

THE TRIBUNAL RESUMED ON THURSDAY, THE 16TH OF MARCH, 2006,

AT 11 A.M. AS FOLLOWS:

DR. JOHN O'CONNELL, PREVIOUSLY SWORN, WAS EXAMINED BY

MR. HEALY AS FOLLOWS:

CHAIRMAN: Good morning, Dr. O'Connell. Thank you very much for coming back. I appreciate you have had a couple of health problems in recent times, including the hearing situation that I think we had the last time, so please take those questions that will be asked to you, at your own pace, and if you need a break

A. Thank you. And my apologies for not coming at other events. It was medical problems at the time.

CHAIRMAN: Thank you very much. Very good.

Q. MR. HEALY: Thank you, Dr. O'Connell. Can you hear me satisfactorily from where you are now?

A. Yes.

Q. And once again, just for the record, I think you are now living in London, and you have made yourself available here today to give evidence without subpoenas; isn't that right?

A. Yes.

Q. Yes. Now, as you say yourself, a number of efforts were being made at various times to arrange for your evidence, but because of health problems that have I suppose overtaken you a little in the last while, you weren't able to be in attendance when some of the other evidence was given?

A. That's right.

Q. You provided a statement initially as far back as July 2005, and recently, you provided a supplemental memorandum, or a supplemental memorandum was prepared based on further information you gave the Tribunal?

A. Yes.

Q. What I am going to do is to go through those two documents, as slowly as you want me to go through them; and if at any time we need to go into other documents and you feel you want to break, just tell me, and we will stop.

A. Yes.

Q. Now, do you have copies of these documents? If you haven't, I will get them to you now.

A. Please, yes.

Q. I think, rather than give you a book, I will give you the material document by document, it's much handier, because that is a very confined space.

A. Thank you very much.

Q. What I've arranged for you to be handed now are the two statements, if you like, or memoranda, of your evidence.

One is headed "Statement of Dr. John O'Connell, 18th July, 2005", and the other is headed "Supplemental Memorandum of Intended Evidence of Dr. John O'Connell".

Have you got those both?

A. Yes.

Q. If we take the first of those?

A. Yes.

Q. I'll read through it and just ask to you confirm that I am

correct in what I am reading.

You say: "I think it might be helpful if I were to give the background to the passport saga. I was introduced to a number of Lebanese people by a medical colleague, Dr. Mahmoud Barbir, a Lebanese citizen who graduated from the Royal College of Surgeons in Dublin, who told me that they were refugees who fled their country at the outbreak of the civil war in the Lebanon, and he was helping them at his home in Dublin. I understand that Dr. Barbir was financing their stay in Ireland and had arranged for them to stay in an apartment block in Mount Argus, Harold's Cross, Dublin. He asked me if I would inquire, as a TD, as to the possibility of their obtaining passports or travel documents. I sought the advice of an official at the Immigration Department, who interviewed them and gave them application forms to complete, which they did, and I and friends who met them acted as referees. I then checked the United Nations Charter and discovered that refugees from war-torn countries could be supplied with travel documents. This fact I then brought to the attention of An Taoiseach, Charles Haughey. I later learned that travel documents were issued to them. While making representations on behalf of these people I spoke to both Fianna Fail and Fine Gael Ministers. At no time, to my knowledge, did any Minister seek or receive any financial inducements. As all correspondence and/or documentation relating to these applications would have been addressed to my office in

Leinster House, and, further, as I resigned as a TD in 1993 due to serious ill health, I am not aware of what happened to the documentation. Dr. Barbir recommended all of the applicants to me as being most respectable and responsible people. Ibrahim Moubarak, Philip Noujaim, Wael Khairi and Antoine Ghorayeb were cousins. In addition, the Moubaraks were all members of the one family."

That is perhaps a reference to a number of other individuals with this surname, Moubarak.

A. Exactly.

Q. "After acquiring Irish citizenship, I understand they left the same day for London, where they celebrated with their friends. They returned to Dublin a few days later and worked for some time in Ireland, then in England, and, with the end of the civil war in the Lebanon, they returned to their own country. I understand that four of them have since died."

Now, in your supplemental memorandum you say, in addition to the matters referred to in the statement of the 18th of July, you have provided further information to the Tribunal as follows; and the memorandum goes on:

As indicated in your statement, "the Moubarak/Fustok applicants were all introduced to Dr. O'Connell by Dr. Mahmoud Barbir in approximately 1980. Dr. Barbir had studied evidence [sic] at the Royal College of Surgeons had studied medicine at the Royal College of Surgeons in Ireland at the same time as Dr. O'Connell's son, and it was

in those circumstances that Dr. O'Connell became acquainted with Dr. Barbir. Dr. Barbir's older brother was a close friend of Mr. Mahmoud Fustok, and after he qualified, Dr. Barbir was appointed medical attendant to Mr. Mahmoud Fustok. Mr. Kamal Fustok, one of the four initial applicants for naturalisation, was the younger brother of Mr. Mahmoud Fustok, and the Moubaraks and other applicants were all related to Mr. Mahmoud Fustok."

I think I should perhaps correct that to say the late Mr. Mahmoud Fustok; isn't that right?

A. That's right, yes.

Q. "As already indicated, it was Dr. Barbir who introduced the applicants to Dr. O'Connell and inquired about the possibility of securing Irish citizenship and travel documents for the applicants. Dr. O'Connell took up the matter with the Department of Justice on behalf of the applicants. As already indicated, Dr. O'Connell made representations to both Fianna Fail and Fine Gael Ministers on behalf of the various applicants. These included representations made by Dr. O'Connell to Mr. Charles Haughey. Dr. O'Connell can recall discussing with Mr. Haughey the applicants' entitlements as refugees from war-torn countries under the United Nations Charter. Dr. O'Connell's recollection is that, initially, Mr. Haughey was doubtful as to the application of the United Nations Charter to their situation, and when Dr. O'Connell actually produced the relevant sections of

the Charter to him, he then accepted that the provisions of the Charter did apply to their situation. It was Dr. O'Connell's understanding that the initial applicants were naturalised not on the basis of residency, but on humanitarian grounds. Dr. O'Connell has confirmed that the late Mr. Mahmoud Fustok, who was related to all of these applicants, is the same" and I suppose that should read "is the same Mr. Mahmoud Fustok who requested Dr. O'Connell to transmit funds to Mr. Haughey in 1985."

Now, those two documents, and the contents of those documents, relate to, I suppose, interventions or assistance or support that you gave a number of individuals in connection with their applications to stay in this country, or to get passports, over a period beginning in around 1980 and going on to the late '80s.

A. Exactly.

Q. Mid to late '80s. And I want to mention some of the documents, but before doing that, I want to discuss some of the general points that you have made here.

A. Yes.

Q. But at the same time, so that we don't lose some perspective on this, I just want to get some of the applications in in order, as it were.

I think that, initially, you supported applications on behalf of four Lebanese/Lebanese Palestinians, in or around 1980, late 1980, and their names were Ibrahim Moubarak I am not going to give you the documents. If you want them,

you can ask me for them; your counsel has them Kamal Fustok, Razouk Daher, and Philip Noujaim. Those were the first four

A. That's right.

Q. individuals that you whose applications you supported. Then, in that was in 1980, 1981. In late 1981, you supported applications on behalf of another group of individuals of Lebanese/Palestinian extraction, whom I have divided into two. Four of them were adults, Mr. Bechara Shoukair, Michael Albinia, Slieman Moubarak and Wael Khairi, and then two minors of the Moubarak family.

The precise details you mightn't be aware now?

A. Yes.

Q. But you may be aware that you supported an application on behalf of four adults, an application that ultimately had to be made to Mr. Jim Mitchell, if you remember that, and was eventually taken up by the late Mr. Doherty, Mr. Sean Doherty?

A. Yes, that's right.

Q. And that involved two groups, adults and minors, and the minors were hoping to come in under the umbrella of a previously naturalised relative?

A. That's right.

Q. Yes. Then, in late 1982, you supported applications of Kamal Moukarzel, Adnan Moubarak, Leila Moubarak and Antoine Ghorayeb?

A. Yes.

Q. And again, they were ultimately dealt with by Mr. Doherty, the late Mr. Doherty?

A. Yes.

Q. Now, you made a number of other applications, or I suppose interventions or representations, on behalf of a number of other individuals with the view to getting them naturalised. These were all, again, related to some of the individuals who had already been naturalised, and I think in only one case was there a successful outcome, and that was in respect of the very last person that we have a record of your supporting, and that's a young woman, Ms. Faten Moubarak?

A. Yes.

Q. And I think that embraces the whole

A. That's right.

Q. of the period during which you made

A. Representations.

Q. representations on behalf of I will say

Lebanese/Palestinian, because they were both

A. That's right.

Q. groupings.

And I want to go back to your statement when you wanted to put the whole thing into perspective, or into context, which is the important aspect of your involvement. And your involvement, you say, came about by reason of a medical contact?

A. Yes.

Q. This was Dr. Mahmoud Barbir?

A. Yes.

Q. Now, I think in one of your statements he is described as a colleague; I think am I right in saying although he may have been a colleague when you met him, he may have been a qualified doctor, initially your contact with him was through your son; or am I wrong in that?

A. Yes, it's not quite correct.

Q. Yes.

A. It

Q. I am not quibbling with it.

A. I know. I met him through another doctor.

Q. Right?

A. A colleague of his in St. James's Hospital.

Q. Right?

A. Who asked me up to his house on Christmas night.

Q. Right?

A. And that is when I met but he wasn't a doctor then; this was a final-year medical student.

Q. Right?

A. That was Christmas Day 1979.

Q. 1979?

A. That's right.

Q. And that was the first time that you met him?

A. Yes.

Q. And was that the first time that you became involved with Lebanese/Palestinians wishing to acquire citizenship or

travel documents here?

A. Yes, exactly.

Q. Right. And it was from that that your subsequent involvement with Lebanese/Palestinians or the Arab community began; is that right?

A. That's right, exactly.

Q. Including your subsequent connection with the late Mr. Mahmoud Fustok?

A. Fustok, yes.

Q. Now, I think you are probably aware from your dealings with these applications that, in general terms, the way the process operates is you make an application; in that application you set out the various details of your family: where you came from, how you got to be in Ireland, how long you have been in Ireland, and so on. You make that application. You have to give notice that you intend to apply for a grant of citizenship. The Aliens Section of the Department of Justice and the Gardai examine the information you have provided and verify it, and if everything is in order, and if you have given enough notice, then you get your grant of citizenship about a year later?

A. Yes.

Q. In all of these cases, certainly in I think the first three groups, you were dealing with people who had come to Ireland after the outbreak of hostilities in the Lebanon; like a lot of refugees, they had probably come here

illegally?

A. Yes.

Q. And had maybe they had maybe laid low a little, but they did have the relevant degree of residence in this country; isn't that right?

A. To my knowledge. I had never met them before then.

Q. Yes, I appreciate that; you had never met them.

A. That's right.

Q. Yes. But you hadn't realised that when you signed some of the documents, but I will just draw one to your attention.

A. Yes.

Q. If you look at the first set of applications.

Now, for the benefit of Dr. O'Connell's advisors, these are in Book 70, Leaf 3. And I don't want to give it's too much trouble in that box. In fact, if you give Dr. O'Connell the first application, that will be sufficient, I think.

(Document handed to witness.)

Q. MR. HEALY: If you look at the front page of the document, it says "Application by person of full age for Certificate of Naturalisation." You see that at the top of the document?

A. Yes, I do, of course, yes.

Q. The distinction that is being made there is between the separate conditions that apply to an application by a minor, which are generally less onerous, for obvious reasons.

A. Yes, I see, yes.

Q. And underneath that there is the signature of the applicant, then the date: in this case, the 16th of December, 1980?

A. Yes.

Q. Then underneath that, the particulars relating to the applicant; do you see, "Ibrahim Moubarak, 20 Manor Villas, Mount Argus Road, Dublin 6." And then there are various other details. If you go on to the next page

A. Yes.

Q. you see under "Place of residence: Lebanon. From birth to June '73." Then Manor Villas from '75 up to the date of the application. And prior to that, at 67 Orwell Park, from '73 to '75.

And then on the next page, various other information is requested and the answers are given, including a reference to a bank reference having been sent to the Department of Justice. Then underneath that you have the statutory declaration that the particulars are true, and that is signed by Mr. Ibrahim Moubarak. And then underneath that, it's declared before a Peace Commissioner; do you see that?

A. Yes, I see that. We have no name.

Q. In fact probably because your application is has been photocopied so many times you can barely see it. It's Mr. Patrick McNamara of 244 Galtimore Road, Dublin 12.

A. I have it here.

Q. And underneath that, you can probably see Mr. McNamara's

signature?

A. That's right.

Q. And then on the next page, you have the various supporters, and the first one, I think, is a Ms. Andrea Fagan, and it says: "I, the undersigned, hereby state that I am an Irish citizen and that I am not the solicitor or the agent of Ibrahim Moubarak, whose application for a Certificate of Naturalisation I am prepared to support from personal knowledge of and intimate acquaintance with the applicant for five years. I can vouch for his good character."

And that is dated the 16th of the 12th, 1980.

Then underneath that, there is a similar statement signed by you, John O'Connell, Dail Eireann, Dublin 2; do you see that?

A. Yes, indeed, yes.

Q. Although you do say that you knew the applicant for seven years; do you see that?

A. I must confess that was all filled out by Dr. Barbir.

Q. I see.

A. And I signed it, yes, I see that.

Q. And in fact, if you look at all the other applications

A. They are similar.

Q. They are all similar?

A. Yes, yes.

Q. Yes. And you are certain that that number seven is not in your handwriting, are you?

A. Oh, no, I am not certain, no, indeed.

Q. You are not certain?

A. It looks very much like my handwriting, but what I am saying is, what I'm saying is that the a colleague of theirs, Dr. Barbir, filled out a lot of the details about it, because I knew none of the details about them.

Q. I follow.

A. Yes, I see that.

Q. Well, in fairness to you, I think the same signature is used on all or the same writing of the number "seven years" appears in all of the applications, as far as I'm aware, bar one, and I am not going to hand that up to you:

That is Mr. Philip Noujaim's, and the "seven" in his case is in a different hand, or appears to be an in a different hand, in any case.

A. Dr. Barbir got a lot of this information from them.

Q. Yes.

A. So he knew them very well.

Q. He knew them very well?

A. Oh, yes, he did, yes. But he wasn't an Irish citizen, I think, or something like that. Hold on. Yes, yes, yes, he wasn't an Irish citizen at the time.

Q. Right.

A. He became an Irish citizen the following year. The third page, if I may

Q. Yes?

A. has nothing on the bottom of that bit, "notice of application for a Certificate of Naturalisation hasn't been

filled in," I see.

Q. That's right. I think, as far as I can see from that, this application and the others, that the Department, while they were anxious to ensure that the facts in these statements were correct, weren't too particular about how the 12 months' notice was given; as long as they were actually aware of the application within the Department

A. Yes.

Q. I think they tended to be reasonably

A. Satisfied.

Q. casual about that. In other words, they weren't a stickler for filling out that part of the application, as far as I can judge from their approach to a number of occasions.

A. It wasn't completed.

Q. Now, you mentioned that you had drawn the cases of these individuals to the attention of Mr. Haughey, when he was Taoiseach?

A. That's right.

Q. And I think by the time you had drawn those matters to the attention of Mr. Haughey, you had already been to the Aliens Office or been to Dublin Castle with them; is that right?

A. Yes.

Q. Or the Department of Justice, whichever; I am not sure.

A. I have forgotten. But it was an official there who came to interview them.

Q. Yes.

A. Not at the Department.

Q. Yes.

A. At the office, but in the Shelbourne Hotel on Stephen's Green.

Q. Yes.

A. And they were pretty scared

Q. Yes.

A. he told me, and he put their he got them to fill in the application forms. But when I went to Mr. Haughey, I went to him on the basis of the United Nations Charter and the right to receive to be treated as refugees and to get passports on humanitarian grounds.

Q. Yes.

A. And it was Mr. Haughey said no, and I did bring a copy of it and showed it to him, and he said he was never aware of that, that they number one, that they were entitled to travel documents, and number two, that they could be granted citizenship on humanitarian grounds.

Q. I see.

A. I think that is the words, as I remember it.

Q. Yes. But I just want to get clear the sequence: They seemed to have gone to be interviewed by the Aliens Office, first?

A. Yes, yes. Yes, as far as I can recall.

Q. And the applications proceeded apace?

A. That's right.

Q. You hadn't gone to Mr. Haughey or anyone else?

A. Yes.

Q. And they seemed to be happy I will show you the letters in which you seem to have confirmed this in a moment they seemed to be happy with the way they had been treated by the Aliens Office?

A. Oh, yes, they were.

Q. It was subsequently when they were dealing with the Department they felt that their reception was less than sympathetic?

A. Exactly, exactly.

Q. And it was at that point that you approached Mr. Haughey?

A. No I am not sure of that.

Q. Well, I want to make sure that you are not being unfair to yourself. I have all the documents, and you have been given them, as well, but

A. Yes.

Q. I suppose they are all fresher in my mind than they are in yours. Let me just read out a letter that you wrote to Mr. Haughey. This is at Book 70 A, Leaf 3.

(Document handed to witness.)

Q. MR. HEALY: It says "From Dail Eireann, 21st of July, 1980, to Mr. C.J. Haughey, TD, An Taoiseach, Taoiseach's Office," and so on.

"Dear Charlie,

"As I explained to you on the telephone, I need your help badly in regard to the case of the following four Lebanese:

"Messrs Daher, Noujaim, Fustok, Moubarak,

"who fled at the time of the civil war in Lebanon and came to Ireland illegally in June 1973.

"I befriended them shortly afterwards and finally persuaded them to make applications to the Aliens Office, Dublin Castle, for travel documents as they are unable even to leave the country.

"They were interviewed by officials from the Aliens Office who were quite satisfied about their bona fides, and the four persons in question produced documentary evidence about their arrival in Dublin, as well as bank references vouching for the fact that they are financially independent.

"They are very anxious to have their position in Ireland regularised as they are hoping to become Irish citizens and indeed want to establish business relations between Ireland and the Middle East, to Ireland's benefit.

"Their case has been submitted to the Department of Justice (a Mr. Peadar O'Toole), but the response has not been very sympathetic.

"I would consider it a very personal favour if you could intervene on their behalf, and I am prepared to vouch for their integrity."

Do you see that?

A. Yes, I do, indeed.

Q. Does that seem to confirm the sequence of events that I was suggesting was the correct sequence; that they went to the

Aliens Office, everything seemed to be going well, they went to the Department, and they felt they had received a less-than-sympathetic reception; they presumably came back to you and told you their tale of woe, and then you telephoned Mr. Haughey and subsequently wrote to him?

A. Exactly, yes.

Q. Doesn't that seem like it?

A. Sorry, if you bear with me.

Q. Take your time.

A. They didn't go to the Aliens Office.

Q. I beg your pardon?

A. An official from official from the Aliens Office saw them in the Shelbourne Hotel.

Q. Fine.

A. Yes, but he was most sympathetic and helpful to them.

Q. Yes.

A. Exactly.

Q. Well, then, with that qualification, my sequence seems to be the right one, to judge by this letter; isn't that right?

A. Exactly, yes.

Q. Now, we know that

A. There's one thing not quite correct in it, either.

Q. Yes.

A. "I befriended them shortly afterwards." That is not correct.

Q. Well, from what you tell me, it can't be correct; sure it

can't?

A. That's right, that is not correct. I dictated that, I think, at that time. But "shortly afterwards" would be incorrect, because it was

Q. 1979?

A. 1979, yes, and that was 1974 was the civil war broke out in the Lebanon.

Q. Yes.

A. Yes. And yes, 1974, I think, yes.

Q. Although they themselves say they came to Ireland in '73; but in any case, for the moment I am not too concerned with those details.

A. Yes.

Q. From the documents made available to the Tribunal, we know that the Private Secretary to the Taoiseach appears to have written to the Private Secretary to the then Minister for Justice, Mr. Gerry Collins, and referred to representations made by you to the Taoiseach. I am if you want, I can show you these documents.

A. Yes.

Q. You have probably seen them.

A. Don't worry.

Q. Mr. Kirwan, the Private Secretary to Mr. Collins, then wrote back acknowledging the letter and indicating that the individuals in question would have to approach the Department. That was on the 15th of October, 1980. At some time it would appear that the file was then called for

by the Taoiseach and brought down to his office, and I'll just let you examine a document that seems to suggest that this was the case.

This is a memorandum of the 22nd of October of that year; it's at Leaf 6 of Book 70A.

(Document handed to witness.)

Q. MR. HEALY: This is a plain sheet of paper headed "Taoiseach"

A. "He will be calling to the office here again at about 2:30." Was that

Q. An essay, as far as the Tribunal is aware from the evidence, I think of Mr. Olden, is the initials of Mr. Aylward, Mr. Sean Aylward, who was then, I think, a Private Secretary to the Taoiseach?

A. Sean Aylward, yes. But who will be calling at 2:30?

Q. Yes.

A. Is it I who would be calling?

Q. I think that is what it means. "This is the Justice file on Dr. O'Connell's Lebanese people. He will be calling to the office here again about 2:30 p.m."

A. To what office was it?

Q. It seems to mean the Taoiseach's office. "Taoiseach"

A. Yes.

Q. That's, presumably, in the Taoiseach's office, if it came from

A. You are quite right, yes, from the Taoiseach's office.

Q. This is the Justice file, so the Justice file has made its

way from the Department of Justice to the Taoiseach's office?

A. Yes.

Q. Which is not a very common thing, apparently.

And then indicates that, I think, that you would be calling to the office at about 2:30 p.m.?

A. Yes.

Q. Now, Mr. Collins has given evidence that, while he didn't have any approach from you, he does recall that he received, I suppose if I can put it this way, representations from the Taoiseach to the effect of, can you please do something about this to keep Mr. O'Connell happy. And this would have been in the usual post-Cabinet chitchat after the weekly Cabinet meetings?

A. Yes.

Q. It would seem to suggest that you must have been on to Mr. Haughey a fair bit about it, in any case?

A. Yes, you are quite right.

Q. Now, I am not going to go into all the details of these applications, other than to tell you that, eventually, it would appear that Mr. Collins received from his officials a note of the applications, indicated that a year's notice hadn't been given, but that if a year's notice were given and if the other conditions for naturalisation were complied with, he would grant the applications. And it would appear that the various individuals then went about waiting for the year to elapse, made their applications or

formally applied?

A. Yes.

Q. And put their advertisements in the newspapers, and a year later, the after the police had carried out their usual inquiries, Mr. Collins received documentation from his civil servants telling him that he could grant the applications?

A. Yes.

Q. Do you remember something along those lines?

A. Yes.

Q. Mr. Collins wrote to you formally about it saying that once those

A. Yes, once the year's yes, that's right, yes.

Q. Yes. That was all done, and they got their Certificates of Naturalisation?

A. Yes.

Q. Now, the second group that I mentioned a moment ago, that is Shoukair Albinia, Moubarak and Khairi, adults, and the two Moubarak minors, made their applications sometime around 1981, and these applications, again, were supported by you and were dealt with by the then Minister for Justice, who was Mr. Jim Mitchell. Do you remember him becoming Minister for Justice?

A. Yes, indeed yes.

Q. And he wrote to you on the 23rd of December 1981, in a letter which is contained in Book 70, Leaf 15, and I will let you have a copy of that now.

(Document handed to witness.)

Q. MR. HEALY: He wrote to you in terms almost the same as the letter written by Mr. Collins a year before

A. Yes.

Q. saying these people are going to have to go through the various procedural steps to be granted Certificates of Naturalisation, and that, provided they give notice, a year's notice, and the other preconditions are fulfilled, the applications will be granted?

A. Yes, yes. Sorry, there is the a part there is not very legible, the handwritten piece.

Q. I am told that I may be

A. I am wondering "was told by the Runai Aire that the four"

Q. I will try and decipher it for you. I thought I had a version that

A. Yes.

Q. "Dr. O'Connell was told by Runai Aire on the 4th of the 2nd, 1982" which is a reference to February of 1982

A. Yes.

Q. "that the four were to report to ARO", the Aliens Registration Office, "right away. He said he'd tell them" and that is all I can decipher.

A. Yes. "He said he'd tell them" but they didn't call to the Aliens Office.

Q. I think there may have been a delay in their calling to the Aliens Office, to judge from other documents that we have

obtained from the Department.

A. I think the official met them again.

Q. You may be right.

I can bring you to another letter in which there is another reference to your representations.

A. Yes.

Q. It seems that you persisted with your representations but that you focused more on the two minors than on the four adults.

A. Yes.

Q. And on the 26th of February, 1982, the then Minister for Justice, the late Mr. Jim Mitchell, wrote indicating that he would grant Certificates of Naturalisation to the two young men on foot of their brother, Ibrahim Moubarak, already being an Irish citizen and a guardian of his brothers?

A. Yes.

Q. And there was a provision in the Act allowing the Minister to do that?

A. To do that, yes.

Q. But that he would require all three of them to attend at his office to pay the statutory fee, and so on. That letter is contained at Book 70, Leaf 17.

A. Yes, I don't remember that, I have to say. Yes.

(Document handed to witness.)

A. This may remind me.

Q. MR. HEALY: Now, what Mr. Mitchell had done was, like

Mr. Collins before him, he had deferred these applications in the case of the adults for a period of a year; deferring them, in other words, from December 1981, when they were first mooted, to December 1982.

A. Yes.

Q. Now, of course, during that period, there was a change of government, and Mr. Mitchell, I think, sometime I have the date somewhere I think it would have been March, '82, I think; I am sure I will be corrected.

A. Yes, there was a change of government.

Q. March '82, there was a change of government?

A. Yes.

Q. And a new minister for Mr. Haughey, once again, became Taoiseach, and Mr. the late Mr. Sean Doherty became Minister for Justice?

A. That was

Q. And you became Ceann Comhairle, I think; am I right?

A. Yes, that is correct.

Q. Again?

A. Nobody else would take it.

Q. Yes. That was the period of the three elections

A. Yes.

Q. in the short space of time.

Now, you, apparently, didn't wait until the period of a year had elapsed, because you seem to have written to Mr. Doherty in September of 1982, and that document is to be found at Book 70, Leaf 28 Leaf 20, I'm sorry.

(Document handed to witness.)

A. Thank you.

Q. MR. HEALY: I think this may have been a troublesome time for Mr. Doherty, the late Mr. Doherty, and for the government, in general?

A. Yes.

Q. And you wrote from the office of the Ceann Comhairle, 8th of September, 1982, "Private and Personal" to Mr. Sean Doherty, TD, and Minister for Justice:

"Dear Sean,

"I am very sorry for troubling you so much, especially at the present time when you have so many problems to contend with.

"My anxiety now is about the six Lebanese who have applied for nationalisation certificates. As you are aware, there is a particular interest in this matter.

"The thing that worries me, however, is that I was given to understand that the two younger Moubarak brothers failed to call to your Department with their elder brother on request.

"This is not so. They called there last February and signed the necessary documents.

"I should be most grateful if you would, as a personal favour to me, look into this matter as soon as possible with a view to regularising the position."

Now, it would appear that sorry, take your time.

A. Sorry, yes. "They called there last February." What

puzzles me is that they never called to the Aliens Office

before that

Q. Yes.

A. and I wonder who went with them. Now, it may have been

Dr. Barbir.

Q. Mm-hmm.

A. And maybe on the basis of the information I got from

Barbir, that they called, but I have here, "This is not so.

They called there last February and signed the necessary

documents." Now

Q. If you look to the bottom, where the X sends you down to

the bottom, do you see that, of the page?

A. Oh, yes. "There are no documents," yes.

Q. "There are no documents to sign," and there is no record of
any visit.

A. "Failed to call to your Department with their older [sic]

brother on request."

But I wonder why would they have called to the Department,

and I would have dealt mostly with Dr. Barbir about them.

But it said they "signed the necessary documents"

Q. Yes.

A. is puzzling. I'd say it was Dr. Barbir could have gone

with them and he told me that they signed the documents.

They may not have signed any documents, for all I know.

Q. Yes. Could I suggest, and you can correct me if I am wrong

on this suggestion, that the sort of thread running through

the documents is that you, obviously, had a lot of time for

Dr. Barbir?

A. Yes.

Q. And he was conveying information to you?

A. Yes.

Q. And you were pushing that forward as your weight as a TD and a politician and Ceann Comhairle behind you?

A. Exactly, yes.

Q. And that judging from all the other documents where we have had, perhaps, somewhat, in some cases, inaccurate information, you were still as an advocate of their position, as it were, pushing it forward based on the information you had received?

A. Exactly, yes.

Q. Which was not quite accurate?

A. That is true, yes.

Q. Well, it would appear that following this letter, sometime shortly following this letter, the Minister, in fact, granted the applications. And there is a handwritten note on the file, and because it's rather a long one, I will give you a typed transcript as well, at Leaf 21, Book 70, in which the Minister indicates that the individuals in question had complied with the statutory requirements.

(Document handed to witness.)

Q. I think if you go to the typed version

A. "The Minister is satisfied" oh, yes, I see, yes, this is the original.

Q. You have the original, yes.

A. Yes.

Q. The manuscript and then the typed version.

A. And who would have

Q. This is Mr. Olden, one of the senior civil servants in the Department, writing this presumably to make sure the file was in order from his personal point of view?

A. "Dispense" yes.

Q. "The Minister is satisfied that these aliens have been here for the stated period. He is further satisfied that they comply with the other requirements of the Act, and he is prepared to dispense with them having to wait the full year after the date of the notice of intention to apply.

Accordingly, he has decided that they be naturalised forthwith on payment of the fee."

Now, I think we learned that this document was prepared by the civil servants in view of the fact that they had earlier counselled against the grant of

A. Yes, on these

Q. Yes.

A. numbers.

Q. Can you

A. You see

Q. I beg your pardon, go ahead.

A. If I may say so, this was all based on residency.

Q. Yes.

A. And my initial discussion with Mr. Haughey was about refugee status on humanitarian grounds.

Q. Yes.

A. And it was the official from the Aliens Office who, when he met them first, he gave them the application forms, but he obviously based the thing on the residency, again, do you see? It wasn't my my discussion with Mr. Haughey, we disagreed, but I was of the opinion that there could be they could be granted citizenship on humanitarian grounds, having fled from Lebanon.

Q. Mm-hmm.

A. Do you see? And so I remember talking to your colleague, Ms. O'Brien.

Q. Yes.

A. And I said to her, "I am on a different planet", or some words to that effect.

Q. Yes.

A. Because it wasn't the residency that I looked upon; it was the humanitarian grounds, because Dr. Barbir told me they had come up through Europe and they got to Britain. Now, how they must have done that oh, yes, yes, this is interesting: Some of them had passports, Lebanese passports, which were out of date.

Q. Mm-hmm.

A. And when they fled from Lebanon, they couldn't go back, because this is the story I heard, that their passports weren't valid any more.

Q. Mm-hmm.

A. And they now, Ms. O'Brien said how did they get into

this country from England, but of course there were no restrictions between England and Ireland at that time.

Q. Of course.

A. Do you see? They could come right across. She did question that, but it was only in recent years, as you know, that there are restrictions, now; but before that, there weren't at all.

Q. Yes.

A. And he I often thought he owned the block of flats, he had so many there in it. He didn't, actually; he was only a student at that time. But there was a they were coming out of the floorboards, so to speak, one after the other. But yes, my thinking was on humanitarian grounds, and it was switched by the by the official in the immigration officer. He didn't I don't know whether there is a special form to be filled in if you are applying on humanitarian grounds, I couldn't tell you that, but that was the basis on which I made applications or representations, rather, on their behalf. I was thinking along those lines, and the official obviously looked upon it on residency.

Q. But I suppose Dr. Barbir himself was an educated, intelligent man?

A. Yes.

Q. And judging from the applications, all of the other individuals were educated and intelligent men, businessmen?

A. Yes.

Q. Engineers, horticulturalists, and so on?

A. Yes.

Q. And so presumably they knew what they were doing in signing the documents; they may not have had perfect English, but they could understand questions like "Where have you resided for the last seven or eight years?", and so on?

A. You are quite right. But the thing is, an official said they didn't call to the Aliens Office at the beginning, but they didn't know there was an Aliens Office, they didn't know that at all, apparently, when they came first. Then a lot of them couldn't speak English, and they became fluent speakers within four years, I think, something like that.

They became fluent speakers of English, but before that, they were but he spoke perfect English because he was six years in the College of Surgeons, and he helped them out all the time. But there were quite a number of them in a place called Mount Argus, yes, somewhere up there, yes, Harold's Cross, and that was the only thing that the residency versus the humanitarian one.

Q. I understand that point, but I think am I right in thinking that you would have been in regular contact with Mr. Haughey about this; not just once, but fairly regular?

A. Oh, yes, indeed, yes. Oh, at least, without exaggeration, at least 12 to 16 times.

Q. Yes.

A. Oh, yes.

Q. And at one time, we know that at one time the file was in

his office, so he felt sufficiently strongly about it to read the file himself or to get it brought to his office?

A. Yes.

Q. Now, from the file, it would have been clear that it was a residency-based application, wouldn't it?

A. Yes, but I have to tell you, he didn't know there was many things he didn't know; he didn't know about the United Nations Charter, about issuing travel documents. I mean

Q. Travel documents, and I suppose travel documents and passports are somewhat different things.

A. Oh, no, the travel documents is supposed to be given first, and then the passports.

Q. Yes. But the passports were a more significant step than a travel document?

A. Yes, oh, yes.

Q. You get a travel document without getting a passport?

A. Yes, I thought the passport would follow.

Q. Automatically?

A. That is what I thought, for refugees.

Q. I see, I see. But whatever you thought, and however many times you mentioned it to Mr. Haughey, he presumably had access to the file, or Mr. Aylward would have read it and explained it to him?

A. Of course he would.

Q. And certainly the file doesn't mention humanitarian grounds; that is for sure.

A. No.

Q. And I mean, and I just make this point: that your letters don't mention humanitarian grounds.

A. Well, humanitarian grounds only came up on that on the first time I showed him the United Nations Charter document. That is the only time it was brought up. I thought it follows from that, because they got travel documents almost immediately, though I wasn't told that 'til many months later, that they had travel documents. They got them following my bringing this to the attention of Mr. Haughey.

Q. Yes.

A. Dr. Barbir told me that, oh, yes, he said, they got them.

Q. Yes.

A. They got the travel documents.

Q. But in any case, we know that following, as I said, this that most recent intervention in September of 1982, Mr. Doherty, shortly afterwards, agreed that they should receive grants of passports and be naturalised, in other words, subject to going to the District Court, and so on?

A. Well, he wouldn't have known that they were there for the stated period unless he was told.

Q. But he wouldn't have known, civil servants told him they weren't?

A. That's right.

Q. And they hadn't given the sufficient notice. But can I just ask you about one thing in your letter; maybe it's just the way you express yourself. If you look at your

second paragraph of your letter of the 8th of September of 1982.

A. 8th of September, yes.

Q. Yes.

"My anxiety now is about the six Lebanese who have applied for nationalisation certificates. As you are aware, there is a particular interest in this matter."

Perhaps you'd just explain what you mean by that?

A. I couldn't explain it; I don't know. It's interesting. "A particular interest." That is puzzling. It's puzzling to me.

Q. Yes.

A. I have to say to you, at that time I was Ceann Comhairle, and while I might dictate a letter, sometimes letters that come from secretaries do do not necessarily go word by word, word for word by what I have said. Maybe that accounts for it, because it doesn't it doesn't there is no explanation from me for that.

Q. Is it possible

A. Oh, yes, yes, this could apply to Mr. Haughey.

Q. Yes?

A. Yes.

Q. Yes.

A. That is the only explanation I could give for that. If I may, if I may, perhaps when I might give you a resume of my how I became friendly with Mr. Haughey, and I think it's pertinent to these cases, too; it's not very

much divorced from the present application, from these applications.

Q. Yes.

A. You might give me

Q. Please do.

A. Whenever it suits.

Q. You can do it

A. I will tell you, actually oh, yes, if I may say this, yes: He first stopped me in the corridors and he asked me how I was doing in the European Parliament, and I told him, and then he said, "Did you see this morning's paper?" And apparently, Mr. Bruce Arnold had written something about him that wasn't very favourable, and he said, Mr. Haughey said to me, "He as much as said that I had my hands in the till". And he said, "I'm taking action."

So I said, "I know Bruce Arnold very well, and he is a most very honourable person, and he wouldn't mean any harm". And he said I said, "If you like, I could arrange a meeting between you and have lunch". And they met and sorted that out.

So Mr. Haughey thanked me profusely about that, and then he asked me about Northern Ireland. And I was very involved in Northern Ireland at the time, and I told him about Mr. Paisley and I told Mr. Paisley about him, and they were to meet. And it had been agreed, but it fell because of the fact that Mr. Paisley was afraid of the other member from Northern Ireland in the European Parliament, John

Taylor. And that ended that, but they were to meet.

Number one, they were to meet at the House of Commons, then in Europe, and finally they were to meet at Mr. Paisley's home. Now, I was involved in bringing that, and then Mr. Paisley asked me could I get Mr. Haughey to include in his Ard Fheis speech a section saying that the the forgive me, now, if I just don't get the words right that the interests of the yes, that the interests of the Protestants were as much his concern as those of the Catholics. And Mr. Haughey did put that in, and Mr. Paisley was delighted. But four weeks later, Mr. Paisley came out and denounced Mr. Haughey. But this is how I met Mr. Haughey.

Now, yes, Mr. Fustok came over to Ireland; he came every year to buy racehorses at Goffs sale. I have to tell you this, and I hope I am not taking up too much time. I went down to see him because he was over visiting, and Eimear Haughey came over to me, and I introduced her to Mr. Fustok, and she invited him up to the house the next night or something like that. And we went up, and Mr. Haughey and Mrs. Haughey were there I can't think of the name; I have been trying this morning, all morning, to try and think of the name of his house.

Q. Abbeville?

A. Pardon?

Q. Abbeville?

A. Abbeville, yes, that's right. Abbeville.

And there was a veterinary surgeon there, seemingly a very famous one, and they talked about horses. And then this man asked would Mr. Fustok like to buy shares in this is relevant, later would he like to buy shares in a stallion called I have it written down Arteus I don't know how to spell it, but Arteus. And Mr. Fustok said yes. So when we left him, I said, "Is that a good stallion?" "Well", he said, he just shrugged his shoulders, and he felt he couldn't say no.

And so then, some months later that is when he phoned me and said now, I spoke to Mr. Fustok two days before he was killed.

Q. Mm-hmm.

A. And I said to him, "What was the name of the horse?" "Well", he said, "I am not sure whether it was a horse or the stallion shares", he said as you may know, or may not know, he said, "I had 940 horses," or something, and he said "but it could have been the stallion shares," he said, "which I and my brother Ahmed purchased from through Mr. Haughey, I bought them from". And he said, "We sold them later", but now, the 50,000 he is not sure, he wasn't sure, sorry, he wasn't sure whether it was the stallion shares or the a racehorse. But he then said to me, "But there was no name on the horse at the time, this is what he said to me three weeks ago, that was two days before he was killed, he said that, so I tried to get the name of the horse. And he said, "but there was no name on

the horse, it was it was something there was no name on it, so it must have been a young horse."

Q. Yes.

A. So that was that. Or he said it could have been the stallion shares, now, what they were. But if I may now then go and say to you he phoned me and he he never could pronounce Mr. Haughey's name properly, and he said 'Mr. Hagey' (phonetic), or whatever it was, it was funny at the time, and he said, "I owe him 50,000". And he said, "I don't know his address," he said, "if I send it to you, will you give it to him?"

Now, I jumped the gun, and I said to Mr. Haughey, "Mr. Fustok is sending that if you like, I'll give it to you now, and he will send it to me, because that is what he said he would do." And I said, "Who will I make out the cheque to?" And he said, "Make it out to cash." He had a very gravelly voice, you know, and you would take it for being a man very abrupt, and Dr. Barbir, again, corrected me on this, because he said "I remember", he said, "immediately after you did it, you told me that he said to you to lodge it to some account in Guinness & Mahon bankers in Dame Street, or somewhere like that. And so, now, that was the now, my account went into the red, and they showed it here, that I had a thousand made a cheque for 50,000, and then it was replaced by the money coming from Mr. Fustok for the very same amount.

Q. Mm-hmm.

A. So that was that. Now, I thought he said it was a horse, I must confess, that is my recollection of it, and I remember reading in The Sunday Times, a journalist there interviewed Mr. Haughey and asked him about it, and he said "Well, it wasn't spectacular". They were his words. Now, I read that in The Sunday Times. So that was that.

Now, I knew, as I said, I knew Mr. Haughey very well, and indeed, during the hunger strike, the Bobby Sands thing, he did ask he had me up to the house on a Saturday morning, the holiday weekend, I remember, it was just after the fire in the Valentine-Day fire, and he was trying to contact Mrs. Thatcher, and he spent the whole of Saturday morning trying to contact without success.

Q. Right.

A. I don't know how I could have been of help to him with Mrs. Thatcher. But that was my now, when did I know him again? Oh, yes, Mr. Fustok said to me that Mr. Fustok's brother-in-law, his sister is married to the King of Saudi Arabia, and he was the Crown Prince then. And Mr. Fustok said the Crown Prince is making a State visit to England, and he said it might it might be good for the Irish government if they were to invite him to Ireland. And he said, "You might ask the Irish government." And I went to Mr. Haughey again, and he said, "Oh, that might be a good idea," and he would do it. And then, three weeks later, Mr. Fustok said no, he never got any invitation. This was embarrassing, and Mr. Haughey blamed the Minister for

Foreign Affairs, the late

Q. Mr. Lenihan?

A. Yes, the late Mr. Lenihan. And the man came over, anyway, and he gave all the Ministers a gold dagger, and he gave the jewels to Mrs. Haughey. And Mr. Fustok came with the Prince, and he was very annoyed that Mr. Haughey didn't invite him to the talks with the Prince.

Q. I see.

A. So they weren't friends after that, I must say. That was that that is the next time. I am a bit confused now after that.

Oh, yes, he asked me when Mr. when he was Taoiseach, he got ill with late-onset bronchial asthma I am not disclosing any private thing and he was very breathless.

And from his seat in the Dail chamber over to his office, he couldn't walk that; we had to put a chair down halfway.

And he asked me to set up a triumvirate of doctors to oversee his treatment by the consultant, because I went to the consultant and I said "He is not getting any better".

He said, "He is no different from any other patient". I said he is, not by the fact that he is Mr. Haughey; by the fact he was Taoiseach, he's very important for the country.

So Mr. Haughey asked me to set up a triumvirate; that was Dr. O'Hanlon, myself, and I have forgotten the other doctor. And I was always trying to tell him what to do, or to retire, and in a and this time, the cough was so bad, I said, "Well, sometimes, even when there is no infection,

antibiotics clear the cough." And he dismissed it completely; he was always dismissive with me: "You don't be telling me what to do", and prod me in the chest.

This time he had to go to Washington, and he was there for two days, and when he came home he phoned me and said, "Will you get that triumvirate together?"

And when we met him, he he said the cough disappeared on the second day. And he said, "Now you are going to say it was the antibiotics", he said, "but I had my throat blessed".

First of all he wouldn't listen to me, and then he told his GP to get them for him, and in two days it was corrected.

But he said, "Now you think it was the antibiotics, but I had my throat blessed".

Q. I am sure you are right.

A. That is how I know.

Now, I did say to him, actually from 1981, I did suggest he phoned me on a Saturday morning and asked me over to the house. Now, I will tell you exactly what he said: He said, "Who would you like put in the Senate for you?" He was going to give a place to them and I said, "Well, firstly, I don't think you are going to be form a government". That was my opinion, and he was I said, "You have a lovely place here, and it's a great place. You should be enjoying it. You have given enough years to politics, and you should retire." And he said, "I know nothing better than holiday holiday." Something like

that.

We were it was a kind of a peculiar kind of a relationship, you know? I looked upon him as friend; he looked upon me maybe as someone who suits his purpose, I don't know. I couldn't say that. But I did tell him that he should, and I did persuade him finally that he would retire.

Q. Mm-hmm.

A. I have to say that. I did succeed in that respect. But that is that was my relationship with him.

Q. And that is by way of explanation for what you feel was your the fact you could call on him perhaps to put apply a bit of extra pressure?

A. Yes, maybe that is what it was, yes.

Q. Could I just clarify one thing from what you have just told

A. I am sorry, that is knocking you off your

Q. Not at all.

You referred to your conversations, both recent and in the 1980s, with the late Mr. Fustok about the purchase or about the $\frac{1}{2}$ 50,000 that he paid Mr. Haughey?

A. Yes.

Q. Just two aspects of it I just want to clarify with you.

Now, you say that there is some uncertainty as to whether it was 50,000 for a share in a stallion or 50,000 for a horse?

A. Yes.

Q. Are you suggesting it really didn't matter to Mr. Fustok, he had so much money?

A. No, no, I don't think it was that. He couldn't remember, he said. He said "It's 25 years ago", he said to me; "you are asking me to" that is jokingly, he kind of said it on the phone, "It's 25 years ago". "Well", I said, "if you could clarify it," I said, "it would be very helpful" do you see

Q. It would be.

A. "was it a horse or was it the stallions?" "Well", he said, "I and my brother, Ahmed, we sold the shares in the stallion", and he said, "but I couldn't tell you for how much, I am not sure, I couldn't remember." But he said I said, "But there had to be a name on the horse." "No", he said, "if it was the horse, no, it wasn't named if it was a horse," he said. "The horse I would buy, I would name him myself." Something like that, he said.

Q. And you, therefore, surmised it was a very young horse?

A. Now, I don't want to drag it out and upset you in your questioning, I am sorry.

Q. You are not upsetting me; I am just trying to clarify it, because, like you, I am anxious to clarify it. I am sure that you are going to be as helpful as you can, but if, as you say, Mr. Fustok could remember the name of the stallion, Arteus

A. And he couldn't remember but he said there was no name on it, if it was a horse.

Q. Yes, if it was a horse, there was no name on it?

A. Yes.

Q. Is it possible that there were two transactions?

A. I couldn't say.

Q. Right.

A. You see, because I knew nothing about the horse.

Q. But he definitely remembered the name, Arteus?

A. Yes.

Q. So would that seem to suggest, if you could just bear with me for a minute, would that seem to suggest that there was a transaction involving a stallion called Arteus, or that he had a recollection of such a transaction?

A. Could you just say that again?

Q. The fact that he was able to

A. Remember.

Q. remember a name, Arteus, would seem to suggest that there was one transaction that definitely took place?

A. Yes.

Q. A transaction involving a stallion, Arteus?

A. Exactly.

Q. The fact that he had some notion that there may have been a horse, or if it was a horse, it didn't have a name, would that suggest that there may have been a transaction involving a horse or there may not have been?

A. Well, do you see, there was only one 50,000.

Q. Yes.

A. And that is why I said it was either one or the other.

Q. Mm-hmm.

A. I rather suggested to him. So there was no other purchase involving me

Q. Mm-hmm.

A. with him.

Now, that is the only reason why I think there was only one, but it could have been more.

Q. And what he does recall is that this happened at the dinner party in Abbeville

A. Yes.

Q. sometime in 1981, is it? Or 1980?

A. I will just tell you in a moment. 1980, 1980.

Q. Mr. Haughey was in power, in any case. 1980?

A. 1980, yes.

Q. And it was at that dinner party that he agreed to do it?

A. I must correct you; it wasn't a dinner party.

Q. Well, at that few drinks, whatever it was?

A. That's right, yes.

Q. But the money didn't come to you until 1985; is that right?

A. Yes, you are quite right.

Q. Mm-hmm.

A. It was '85, yes. He said, "I owe Mr. Haughey 50,000, but I don't have his address."

Yes, that's right, that was 1985. You are quite right.

Q. Would you regard it as rather strange

A. I didn't even think.

Q. that it would have taken so long for Mr. Fustok

A. Well, if it was for the shares, it would have taken a long time. If it was for the shares, it would be four years overdue.

Q. Mm-hmm.

A. Do you see?

Q. Because the horse would be overdue, too, wouldn't it?

A. Yes, but when he said he could have got the horse the year before.

Q. Mm-hmm.

A. 1985, did you say?

Q. Yes.

A. Well, he could have got the horse before that, but the shares I know he bought in 1980. I know the shares he told me that. As he came out, I asked him was it a good stallion, and he just shrugged his shoulders.

So, therefore, he wouldn't wait four years to pay for the shares; he would have paid it immediately, oh, yes. So yes, there is you are quite right, there is a discrepancy there.

Q. Yes. I think the information the Tribunal has received from I think I think it must be Mrs. Eimear Mulhearn; I don't want to be and I am trying to remember this now

A. Yes.

Q. Was that it was the horse, that there was a transaction, maybe not the only transaction, a transaction involving a horse, and that would presumably have occurred in 1980.

There's no point in getting a horse who's five years of age

when you have paid for a yearling?

A. No, you are absolutely right. He paid he must have paid the shares, because no one would give you shares in a stallion and hope to get paid four years later.

Q. Yes.

A. Do you see?

Q. But wouldn't it be the same for a horse?

A. But do you see, I knew the shares were bought in 1980.

Q. Yes.

A. But I don't know when the horse, if any, if there was a horse, I don't know it wouldn't have been four years before, so that could have been, if it was a horse, he obviously would have been 1984 or maybe '83, but certainly not '80. As you say, reached old age.

Q. But if it was either shares or a horse

A. Yes.

Q. you were only asked on one occasion to transmit money to Mr. Haughey, or to make a payment to him?

A. Yes, that's right.

Q. And Mr. Fustok didn't know Mr. Haughey's address?

A. That's right.

Q. At any time between 1980 and 1985?

A. Yes.

Q. So the only contact, the only way he would have had to Mr. Haughey was through you; isn't that

A. Quite right, yes.

Q. so?

A. Sorry my apologies, now.

Q. Yes.

A. Eimear did get to know him very well, and his manager of his stud in Lexington, Kentucky, so she could have yes, she did get to know them well, later, when she was on a visit to America to see some famous thoroughbreds, she did visit his stud farm in Lexington, Kentucky. Now, that is one possibility, but I couldn't say.

Q. And again, just in relation to the actual transaction that occurred in 1985. I am not holding you to the precise details of this; people can't remember the precise details or sequences of things that happened, it's so long ago, but I think in your earlier evidence, that is back I think in 1999, you referred to actually getting a cheque physically from Dr. or from Mr. Fustok, and I think what you said a moment ago

A. Yes.

Q. and this may have been suggested to you at the time by Mr. Coughlan, who was asking you, was that you paid Mr. Haughey

A. Before it.

Q. first. And you had nothing in your hand at that stage; you were depending purely on Mr. Fustok to pay you?

A. That's right, exactly, because he put it up on the screen, my account, and I had a thousand pound in it before I paid out the cheque to Mr. Haughey.

Q. Yes.

A. Which and it will show you for one day, I think it was 49,000 in the red. And then it showed you the money was lodged in the bank or transferred, I couldn't tell you which.

Q. But there are just two aspects of it I am interested in:

Do I understand to you say, now, and that Mr. Fustok rang you and said "You must pay Mr. Haughey $\frac{1}{2}$ 50,000 I owe him"?

A. No, he didn't say that.

Q. Or would you pay him?

A. No, he didn't ask me at all. He said yes, he said he would send me the money, he said "I owe Mr. Haughey", or whatever he called him, he said, "but I don't know his address; will I make the payment to you and you pay him?"

Now, as I said, I jumped the gun, and I phoned Mr. Haughey and said "Mr. Fustok owes you 50,000, and if you like, I will give you my cheque now, because he is going to send it on to me".

Now, whether it was a cheque or through inter-transfer, or whatever, yes, and that is when he said I said, "Who will I make it out to?" And he said, "cash," and lodge it to some account. Now, that is it, and then they showed that I was, for one day, in the red to the tune of 49,000.

Q. And I think you said that it was Dr. Barbir who reminded you of some aspect of that?

A. Yes, I thought I thought that I had given it to him, and Dr. Barbir said "No", he said, "immediately after you told

me", he said, "that he told you to bring it over to the bank."

Q. Yes.

A. Guinness & Mahon. And he said, "You did that, and you told me how you had to go" he was able to tell me that I didn't remember you had to go up the stairs to it and fill in the yes, I remember that.

Q. I see. I see. Well, we will swing back to the passports now.

A. Pardon?

Q. We will go back to the passports again.

A. Yes. Right.

Q. I think I mentioned

A. We were at this part where Mr. Doherty

CHAIRMAN: Just before we go back to the passports,

Dr. O'Connell

MR. HEALY: I think, sir

CHAIRMAN: I will leave it until the end.

MR. HEALY: I am happy to deal with it. It's the sound problem, you see

CHAIRMAN: Continue, continue.

MR. HEALY: Dr. O'Connell has a better grasp of what I am saying.

CHAIRMAN: Yes.

Q. MR. HEALY: I think I was dealing with what I call the second set of applications of the six people, the two and the one, four adults, two minors. The two minors were, as

I mentioned, somewhat tardy in going through the formalities. Eventually, you wrote that letter, and you have explained now how why you think you included that expression that expression of particular interest.

A. Yes.

Q. And as we know, Mr. Doherty granted all six applications there and then, minors and adults. Now, around this time, another group of individuals with your support made applications for passports. There were a Leila Moubarak, Kamal Moukarzel, Adnan Moubarak and Antoine Ghorayeb. And their applications were made in June 1982. But they seem to have been granted really quickly, by November of 1982, by Mr. Doherty.

A. And they only applied when?

Q. They only applied in June of 1982.

A. Yes.

Q. And just shortly before the government fell, I think, Mr. Doherty directed that their applications should be granted?

A. Oh, yes.

Q. And perhaps if I refer

A. That is the file, yes.

Q. If I refer you to Document 27, Book 70A, and give you a copy of it.

A. Yes.

Q. And a copy of a typed version of it.

(Document handed to witness.)

Q. MR. HEALY: If you go to the typed version, you have the names of the four individuals, and underneath that: "The Minister is satisfied from information available to him that the four 'Aliens' have been in the country since 1974 and wishes to have them naturalised immediately."

We know from other documents that I can refer you to you can mention them to your advisors as being at Leaf 30 that the civil servants believed that the Minister couldn't do this, and whereas in the previous case they had simply made notes on the file and left them on the file, presumably to protect themselves

A. Yes.

Q. in this case I think Mr. Olden actually suggested to the Minister that he would consult the Attorney General before doing it, but he nevertheless went ahead and did it. And do you recall leaning on him a bit harder in relation to these?

A. No, I have to confess, I only found out that Mr. Doherty was involved in it; I have to confess, now, I wasn't closely involved in it at that time, and I wondered, "satisfied from information available to him that the four had been in this country"; this, I think, came from an official from the Immigration Office, because I read in those reports where these this particular official said he was satisfied about the person's status in the country; he was satisfied that they had sufficient funds. And these reports came back to the Department of Justice. And I

think you might have a copy of them. I don't have it, but

I remember reading them.

Q. They did, but that was after the naturalisation had taken place?

A. No, no, no.

Q. Are you sure?

A. Oh, I am sorry, because, you see, when I read it I don't mean to contradict you over it, because I am trusting my memory. He said he had visited them.

Q. Yes.

A. And he was a detective.

Q. Yes.

A. And he had visited them at their homes, and he said he was satisfied as to their residence, or something, and also he was satisfied about their bank accounts. He said they had bank accounts, yes, and he said he was satisfied about that, about their homes, I think. And the other one was he was satisfied that they were people of substance and they had independent bank accounts, yes, and or at least I thought, because I couldn't vouch for it now, I thought he had done that sometime between '81, maybe, and '84, or something like that. But I remember reading it, the reports from the Gardai, that is what it was, yes. I am sure it was that.

Q. Well, there are a number of reports from the Gardai about various different applicants.

A. Yes.

Q. And if we are arguing you are not arguing; if we are debating about documents, I don't want to delay you or delay the inquiry if the facts are as you suggest they are, and not as I suggest they are, later your advisors can check the documents, and we can check them, and if your version is correct, then there will be no question or doubt about it. But I think, possibly, you could be referring to other documents, because as far as I am aware, the documents relating to the Garda inquiries in connection with these four individuals were not terribly how shall I put it sympathetic to them; that they in fact suggested that the Gardai were not terribly impressed with their stories.

A. It must have been the earlier ones, then.

Q. Maybe you are right. I am quite happy to be corrected about that.

Now, as I mentioned at the outset, you made two other sets of recommendations, can I put it that way, to the Department in connection with other relations of the Moubaraks and also of the Fustoks, which were unsuccessful. And then finally you made representations, I think, in relation to a Ms. Faten Moubarak?

A. Yes.

Q. Who ultimately you were successful?

A. Yes.

Q. Just before I leave the names of the individuals in respect of which the representations or the interventions were

unsuccessful, do you remember meeting Mr. Noonan at any time?

A. Oh, yes, of course, yes.

Q. That would have been I think in 1984?

A. Was it '84? I thought it was '83. He became Minister for Justice.

Q. Yes. Yes, he became Minister for Justice, that's correct, in the Fine Gael government?

A. Yes, that's right, in 1983, I think it was.

Q. Correct, yes.

A. That's right, yes, I did meet him, yes.

Q. And I think there is a note here which may refer to some of these individuals.

A. There is an amusing report there on it; they said "Beware of O'Connell," they told him, before he came to see me.

Q. Does it say that? Well, one of the documents I just want to refer you to refers to a number of individuals, including Faten Moubarak, and it's contained at Leaf 41 of Book 70, and there are four paragraphs in it, and a number of different sets of names.

(Document handed to witness.)

A. Yes.

Q. MR. HEALY: The first paragraph deals with it's headed, sorry, "Mr. Fustok's friend". I think there is a line through the "C".

A. Yes.

Q. Do you see that?

A. Yes.

Q. And then, "Document given by Minister to Security on the 27th of July, 1984." I presume the Minister got it from somebody else, as far as

A. Yes.

Q. I can judge?

A. Oh, yes, 1984, yes.

Q. Yes. And the first individuals named are the children of Adnan Moubarak. It gives their names: Mohamad, Karem and Zena?

A. Yes.

Q. Then underneath that, Mr. Slieman Moubarak is mentioned?

A. Yes, this one is

Q. And then his daughter, Faten Moubarak. And Moustapha El-imad; does that name ring a bell with you?

A. Pardon?

Q. The name underneath that is Moustapha El-imad. Have you got that?

A. Oh, yes, indeed. If I may pass comment on this?

Q. Do, please?

A. This was, to me, was unique, because the representations were made by the Crown Prince Abdullah to the Taoiseach's Office, and the Taoiseach's Secretary, or advisor, I can never remember Catherine

Q. Butler?

A. Catherine Butler, yes. And she told me that the representations came from the Crown Prince when he visited

Dublin. Seemingly, this man, who has since died, seemingly was a friend of his, and asked the Crown Prince to make representations, but Mustapha El-imad, that was for him, that's right, that was one for him, and he has since died.

Q. And it was the same for Mahmoud Abdul

A. I don't know him. I never heard of that name.

Q. And is that possibly where the heading then comes, "Mr. Moubarak's friends," that somebody who didn't know that Mr. Fustok was spelt F-u-s-t-o-k, might have been told by the Crown Prince that these are friends of Mr. Fustok who knows Mr. Haughey, because they were dealing in stallion shares, or whatever?

A. Mr. Fustok, F-u-s-t when you said there is no "C" in it, I was wondering was there, but there was one brother, and his name was Festok, F-e-s-t-o-k, and he signed it he didn't apply for passports, but Festok was the name I saw, which is very maybe it's common in the Middle East, that they can spell it a few ways, but, yes, I thought that was rather strange. F-e-s-t-o-k or F-e-s-t-o-c-k, I don't know which. I was puzzled at that. I don't know who Kareem Mahmoud Abdul Kareem, that doesn't register with me at all. But I do, Number 3, remember particularly, because Ms. Butler told me that. She said, "Oh, I am dealing with this personally," she said, "because it was the Crown Prince who made representations". She told me that. I thought it was very unusual.

Q. Yes.

A. That was that. Now, the Faten Slieman Moubarak

Q. But just before we leave that, I am still just anxious to try to discern why the note is headed "Mr. Fustok's friends".

A. Oh, yes, yes, I see this at the top.

Q. Yes. Is it possible, then, that, for instance, in the individual case you mentioned, of Mr. Moustapha El-imad, that one way of identifying him, say, to Ms. Butler, would have been to say, "He is a friend of Fustok, whom the Taoiseach knows, because they have had a dealing over a stallion"?

A. Yes, yes, that's right, that is what I think. But I was very surprised to hear that. Now, I did Mr. Fustok about this girl Faten Slieman Moubarak.

Q. Yes.

A. Yes. And Mr. Fustok told me that shortly after this man Slieman Moubarak, yes, he divorced his wife.

Q. Yes.

A. And unaware of the fact that she was in the earliest stages of pregnancy. And it was only many years later that he found out he had a daughter. And he took full responsibility for her and sought for a passport for her. Apparently, among the Muslim community, if there is a divorce, the husband seemingly, or the father, takes over the children.

Q. I see.

A. I thought that was very strange, yes. And his brother,

Braheem, divorced and had another married again, but he took the children from the first wife, and the second wife took over, which I thought was a bit probably normal in their culture.

Q. Yes.

A. But that was now, his Mr. Fustok said to me, Slieman Moubarak divorced her unaware of the fact she was expecting a baby, and he said when he heard, many years later, he said, he took responsibility when he heard that he had a daughter, I think he said she was 13 or 14 at the time, and he said he took over responsibility for her. That is that.

Now, you mentioned the other one, that doesn't seem to

Q. Well, you are referring to something there that perhaps I should just deal with in a little more detail, and I think it's the last matter I want to deal with, or almost the last matter, anyway.

I think you said that you had a discussion with Mr. Fustok, before he died, about Faten and Slieman Moubarak?

A. That's right, yes.

Q. What prompted that discussion, can you recall?

A. Because oh, I read it in the documents.

Q. Yes.

A. I got a copy of the documents from the solicitors.

Q. Yes.

A. And I read it in the documents, about a query into it was either Mr. Fustok phoned me and said there was a query about Faten, or else I read it in the documents; I don't

know which. But I did phone him and ask him, I said,

"Well, could you clarify or get Slieman?" Because Slieman is, again, over in the Middle East, or something.

Q. In the States?

A. Yes. And he said, "Yes", he said, "I can". And he said he told me the details - I don't want to go over it again with you - about the wife in early pregnancy. That was his statement. Now, that but I thought he notified I thought he said he notified the Tribunal.

Q. Yes.

A. Oh, did he?

Q. He did.

A. Because he said that to me.

Q. It's simply the sequence of events I am trying to deal with. Mr. Fustok was aware of Mr. Slieman Moubarak's daughter's situation?

A. Yes.

Q. Is that because, as a sort of a paterfamilias, he would be aware of all the dealings of various members of his family?

A. They are like one big family, you know, yes.

Q. So he was aware that the Tribunal had been in touch with Mr. Moubarak and that Mr. Moubarak had, presumably, explained the situation to the Tribunal?

A. Did he explain it? Oh, I didn't know that.

Q. Well, let me just make sure. Just so that we are all ad idem, I will put on the overhead projector a letter he wrote to Mr. Brady, the Tribunal solicitor

A. And did it

Q. in January

A. Did it concur with what I told you?

Q. Yes, it does

A. Because that is what Mr. Fustok gave me.

Q. Yes, it's January of 1929 January 29th of 2006. I am getting my dates wrong. Do you have a copy of it? It's easier to read from the hard copy.

A. Yes, that is better.

Q. "Dear Mr. Stuart Brady", he says, "It has been brought to my attention"

A. Could I ask you, is the proceedings of the Tribunal on the Internet?

Q. No.

A. Well, Dr. Barbir told me, some months ago

Q. Maybe an Opening Statement was on the Internet.

A. He said that he was following it on the Internet.

Q. What he would have followed was an Opening Statement.

A. Oh, that's right.

Q. But not the actual day-to-day evidence, which he might have followed in the newspapers.

A. Maybe so. But he mentioned the Internet.

Q. Well, he would have, certainly, or could have, read an Opening Statement on the Internet. And it goes like this:

"Dear Mr. Stuart Brady,

"It has been brought to my attention an official at the Irish Department of Justice stated that I fraudulently

obtained an Irish passport. The basis for this claim apparently was that when I completed the original application form some 25 years ago, I declared that I didn't have any children, whereas five to six years later I made an application for a passport for my daughter Faten.

"The explanation for this apparent untruth is simple:

Shortly after my marriage, I divorced my wife, totally" and I think that should read "unaware" "of the fact that she was in the very early stages of pregnancy.

"I was aware from Lebanon because of the civil war, and some years later I discovered that the daughter of that marriage was mine. I took full responsibility for her upbringing and applied for Irish passport for her. (There are official documents proving the above-mentioned).

"I would therefore appreciate it if the official in question would set the record straight by withdrawing his allegation. Kindly let it be known to all officials concerned. We all respect and honour our Irish citizenship.

"Yours respectfully,

"Slieman Moubarak,

2751 South Ocean Drive", and so on.

A. I think that I think that should be a new sentence. I think that is it says

Q. I think you are right.

A. I think so, yes. "We all respect and honour our Irish citizenship", yes.

Q. That is more or less along the lines of the situation you have described to me.

A. That Mr. Fustok told me. Exactly, yes.

Q. Which you learned from Mr. Fustok?

A. Yes.

Q. Now, when the Faten Moubarak application in fact, I am not sure there was a formal application. There was, in fact, some kind of an application, in any case. But when it was made, there appears to have been no reference

A. To that?

Q. to that

A. To that event.

Q. one would have thought, understandable situation?

A. Yes, and he should have, you would expect.

Q. Well, one would have thought it would make your case almost unanswerable, wouldn't it?

A. Yes, you would, you would expect and the explanation shouldn't have taken place in the letter; it should have taken place in the application.

Q. Yes, that's precisely it.

A. Yes, that is what it would seem, yes.

Q. You see, the Tribunal wrote to Mr. Moubarak and said more or less drew that to his attention and said, "Who knew about this?" No one

A. No one knew.

Q. Well, if you go to the other document I have handed you, you have another document, another letter from

Mr. Moubarak?

A. I have it here, yes. Oh, yes, hold on. Yes, "I refer to your recent correspondence..."

Q. I can give you that letter, as well. But just to save time, it simply says something along the lines of why didn't you tell anybody about this

A. Well, that is not correct.

Q. That is not correct?

A. No. Because the first I heard of it was from Mr. Fustok, and how would Mr. Haughey how about it

Q. Right. He would only have known about it from you?

A. do you know what I mean? not at all. And the Minister for Justice, he says.

Q. Mr. Burke.

A. You see

Q. Or Mr. Collins, it's not clear, neither were aware of it, according to what

A. No one was aware of it. The first I heard of it was from Mr. Fustok.

Q. Just one last matter: If you can remember the last time that you gave evidence, Mr. Coughlan was asking you about the circumstances in which you were asked to pay the 50,000 or to convey the 50,000 to Mr. Haughey. And I can go through the details of it, but summarising it for you: I think you said that no mention was made of what the 50,000 was for at the time?

A. Yes.

Q. And that, at that time, you didn't know what it was about?

A. That's right. He said, "I owe Mr. Haughey 50,000, but I don't have his address."

Now, it wasn't my business to ask him why he owed it to him, you know.

Q. At that time, I think Mr. Coughlan asked you whether you were aware of any business relations Mr. Fustok had with Mr. Haughey, or I think any business relations he may have had with you.

A. Yes.

Q. And you said there wasn't any that could you think of?

A. There weren't?

Q. Any that you could think of?

A. Any?

Q. Any business relations between Mr. Haughey and Mr. Fustok or between you and Mr. Fustok that could in any way explain this 50,000?

A. No, not to explain. If I may take a little time when you are finished, just to explain my position: I was very annoyed at reading the documents and about some of the officials, because I felt that they were implying implying, now, only, I am not saying anything else they were implying that I may have got reward for my work, and the answer is yes.

Q. Yes.

A. And Mr. Fustok sent a new top-of-the-range BMW car and left the car at my door. And when I heard it, I sent it back

two days later, because I must tell you, I made a rule when I first entered politics I would not accept any political donations or election donations, and I afford every election with my own money, when I was in the Labour Party and when I was in Fianna Fail. And in the Labour Party, I was also a member of the what's SIPTU now, is the Irish Transport and General Workers Union, and at every election they would send me a cheque, being a member of the Union, and I always sent it back. I felt I would maintain my independence, because I felt if you accepted it from them, you are under their thumb on things, and that was my view on it. And that is why it annoyed me when I read the documents about O'Connell doing this, and behind this was it was implied that I might be getting a reward.

Now, sending the car back, I heard later, was an insult to Arabs. But that was my belief, that I wouldn't accept any donations.

Sorry, that is quite wrong: I broke it just once. There was, if I would it be right mentioning the man's name?

He owned a big supermarket. And I never had met the man in my life, and he came to me because he had a big hotel, and there was an extension or something built to it, and he was seeking a retention order, something like that, and he needed it very badly because he was selling the hotel. And he came to me why he came to me, I was in the Labour Party, and it puzzled me why he would come to me, because he was big business. And I did try, but I failed, and I

told him that.

Five years later, he phoned me when I was a candidate for the European elections, came to see me and said he would like to support me and give me a thing, and I told him my problem. I told him, "I don't accept it". And it became embarrassing. First, it was a $\text{€}1/2,000$ cheque, or something, and finally it was embarrassing on me and embarrassing on him. And finally I said, "All right, I will take 200 from you". That is the only time. And I wrote to the Tribunal a few years ago and told them, the only money or the money I have ever got is $\text{€}1/200$ from Mr. Pat Quinn. And they checked that, and they found out he is in Canada, but his brother checked and found that was right, that was correct.

Q. Mm-hmm.

A. And if you want any further details on that car I sent back, you can have that from them, because Mr. Fustok's second-in-command will supply that.

Q. I appreciate that. But Mr. Fustok was, in any case, appreciative of the help you had given his family?

A. Yes.

Q. But you didn't want any money

A. Oh, no.

Q. to be under a compliment, but he was appreciative of it?

A. Oh, yes, yes, but he was a bit annoyed, I heard, but not to me or not with me

Q. When did he send the car to you?

A. Sorry?

Q. When did he send the car to you?

A. When did he send it to me?

Q. Yes.

A. In 19 I think 1980.

Q. Right.

A. Yes. I remember him saying, I do remember him saying the limousine or something they were in. And I said, "What is this?" And he told me the name of the limousine they had rented. And he said, "What car do you drive?" And I said, "I drive a Citroen". "And what do you think is the best car?" And I remember saying, "a BMW".

Now, and it was a few months after that that the BMW, top-of-the-range car, arrived, so that was what happened with the car.

Q. When Mr. Coughlan was asking you about Mr. Haughey and the $\text{€}1/250,000$, he asked you whether you were in any way concerned that this money could be connected with some political or could be viewed, even, as being connected with some political favour?

A. Sorry?

Q. And you said you didn't?

A. Well, I didn't

Q. In light of what you tell me now and your own sensitivity to that, do you think, looking back on it, that there could have been a connection in view of what had been done for his family at that stage?

A. No, wait now, could we take it a bit slowly 'til I try and fully understand. Mr. Coughlan asked me did I think it was it could have affected him politically?

Q. I will read out some of the things that Mr. Coughlan said so we won't be at cross-purposes.

Mr. Coughlan said, at page 82 of the transcript for the 9th of July, 1999, and I will read it out, and I will read it slowly; it might be the easiest way.

"But even in the days before there were Tribunals, and you were asked to carry 50,000 to a senior politician in your own country" and that was at a time when you thought you had received the cheque into your hand, or the draft, whichever it was

A. Yes.

Q. "Would you not have been any way" and you answered "surprised," and Mr. Coughlan said, "No, reluctant?"

And Mr. Coughlan went on: "In case, just in case there might be something strange going on".

And you said, "Oh, no, it never even crossed anyone's mind in politics at that time, never".

"Sorry," Mr. Coughlan said, "sorry, Doctor, what didn't cross people's minds?"

And you said, "What you say now - never be suspicious."

Mr. Coughlan said, "I see. Nobody was suspicious then, is that right, back in 1985?"

And you said, "Oh heavens, no. And there never was any mention of, shall we say, inappropriate funding, or that,

there was nothing like that even discussed at that time,
you know. I don't know when the Beef Tribunal was set up,
but that was the first indication that we got.

Question: That there might be something?"

You said, "Pardon?"

And Mr. Coughlan said, "That was the first indication that
you got that there might be something that one should be
careful about one's finances."

And you said, "Oh, yes, that is my knowledge."

And then Mr. Coughlan asked, "Well, I know that you now
believe that Mr. Fustok believes that this was in respect
of the sale of a horse, although he can't I think you
also know that he can't, he doesn't recollect or know."

And you said, "Yes," you got a copy of this letter.

Mr. Coughlan said, "Yes, specifically which horse he is
talking about. But did you, at any time at that stage,
even have a suspicion in your mind, rightly or wrongly,
that this might be political funding when you were carrying
the money?"

And you said, "No, I didn't know anything about political
funding at that time, I have to tell you, nothing about
it."

And Mr. Coughlan asked, "When you rang Mr. Haughey, was he
expecting the money, do you know? Did he seem surprised
when you said you had this money?"

And you say, "All I can remember, and I can remember it
very, very clearly, his words, and I am not being too

critical of him, but in a gravelly voice he said 'make it out to cash'. That, I do remember. It was very blunt, very much to the point and there was no elaboration whatsoever, he just said 'make it out to cash', that is all, and it didn't surprise me that he said that. I just didn't think, I mean, I had never heard of Amiens Securities, or the other one, never heard of them, and there was never even talk in Leinster House about anything like that, to my knowledge," and so on.

Just looking at that, in retrospect

A. Yes.

Q. did it ever occur to you that there was a connection between the representations you were making to Mr. Haughey and the money that Mr. Fustok was paying?

A. You mean in later years?

Q. Yes?

A. Well, I couldn't get an answer to the horse question.

Q. Mm-hmm.

A. And even up to the last up to two days before the man was killed, I could never get that answer, and I did ask many times, I have to tell you, many times. One time, he read Mr. Fustok read in the papers that Mr. Haughey was going through a very gruelling time, or something like that, and he said to me, "Get on the phone and tell him I will take him out to Florida and he can stay here and he can relax and get away from all this." Now, that I remember, because I was always asking about the horse, and

I never got an answer. Well, when I say I never got an answer, I took what he said, what Mr. Fustok said; it was I think he said a horse, at the beginning, you know, when he said there was no name, and, like, the girl asked him, from The Sunday Times, was it good, and he said "not spectacular". Well, you could be influenced by reading about the other funds which he got.

Q. Yes, you could.

A. And it might have crossed my mind, but I didn't I am not judgemental about people, and I suppose I would give him the benefit of the doubt. That is my thinking about him.

No, I couldn't answer it. I don't think I could answer it properly. It did cross my mind, but, of course, I was very ill at the time of the first years of the Tribunal.

Q. Yes.

A. And I was almost at death's door.

Q. Yes. I am delighted to say you are looking much better.

A. Pardon?

Q. You are looking much better, even if your hearing is worse

A. Yes, I am. They found out the cause of my memory failure, and it will take 18 months, but the neurologists have guaranteed me it will be very much improved, but it won't solve the deafness.

Q. Thank you very much, Dr. O'Connell.

A. Not at all. Thank you for your courtesy.

CHAIRMAN: Have you any questions for Dr. O'Connell?

MR. DOHERTY: No.

CHAIRMAN: I don't think I will given the technical facilities, the few matters I needn't take up with

Dr. O'Connell. Thank you very much for coming back to testify, Dr. O'Connell. That is the end of the hearing.

And do I correctly recount what has been provisionally decided is that it is intended to take up further and separate evidence on this day week?

MR. COUGHLAN: This day week.

CHAIRMAN: Very good. Thank you.

THE TRIBUNAL THEN ADJOURNED TO THURSDAY, THE 23RD OF MARCH, 2006, AT 11 A.M.