co. Tyrone									*				
07/05/74	Murder of J. and G. Devlin at Congo Road, Dungannon									*				*
03/09/74	Shooting of T.J. Chambers at Main St., Mountmorris, Bessbrook	*							*					
20/11/74	Murder of P. Falls at Fall's Pub, Aughnacloy									*				

DATE	INCIDENT	A	B	C	D	E	F	H	I	J	K	L	M	N
08/12/74	Shooting at Dundalk Road, Newtownhamilton (U)	9mm Luger pistol *	9mm sub-machine gun	9mm sub-machine gun	9mm Sterling sub-machine gun	9mm ERMA sub-machine gun	.45 ACP pistol *	.38 ACP Colt pistol	.455 Webley revolver	.455 revolver	.455 Webley revolver	.38 Star pistol	9mm Luger pistol	9mm Sterling sub-machine gun
10/01/75	Murder of John Francis Green, Comaghy, Castleblayney											* [new barrel]	*	
01/04/75	Murder of D. Trainor at People's Park, Portadown											*		
11/04/75	Murder of O. Boyle at Glencrew, Aughnacloy									*				
30/07/75	Attack on Miami Showband near Newry ¹⁹⁷												*	*
02/08/75	Shooting at Fane Valley Park, Newtownhamilton								*					
24/08/75	Murder of S. Farmer and C. McCartney, Altinacavan	9mm Luger pistol *					*		*					
01/09/75	Murder of D. Mullan, Dungannon				*									

¹⁹⁷ It is believed that there were at least four other guns used in the Miami attack. See appendix 6.

DATE	INCIDENT	A	B	C	D	E	F	H	I	J	K	L	M	N
23/10/75	Murder of P. and J. McKearney at Grange Road, Moy	9mm Luger pistol	9mm sub-machine gun	9mm sub-machine gun	9mm Sterling sub-machine gun	9mm ERMA sub-machine gun	.45 ACP pistol	.38 ACP Colt pistol	.455 Webley revolver	.455 revolver	.455 Webley revolver	.38 Star pistol	9mm Luger pistol	9mm Sterling sub-machine gun
19/12/75	Attack on Donnelly's Bar, Silverbridge, Co. Armagh				*	*		*						
04/01/76	Attack on Reavey family at Whitecross, Armagh	*		*	*				*					
04/01/76	Attack on O'Dowd family at Ballyduggan, Gilford													*
07/05/76	Shooting at Glenside Bar, Bessbrook				*									
15/05/76	Murder of F. McLoughlin at Eagle Bar, Charlemont, Moy				*									
18/05/76	Discovery of arms at 60 Canary Road, Dungannon							<i>found</i>					<i>found</i>	

DATE	INCIDENT	A	B	C	D	E	F	H	I	J	K	L	M	N
05/06/76	Attack on Rock Bar, Tassagh, Keady, Armagh ¹⁹⁸	9mm Luger pistol *	9mm sub-machine gun	9mm sub-machine gun *	9mm Sterling sub-machine gun	9mm ERMA sub-machine gun	.45 ACP pistol	.38 ACP Colt pistol	.455 Webley revolver	.455 revolver	.455 Webley revolver *	.38 Star pistol	9mm Luger pistol	9mm Sterling sub-machine gun
25/07/76	Murder of P. McNeice at Derrygarvagh Road, Loughgall				*									
19/04/77	Murder of W. Strathearn at Ahoghill, Ballymena						*							
23/06/77	Shooting at Lismurican Road, Ahoghill, Ballymena						*							
03/06/78	Discovery of gun on open ground, location unknown								<i>found</i>					
11/12/78	Discovery of arms at 24 Parkfield Road, Ballymena						<i>found</i>							
??/??/78	Discovery of arms at Annaghmore, Portadown		<i>found</i>											
02/08/79	Discovery of arms at Ballymewry, Portadown											<i>found</i>		

¹⁹⁸ There is no evidence that the .455 Webley, which was found in a burnt out car after the Rock Bar attack, was used in any other of the attacks mentioned in this table.

CONCLUSIONS:

The information contained in the above table is both complex and incomplete. It is not an exhaustive history of every weapon used by loyalist extremists for the period in question; even within the limited geographical area to which it relates.

In its Report on the Dublin and Monaghan bombings, the Inquiry drew the following conclusion from examining similar (though less comprehensive) ballistic information:

“What is important for the purposes of this Inquiry is that a number of specific guns were used in more than one sectarian attack between 1973 and 1976. This knowledge, combined with the fact that some of the guns were discovered on the same premises, creates a link between:

- (1) an attack for which RUC officers were convicted (the Rock Bar, Keady);
- (2) other attacks in which RUC officers were suspected of taking part (Donnelly’s Bar, Silverbridge; Farmer and McCartney; the Reavey family); and attacks attributed to loyalist paramilitaries by the security forces (John Francis Green, Dorothy Trainor,¹⁹⁹ the Miami Showband,²⁰⁰ Peter and Jenny McKearney²⁰¹).

The information in relation to the guns used shows the same pattern of security force involvement in those offences as does the evidence in relation to the offences themselves.

A number of the guns cited in the tables have connections to Robin Jackson. Firstly, his fingerprints were found on tape attached to a silencer for a Luger pistol; secondly, Garnet Busby, who fired a .38 Colt pistol during the McKearney murder, was said at his trial to have been forced him back into subversive activity by an associate after the Miami Showband attack. This associate is almost certainly Jackson, and it is believed likely that the latter used the other gun employed in the McKearney attack – a Sterling submachine gun.

There is further information which links this gun to members of the security forces. This particular gun was used on seven occasions, according to the information available to the Inquiry, including the McKearney murders (23/10/75), the Mullan murder (1/9/75), the Eagle Bar attack (15/5/76) and the murder of McNeice (25/7/76). The Eagle Bar attack involved a UDR member – Joey Lutton. According to *The Observer* (23 November 1975), the Mullan and McKearney attacks used ammunition from a batch issued to the British Army in 1975. This allegation was not denied by the authorities.²⁰² It is also significant that the gun passed from UVF member Garfield Beattie through the hands of Jackson (for the McKearney attack), on to attacks which involved RUC member

¹⁹⁹ Shot dead on 1 April 1975. Her husband was wounded in the same attack.

²⁰⁰ 31 July 1975. See Appendix 4.

²⁰¹ Shot dead on 24 October 1975.

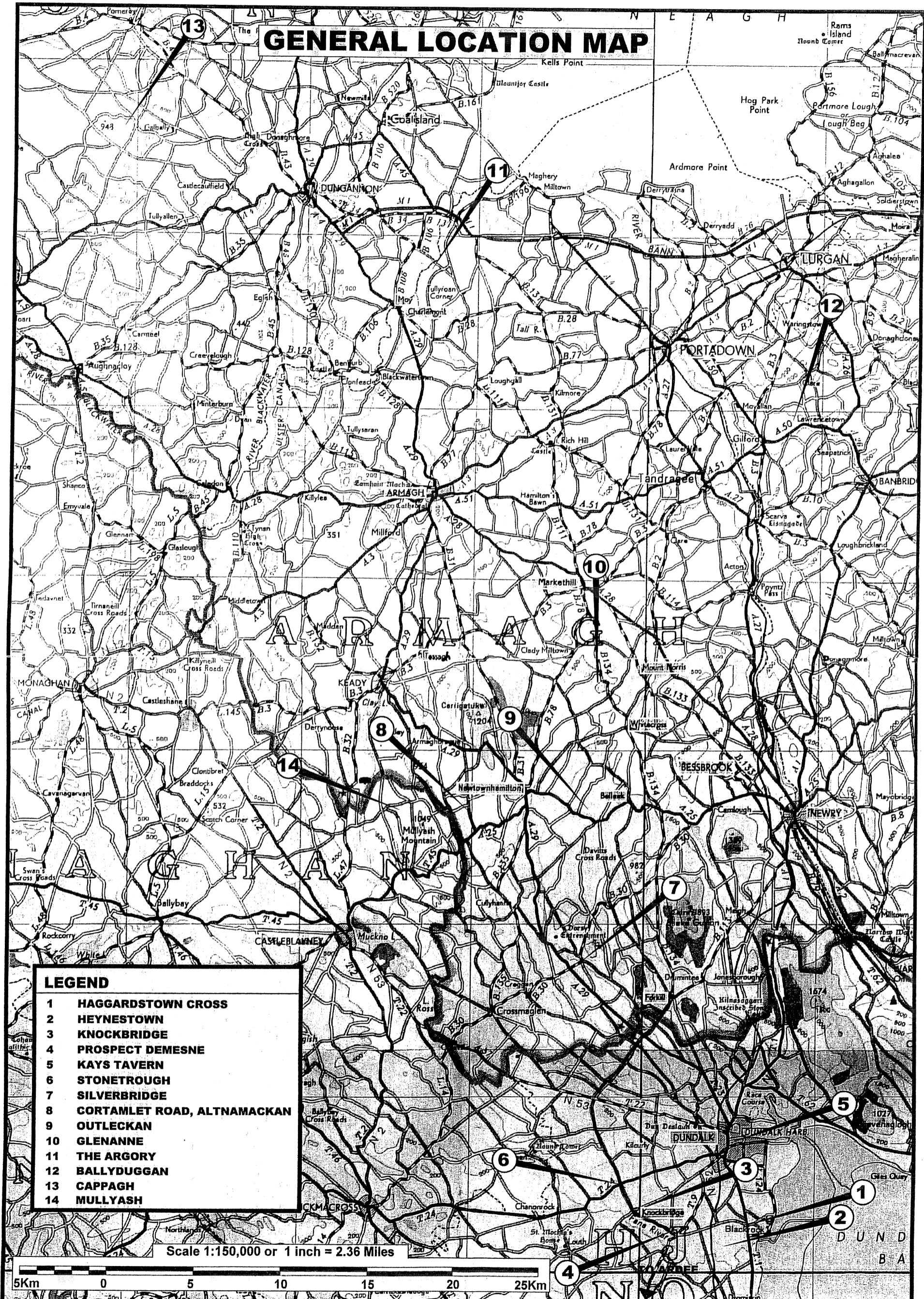
²⁰² See *Irish Times* 22 December 1975. The *Observer* article also claimed that some of the bullets found at Donnelly’s Bar, Silverbridge were old army issue.

Laurence McClure and UDR member Robert McConnell, and eventually back to Beattie, who ultimately disclosed its hiding place to the police.

Of even greater significance in this context is the statement of McCaughey that the weapons used in the Rock Bar attack were taken from a 'safe house.' It is one thing for members of the security services to know members of the UVF sufficiently well to obtain guns and equipment from them. It is another matter when they are aware where such equipment is kept.

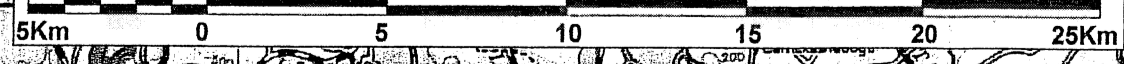
However, the reality is that none of the above information leads to any new evidence that there was collusion in the case of the Dundalk bombing. The ballistic information which links the perpetrators of the Rock Bar to the perpetrators of other attacks merely serves to confirm what was already apparent from the evidence of Weir and the information arising from the 1978 arrests: that there was a group of paramilitaries and renegade RUC / UDR officers, based around Mitchell's farm, who carried out sectarian gun and bomb attacks.

GENERAL LOCATION MAP



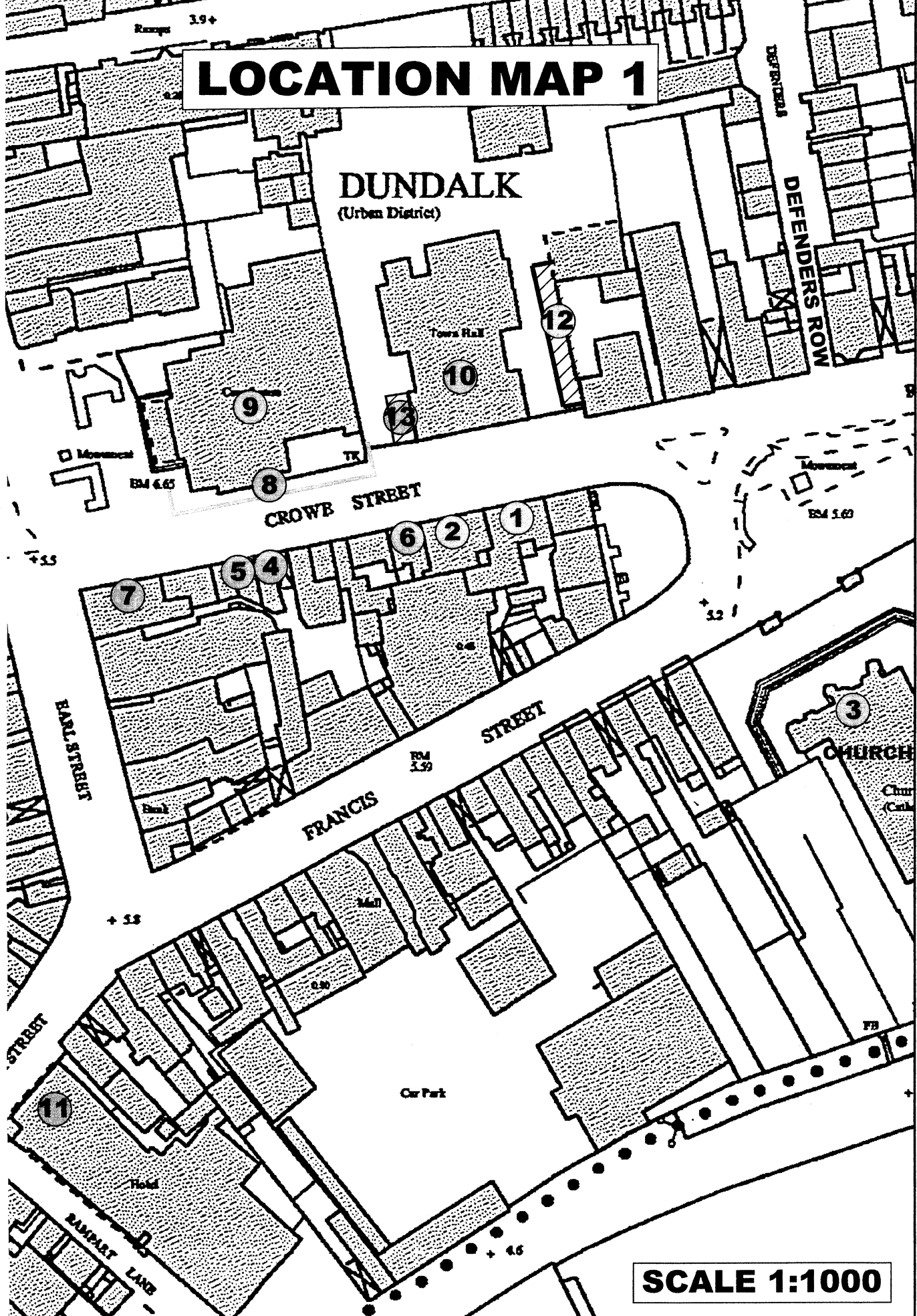
- LEGEND**
- 1 HAGGARDSTOWN CROSS
 - 2 HEYNЕСТOWN
 - 3 KNOCKBRIDGE
 - 4 PROSPECT DEMESNE
 - 5 KAYS TAVERN
 - 6 STONETROUGH
 - 7 SILVERBRIDGE
 - 8 CORTAMLET ROAD, ALTNAMACKAN
 - 9 OUTLECKAN
 - 10 GLENANNE
 - 11 THE ARGORY
 - 12 BALLYDUGGAN
 - 13 CAPPAGH
 - 14 MULLYASH

Scale 1:150,000 or 1 inch = 2.36 Miles



LOCATION MAP 1

DUNDALK
(Urban District)



SCALE 1:1000

