

THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY, 7TH JUNE 2000

AT 10:30AM:

MS. O'BRIEN: Mr. Tony Barnes please.

TONY BARNES, PREVIOUSLY SWORN, WAS EXAMINED AS FOLLOWS BY

MS. O'BRIEN:

Q. MS. O'BRIEN: Thank you, Mr. Barnes. Sir, documents relating to Mr. Barnes' evidence are behind divider 14 in the book. Mr. Barnes, you are an associate director in the Operations Department of Irish Intercontinental Bank Limited?

A. That's correct, yes.

Q. And you have given evidence to the Tribunal on a number of earlier occasions and on this occasion, the Tribunal has requested you to give evidence in relation to a US dollar account which was operated in Irish Intercontinental Bank between July of 1991 or August of 1991 and July of 1992?

A. That's correct, yes.

Q. And I think this was a US dollar account with a number 03/00723/81?

A. That's correct.

Q. And I think it was an account which was registered in the name of Ansbacher Limited and with a client reference S8?

A. That's correct.

Q. And I think you have previously given evidence to the Tribunal in relation an S8 Deutschmark account which was

held also in Irish Intercontinental Bank, isn't that right?

A. That's correct.

Q. And I think that was an account which operated I think in October and November of 1992?

A. Correct.

Q. And that was also in the name of Ansbacher and also with a client reference S8?

A. Yes.

Q. Yes now I think you have indicated to the Tribunal that it appears from the account statements of this US dollar account and we can put that on the overhead projector now, that the account opened on the 14th August of 1991?

A. That's correct.

Q. And I think there we can see that there were two lodgments to the account on that date, one for \$25,000 and one for \$102,887.59.

A. That's correct, yes.

Q. And I think that, in fact, that single page is the entire of the statement for this account during the months that it operated?

A. Yes, it is.

Q. And I think we can see from the account statement that apart from those two lodgments to the account and the posting of interest to the credit balance, there were no other lodgments or movements on the account until it closed in July of 1992.

A. Yes.

Q. Now, I think the instructions which you received to open the account were by letter of the 13th August 1991, is that correct?

A. That's correct.

Q. And I think you have been able to provide the Tribunal with a copy of that letter and it's now on the overhead screen and the letter is on Ansbacher headed correspondence with a direction to reply to 42 Fitzwilliam Square, I think that's in common with all of the, pretty well all of the instructions received from Ansbacher?

A. Yes.

Q. It's signed by Ms. Joan Williams on behalf of Ansbacher and it's addressed to Mr. Garret Logan of Irish Intercontinental Bank?

A. That's correct.

Q. And it states: "Could you please arrange to transfer US\$ 25,000 from Ansbacher Limited account number 05347/81," it's a little faint on the copy on the screen "reference A/5678939 to a new account in the name of Ansbacher Limited, reference S8."

A. That's correct.

Q. And it further states: "You will also receive in Kredietbank, New York, approximately US\$103,000 from Ansbacher Limited Cayman which should be credited to the above new account."

A. That's correct.

Q. Finally it states: "Please advise the number of the new

account in due course" and I think Kredietbank in New York is your correspondent bank in the US, is that correct?

A. That's correct.

Q. So in the ordinary course, if you were to receive dollar funds into Irish Intercontinental Bank, would they usually be routed through Kredietbank in New York?

A. They would.

Q. And there's two, I think, manuscript entries on that copy letter, DT 109243 and DT 109242 and do they relate to the dealing tickets to each of the instructions implemented on foot of that letter?

A. They do.

Q. I think you have informed the Tribunal that in relation to the first of the credits to the US dollar S8 account on the 14th August, the bank's records show this was debited in accordance with Ansbacher instructions to the US dollar account 0305347/81?

A. That's correct.

Q. And I think we have there a copy of that statement of that US dollar account and that account I think had a client reference A/A39, is that correct?

A. That's correct.

Q. And I think there we can see the debit to the account on the 20th August 1991 and I think the dealing ticket which appears in the details column is DT 109243 and the description of the transaction is a withdrawal.

A. Yes, that's correct.

Q. And in fact I think we have a copy, you have produced to the Tribunal a copy of that dealing ticket which is identified on the account statement 109243, and we will see there it relates to currency US dollar and amount of \$20,000, the date is the 14th August 1991?

A. That's correct.

Q. And I think on the left-hand side that shows under the heading 'nostro in deposit', am I correct in thinking that's the source of the funds and the A/A39 account number, is it?

A. Yes.

Q. It shows the credit to Ansbacher Limited reference S8?

A. Correct.

Q. And just so there's no confusion, of course the reference S8 was a client reference for the account?

A. Absolutely.

Q. And not an Irish Intercontinental Bank reference?

A. It meant nothing to us at all.

Q. If we can just return to the account statements of A/A39 account which is document number 5, I think you have indicated to the Tribunal and it's apparent from the account statement that on the 7th August 1991, an exactly equivalent sum of \$25,000 was lodged to that A/A39 account?

A. That's correct.

Q. And I think you have been able to provide to the Tribunal a copy of the letter of instruction that you received from Ansbacher in relation to the credit of \$25,000 to the A/A39

account and that's a letter dated the 23rd July 1991,

signed again by Ms. Williams?

A. That's correct.

Q. It says, "Could you please arrange to lodge the enclosed cheque for \$25,000 to the credit of Ansbacher Limited, US dollar call deposit account number 03/05347/81 reference A/A39."

A. That's correct.

Q. And the cheque again, the cheque enclosed with that letter, you have been able to produce from your records and I think if we can have a copy of that on the screen, this appears to be a cheque dated the 15th July 1991 in the sum of œ25,000, payable to Ansbacher Limited and it appears to be drawn on an account of Ansbacher with Bank of New York, is that correct?

A. That's correct.

Q. So that in fact, am I correct in thinking that is not in fact a bank of New York draft but rather a cheque drawn on an Ansbacher account with Bank of New York?

A. That seems to be the case, yes.

Q. And presumably because of the heading 'Ansbacher Limited' on the top left-hand side which would indicate it's an Ansbacher cheque-book or from an Ansbacher cheque-book on an Ansbacher account with Bank of New York?

A. Yes.

Q. Now I think you have informed the Tribunal that as the cheque was a US dollar instrument, it had to be collected

through the US clearing system and would have been forwarded by the bank to Kredietbank, New York for collection from the Bank of New York?

A. That's correct.

Q. And is that always the system that operates in relation to collecting US dollar effects?

A. Yes.

Q. You said that this is why there was a delay of approximately two weeks between the receipt of the cheque from Ansbacher and the crediting of the proceeds to the A/A39 account?

A. Yes, typically that would be the time it would take before the cheque would be cleared and we would have the funds in our account.

Q. I see. You have concluded therefore that the proceeds of the cheque which were routed through the A/A39 account were ultimately credited to the US dollar client reference S8 account?

A. Yes.

Q. So it appears that this cheque came in in the middle of July, you were instructed to credit the proceeds to the A/A39 account?

A. Yes.

Q. It was credited on the 7th August to the A/A39 account?

A. Yes.

Q. And then the same proceeds were debited to the account on the 14th August and transferred to the new US dollar client

reference S8 account?

A. That certainly seems to be a reasonable assumption.

Q. Now in relation to that A/A39 account through which the \$25,000 appears to have been channelled, you have informed the Tribunal that the account opened on the 16th January of 1991 and closed on the 28th September of 1992.

A. Correct.

Q. And that the account was opened following written instructions received from Ansbacher on the 15th January 1991. Maybe we can just see that more closely and this is on the same Ansbacher headed notepaper and this time I think it's also signed, if I can move it up slightly, by Ms. Joan Williams.

A. Yes.

Q. It says, "The transfer of US\$ 1,254,041.21 is for the credit of the accounts as detailed below." Then there were a series of accounts with client coded references and I think the fourth one down we can see is A/A39 and the sum to be credited to that account was \$42,617.31?

A. That's correct.

Q. And I think these funds were received, were they not, as part of the overall movement of funds for Ansbacher into Irish Intercontinental Bank?

A. Yes.

Q. In fact it would have been at a very early stage in the opening of the Ansbacher accounts?

A. Yes.

Q. Yes.

CHAIRMAN: And obviously representing a pro rata entitlement of the various beneficiaries in those accounts.

A. Yes.

MS. O'BRIEN: Now I think you have indicated that apart from the \$25,000 which we have just referred to as being routed through the account to the S8 account, there were no other significant transactions across the A/A39 account with the exception of a debit of \$40,000 on the 13th January 1992 and if we can just look a little bit more closely at the account statement which is on the screen, we can see from the account number that it's the A/A39 account and I think the first entry there shows a balance as of the 7th January of 1992 of \$44,000-odd?

A. Yes.

Q. And if we bear in mind I think that the initial sum that went into that account in 1991 was \$42,000, it appears that the only movements on the account in that entire year up to January 1992 would have been the posting of interest?

A. That's correct.

Q. And then we can see on the 13th January 1992 a debit of \$40,000 to the account?

A. Dollars.

Q. Sorry, \$40,000, of course, to the account and I think the position is that it appears in the bank records that this

debit was made on foot of instructions received by letter of the 13th January of 1992 and if we can look a little more closely at that on the screen, this is again a letter from Ansbacher on the usual headed notepaper signed by Miss Williams and it says, "Dear Garret, could you please arrange to transfer 40,000 US dollars to Bank of America, Line 5, 61 Wilshire Boulevard, Beverly Hills, California, routing number 131-000-358," presumably that's a technical number?

A. I presume that's what it is.

Q. Account number 0213613028, the name of the account holder is Nelson J Woss.

A. Correct.

Q. It says, "Please debit Ansbacher Limited 030534781 referebce A/A39.

A. That's correct.

Q. And finally it asks you to advise the date when the funds should reach the account so as the client could in turn be advised?

A. Correct, yes. I think the position is after that the withdrawal of \$40,000 from the A/A39 account, it left a balance of, we will go back to the previous account name, it left a balance of \$4,157.19?

A. That's correct.

Q. I think the account was then closed on the 28th September, but on the 28th September 1992, on foot of instructions received again from Miss Williams and I think we have a

copy of that letter of instruction of the 24th September 1992 to Ronan Redmond, "Please apply interest and transfer the resulting balance to Hamilton Ross reference A/A39. I await your advice and in due course, interest should be applied quarterly commencing on the 30th September 1992." So the account was closed as of that date and it was transferred into a Hamilton Ross account also US dollar account?

A. That's correct.

Q. Now, just going back to the US dollar S8 account, if we just go back to document number 1, we can see that the, there's indication already in your evidence that the second lodgment on the 14th August was for \$102,687.59?

A. That's correct, yes.

Q. I think you stated that dealing ticket number 109242 relates to this transaction and I think you remember that on the letter of instruction, that was the number of the dealing ticket that was entered in manuscript on a copy of the letter of instruction?

A. Yes, that's correct.

Q. I think you can see there on the right-hand side that the currency is US dollars, the amount is \$102,687.59, the date is the 14th August of 1991 and the, I think the two entries on the left-hand side, the top one is customer and I think that's Ansbacher Limited A8, is that correct?

A. Yes.

Q. And below that nostro deposit indicates the source of the

funds, is that correct?

A. That's correct.

Q. And the KBNY, where what does that stand for?

A. Kredietbank, New York.

Q. That confirms, does it not, that the source of the second credit to that S8 dollar account was a transfer of funds from Kredietbank New York?

A. Yes.

Q. Which you indicated earlier was your correspondent bank in New York?

A. Correct.

Q. Now I think Irish Intercontinental Bank have been able to assist the Tribunal by requesting Kredietbank in New York to provide any documentation that they have regarding the source of the funds that were transferred from Kredietbank to Irish Intercontinental Bank?

A. Yes.

Q. And they have been able to provide you with a copy of what's known as a Swift NT Account Statement, is that correct?

A. Yes.

Q. And and I think that shows entries on that account which is a Kredietbank account, is it a Kredietbank New York account?

A. The account in question would be our nostro account with Kredietbank New York.

Q. Your nostro account, so money coming to you would be

credited to Kredietbank New York?

A. Yes.

Q. I think that shows movements across the account on the 13th August 1991?

A. Yes.

Q. And that particular entry I think indicates that the monies were credited to your bank from Ansbacher Limited?

A. Yes.

Q. Grand Cayman?

A. Yes indeed.

Q. And there are just two letters after that, BR, do they signify anything in relation to the source of the funds?

A. ER?

Q. BR I think just after, if you look at the hard copy, it's easier to see, it says Ansbacher Limited, Grand Cayman, BR.

A. I presume it just means branch, I don't think it has any great significance.

Q. Now I think that apart from that extract from your account statement with Kredietbank, there are no other documents in Kredietbank in New York which would further identify the source of those funds?

A. No, that's as much as we have been able to ascertain, in fact as much as Kredietbank New York have been able to ascertain, there's one reference there on that document 8006 which is an external Ansbacher reference but that means nothing to Kredietbank New York either so we haven't

been able to determine any further what that means.

Q. So apart from establishing from that document that the funds came in from Ansbacher Cayman, you can't, neither Irish Intercontinental Bank nor Kredietbank in New York can go behind that document?

A. No.

Q. I think finally you have indicated that the US dollar S8 account was closed on the the 9th July 1992 following further instructions received. We can see there the last entry on the account statement, and that's following further instructions received from Ansbacher by letter of the 6th July 1992?

A. That's correct.

Q. And this is again on the usual Ansbacher headed paper signed by Miss Williams, and says, "Could you please arrange to apply interest to date to Ansbacher Limited account reference S8 number 030072381, US dollar deposit and then close it by converting the balance to sterling and crediting the sterling to Ansbacher Limited account 020108781."

A. That's correct.

Q. "Please advise the closing balance and the amount of sterling credited to account 020108781 in due course." I think there is some manuscript entries on that, we will just move it up slightly, I think on the left there, there's Vd 9th, 132,698 and there seems to be an addition there, does that relate to interest?

A. Yes.

Q. Does the VD relate to the value date of the conversion?

A. Yes.

Q. Presumably at 1.9325 relates to the exchange rate as between sterling and US dollar?

A. Yes.

Q. And just again to confirm that the account to which the sterling was credited account 020108781, was that the principal Ansbacher sterling account held with Irish Intercontinental Bank?

A. It was, yes.

Q. Thank you very much.

CHAIRMAN: Thank you very much Mr. Barnes.

THE WITNESS THEN WITHDREW.

MS. O'BRIEN: Mr. Padraig Collery please.

PADRAIG COLLERY, PREVIOUSLY SWORN, WAS EXAMINED AS FOLLOWS

BY MS. O'BRIEN:

CHAIRMAN: Thank you, Mr. Collery. Please sit down.

MS. O'BRIEN: Thank you, Mr. Collery, I wonder, Mr. Collery, would you have a copy of the Memorandum of Intended Evidence relating to this S8 US dollar account with you in the box?

A. I do indeed.

Q. It's tab 15, Sir. Perhaps if I can just go through that

Memorandum of Evidence and look at some of the documents as well. I think you have stated that you were formerly an associate director of Guinness & Mahon Ireland Limited, you left the employment of Guinness & Mahon in December of 1989. Subsequent to that you assisted the late Mr. Traynor in connection with the operation of the Ansbacher and subsequently the Hamilton Ross accounts. You state that you have given evidence to the Tribunal on a number of previous occasions and on this occasion, you have been specifically asked to give evidence in relation to the US dollar account held by Ansbacher with Irish Intercontinental Bank Limited, the account number 030072381 and it appears that the reference on the account was S8?

A. That's correct.

Q. Now maybe if we can just put document number 1 up again and that's the account that we are referring to in the course of this memorandum.

A. It is.

Q. Now you state that it appears from the account statements, copies of which have been provided to you by the Tribunal, that the account was opened on the 14th August of 1991?

A. Correct.

Q. And Mr. Barnes in fact has already dealt with that in his evidence?

A. He has indeed.

Q. And that it was then closed on the 9th July of 1992.

A. Correct.

Q. You state that that you understand from documents provided by the Tribunal that the credit balance of 132,812 US dollars or thereabouts was converted to sterling and was credited to Ansbacher account 020108781 which was the principal call deposit account held by Ansbacher?

A. That's correct.

Q. And again, that's the evidence which Mr. Barnes has just given to Tribunal?

A. Correct.

Q. Now you have informed the Tribunal that all of the sterling funds held in that principal Ansbacher account were represented by bureau system accounts including the Poinciana Fund accounts and the S sterling accounts. Now, they were held in the credit of the account with Irish Intercontinental Bank?

A. That is to the best of my knowledge, yes.

Q. So in fact that is the evidence you have already given that the principal sterling accounts comprised amalgamated funds?

A. That is correct.

Q. And the individual balances on those funds were tracked in coded accounts which were maintained on the bureau system?

A. That is correct.

Q. Now you have confirmed in all of the years which you were involved in the Ansbacher and Hamilton Ross accounts, there were never, to the best of your knowledge, any accounts with reference S other than the accounts held within the

Poinciana Funds?

A. That's correct.

Q. So that apart from S accounts within the Poinciana Funds, there were not, to your knowledge, any other S accounts?

A. Not to my knowledge, no.

Q. And furthermore you have confirmed that there were never any S8 accounts of which you were aware other than the S8 account in which funds appeared to have been held for the benefit of Mr. Charles J. Haughey?

A. That is correct.

Q. And in fact you gave evidence in relation to the S8 sterling account which represents that individual balance held in the funds which were in the amalgamated Ansbacher or Hamilton Ross accounts?

A. That is correct and that account was used for the distribution of Irish pounds amount in due course.

Q. I think also you mentioned an S8A sterling account in the course of your evidence last December which was a blocked account?

A. That is indeed correct.

Q. And that was used as security for the guarantee provided by Irish Intercontinental Bank to Bank of Ireland for the liabilities of Celtic Helicopters?

A. That's correct.

Q. I think you have indicated to the Tribunal that it appears from the S8 US dollar account statements that there were two lodgments to the account on the 14th August of 1991?

A. Correct.

Q. And again, that's the evidence just given by Mr. Barnes.

You understand from documents and information provided by the Tribunal that the first credit of \$25,000 represented funds transferred from another US dollar account in the name of Ansbacher being A/A39?

A. Correct.

Q. You further understand that it appears there was a credit to the A/A39 account on the 7th August 1991 which represented the proceeds of the US dollar cheque for \$25,000 which was forwarded to the bank by letter of the 23rd July 1991 from Miss Joan Williams and maybe we can put that cheque on the screen again. And you state it appears that the cheque which was dated 15th July 1991 was payable to Ansbacher and appears to have been drawn on an account of Ansbacher with bank of New York, 48 Wall Street, New York.

A. Correct.

Q. So again you are confirming effectively the evidence that Mr. Barnes has just given in relation to the movements on this account?

A. I do confirm that, yes.

Q. You state that you understand from further documents and information provided to the Tribunal that the second credit to the US dollar S8 account on the 14th August 1991, which was \$102,687.59 represents monies transferred from the bank of New York through Kredietbank New York to Irish

Intercontinental Bank and that's just the second credit shown on the S8 US dollar account statement for the 14th August 1991. You state as regards that lodgment, that second lodgment, that it appears that the funds lodged to the S8 dollar account were US dollar funds held by Ansbacher in a nostro account in the bank of New York?

A. Correct.

Q. You state that these would in all probabilities have represented US dollar funds held by Ansbacher or received by Ansbacher for the credit of the beneficiary of the S8 dollar account in Irish Intercontinental Bank.

A. Correct.

Q. So I think we can take it therefore that these were new funds coming directly from Ansbacher into Irish Intercontinental Bank?

A. Certainly would appear to be so.

Q. That they hadn't previously been held in Guinness & Mahon or anywhere else within this jurisdiction but were new dollar monies coming in from the States?

A. Yes, the Bank of New York appears to be the nostro account for Ansbacher Cayman and obviously they would receive funds through that account which in turn were transferred to Irish Intercontinental Bank via their nostro which was Kredietbank.

Q. Which was Kredietbank. As the US dollar was a currency account, there would have been no record kept of these funds on the bureau system?

A. Correct.

Q. I think you already gave detailed evidence of that matter last December where you indicated in the case of the currency accounts being non sterling accounts, these were not amalgamated accounts but held solely for the benefit of individual beneficiaries or customers and there were no entries on the bureau system in relation to those currency accounts?

A. That is indeed correct.

Q. You state however that when the account closed in July of 1992 and the funds were converted to sterling and credited to the principal Ansbacher account, that the funds would have been recorded on the bureau system either by crediting them to an existing sterling coded account or to a new sterling coded account?

A. Correct.

Q. So that when this account closed in July of 1992 and the dollar balance was converted to sterling and those sterling funds were credited to the principal sterling deposit account, there would have been an entry made on the bureau system?

A. Yes, that is the system that was followed. I would have expected there would have been a credit in the bureau system.

Q. Credit either to existing coded account or to a new coded account?

A. That would be my expectation, yes.

Q. Because you state the Euro system accounts are only available from September 1992 and accordingly it is not possible to ascertain from the available documents the particular coded account to which the proceeds of the \$8 US dollar account were credited?

A. That's correct.

Q. Thank you, Mr. Collery.

A. Thank you.

CHAIRMAN: No matters to take up with Mr. Collery? Thank you very much, Mr. Collery.

THE WITNESS THEN WITHDREW.

MR. HEALY: Sir, you will recall when I made an opening statement last week I mentioned that the Tribunal proposed, as part of the revisiting of some of the areas already mentioned, to go back to the Leader's Allowance Account and in particular the connection between funds raised for the purpose of discharging the medical expenses of the late Mr. Brian Lenihan and lodgments to or withdrawals from the Leader's Allowance Account.

Now, this matter was mentioned in the course of an opening statement in July of 1999. It was subsequently mentioned once again in October of 1999 and you recall, Sir, that between July, when the matter was mentioned in evidence at the Tribunal sittings, and October, Mr. Haughey made a public statement and as a result of that public statement,

a copy which was made available to the Tribunal, the Tribunal carried out some further inquiries and those inquiries resulted in evidence which was led in October concerning the manner in which funds raised for Mr. Lenihan were applied, either to the account or to the discharge of his medical expenses.

Now, since that date, some further information has become available to the Tribunal. Firstly, Dr. Eamon De Valera has approached the Tribunal with information he felt would be relevant to the Tribunal's Terms of Reference in the context of that evidence concerning a contribution he was requested to make to that fund. Dr. De Valera will give evidence concerning the request to him for a contribution from the Irish Press, the decision the Irish Press made to make that contribution and the manner in which the contribution was made. You will hear that the contribution was made through the Irish Press accountants, I think who were then called Coopers & Lybrand, now called Price Waterhouse Coopers, and Mr. Dan McGing, the then Irish Press connection with Coopers & Lybrand but now a person who has severed his connection with Coopers & Lybrand, will give evidence in relation to the manner in which the payment was treated.

The Tribunal has also received information concerning contributions made to that fund by other individuals. Most of the additional information which has become available to

the Tribunal concerning the way in which the fund was operated initially came from Mr. Paul Kavanagh.

Now, you will recall that Mr. Kavanagh gave evidence to the Tribunal in October of 1999 concerning the efforts he made to raise funds to defray Mr. Lenihan's medical expenses.

In that evidence, he mentioned that he was approached by Mr. Haughey who described, if I can put it shortly, the problem that was to be addressed concerning Mr. Lenihan's medical expenses, and he described the efforts he made to raise funds for that purpose. He mentioned that he had at least one initial meeting with Mr. Haughey and that he then put together a fund raising enterprise involving mainly himself and Mr. Peter Hanley. They approached various individuals between sometime in early May of 1989 and the end of the 1989 election, which would have been in or about the 16th June 1989.

Mr. Kavanagh has since made available to the Tribunal a document which he came across in, I think, recent weeks, in the course of examining some documents in his own offices. That document, which he made available to the Tribunal, is on Irish Printers Holdings Limited notepaper, which is the company of which Mr. Kavanagh is or was managing director and is a document which he put together at the time of the fund raising initiative containing the names of a number of individuals intended to be approached in connection with the fund. It also contains an amount of information which

seems to suggest that certain sums of money were either collected from or likely to be collected from certain individuals.

Mr. Kavanagh has informed the Tribunal that the list of names on the document were, with the exception of one man there, Leo Caffola, a list of supporters of Fianna Fail and he thinks that the manuscript list of names on the right-hand side of the document in his handwriting is a record of what he expected to raise as opposed to what he did raise from the individuals concerned.

Now, the Tribunal has made contact with some of the individuals on this list and has established that certainly some of the names mentioned on the list as having made or as likely to make contributions did in fact make contributions to the fund.

In order to put the evidence that is going to be given concerning additional contributions to the fund in context, I should remind you, Sir, that the evidence to date suggests that the total of the debits to the Leader's Allowance Fund for the expenses of Mr. Brian Lenihan's medical care were €83,197.56. Those debits were made to the fund between the 22nd June 1989 and the 13th February 1991. You will recall that, in addition, evidence was given that the VHI made a special grant toward Mr. Lenihan's medical expenses in the sum of €57,247.49.

Now, at the time that this matter was last dealt with in the course of the Tribunal sittings, evidence was given that there were substantial lodgments to the Leader's Allowance Fund in or around the period mentioned by Mr. Kavanagh as having been the period during which the funds were raised by him for Mr. Lenihan, that is to say in or around May or June of 1989. What the Tribunal's other inquiries at that time suggested was that, in the year 1989, the excess of funds in the Leader's Allowance account over and above the payment from Central Funds towards the Leader of the party was €220,000. Evidence was also given that the only payments into that account in the main in any case, were the actual, I think it is monthly or bi-monthly, payments from the Exchequer to the Leader's Allowance, together with the funds lodged in connection with Mr. Lenihan's medical expenses.

What the Tribunal is anxious to establish is whether the additional funds or the additional information which has now become available from Dr. De Valera, that a payment of €10,000 was made by the Irish Press, enables the Tribunal to decide or ultimately to conclude whether that €10,000 forms part of the €220,000 excess in the Leader's Allowance account for that year; whether a further sum of €20,000 contributed by Mr. Seamus Tully also forms part of that excess; whether another sum of €20,000 made available by Mr. John Magnier also forms part of that excess; and whether a sum of €10,000 which appears to be contributed by

Mr. Nicholas Fitzpatrick through a company he operated called Atron also forms part of that excess. Those additional sums which have come to the attention of the Tribunal amount to €60,000.

There is, of course, the further question whether, if those funds went into the Leader's Allowance account and formed part of the €220,000 excess, how they were ultimately disposed of, bearing in mind that only €83,000 odd went out of the account towards defraying Mr. Lenihan's medical expenses. The question is where they went and what use they were put to, having regard to the use for which they were intended.

There are a number of subsidiary matters which arise from the list brought to the Tribunal's attention by Mr.

Kavanagh of which one is the fact that the list refers to Dr. Edmund Farrell as being debited with a payment or a sum, either an intended sum or a received sum, it's not clear from the list, of €40,000 and you see that opposite Dr. Farrell's name on the printed list is €40,000 and opposite the name on the manuscript list is the number 40.

Dr. Farrell has told the Tribunal he did not contribute, either through himself or the Irish Permanent Building Society, the sum of €40,000.

Mr. Magnier, whom I mentioned a moment ago, has confirmed that he made a payment of €20,000 and Mr. Tully has

likewise confirmed that he made a payment of €20,000.

There are other names on the list. Mr. Fitzpatrick has confirmed that the reference to Atron is a reference to a company that he controlled by whom the sum of €10,000 is contributed. Neither Mr. Barry nor Mr. McManus were in fact, according to the information they made available to the Tribunal, approached in connection with the making of any payment.

The Tribunal has not been able to complete its inquiries in relation to some of the other names on the list and has not been able to identify all of the names on the manuscript list. Now the list also, if you go to the top right-hand corner of the list, contains two figures of 200 and 175.

Whether it's a reference to pounds or thousands of pounds is not clear, but having regard to the rest of the list, it probably refers to thousands. Mr. Kavanagh has informed the Tribunal that he does not know what the figures signify but that he thinks that the figure of 175 should be a figure of 135. But you will recall that evidence was given by Mr. Kavanagh on an earlier occasion, that his target figure at the time was between €150,000 and €200,000 and the Tribunal will wish to pursue whether those two figures of 175, as it seems the figure in a circle is, or 200 were in fact the target figures mentioned in the course of the discussion with Mr. Haughey which led to the setting up of the fund.

Thank you.

DR. EAMON DE VALERA, HAVING BEEN SWORN, WAS EXAMINED AS
FOLLOWS BY MR. COUGHLAN:

Q. MR. COUGHLAN: Thank you, Dr. De Valera, I think you
furnished a Memorandum of Evidence for the assistance of
the Tribunal, isn't that correct?

A. I did.

Q. And do you have that with you in the witness-box?

A. I don't actually but I recall it very clearly.

Q. I will hand you a copy. (Document handed to witness.)

What I intend doing, Dr. De Valera, is just leading you
through the Memorandum and maybe asking you one or two
questions to clarify matters that may arise if that's
agreeable to you. In the Memorandum you informed the
Tribunal you are the managing director of Irish Press plc
and sometime in the spring of 1989 you received a telephone
call from Daniel McGing who was then chairman of ACC?

A. That's right.

Q. The Agricultural Credit Corporation?

A. Yes.

Q. I think you have informed the Tribunal that you believed at
the time Mr. McGing was a consultant with Coopers & Lybrand
and that Coopers & Lybrand were the auditors of the Irish
Press plc?

A. That's correct.

Q. I think Mr. McGing had made a request for donation from the
Irish Press plc to help funds of the medical expenses for

the late Brian Lenihan TD who was to undergo major surgery?

A. That's correct.

Q. Mr. McGing asked you for a donation in the sum of €10,000, is that correct?

A. That's correct.

Q. I think you have informed the Tribunal that you discussed Mr. McGing's request with the company's then managing director Mr. Vincent Jennings, and you both felt that the Irish Press plc ought to accede to Mr. McGing's request?

A. That is true.

Q. I think you informed the Tribunal that the cheque in the sum of €10,000 was drawn on the account of Irish Press plc, made payable to Coopers & Lybrand and sent to Mr. McGing, is that correct?

A. That's correct.

Q. And I think you have informed the Tribunal that it was your belief at the time that Coopers & Lybrand, in addition to being the auditors of Irish Press plc, were the auditors of the Fianna Fail Party at the time?

A. That's correct.

Q. And I think you have informed the Tribunal that after this donation had been made by Irish Press plc, you received a further telephone call from Mr. McGing, you are uncertain when this telephone call was made but you believe it was made in or about late 1989 or early 1990, is that correct?

A. That's correct.

Q. And that during this telephone conversation, Mr. McGing

informed you that you were invited to a luncheon, is that correct?

A. That's correct.

Q. And you understood that you were being asked to this luncheon and that it was by the way of a thank you for the contribution which had been made by Irish Press plc to Mr. Lenihan's medical expenses?

A. Yes, as an acknowledgment of it.

Q. Yes. I think you have informed the Tribunal that the luncheon was held in a private room in a hotel but you cannot recall where this luncheon was held and while you believe this lunch was attended by the late Mr. Lenihan and his son Brian, you cannot recall the other individuals who attended the luncheon in question, is that correct?

A. That's correct.

Q. Now, Dr. De Valera, when Mr. McGing approached you or I think it was by telephone in the first instance to request the donation, isn't that correct?

A. Yes, he was passing on a question obviously from.

Q. From somebody else obviously. Did you have any recollection of, I know it's a long time ago, of the words that might have been used in general terms?

A. I think that only that funds were being raised to defray Mr. Lenihan's medical expenses, I think it was in the public domain, his health problem, and the likelihood of a substantial cost being occurred.

Q. Yes. I think that that is so and did Mr. McGing

indicate on whose behalf other than Mr. Lenihan's obviously the approach was being made to Irish Press?

A. Not that I recall. I think in general terms that the funds were being raised and I was quite satisfied to leave it at that.

Q. Yes. And I think you would have admired Mr. Lenihan?

A. Yes, I had known him and I believe at that stage he was Minister for Foreign Affairs, he was publicly doing a good job, there was clearly a public appeal for the Minister for Foreign Affairs on the screens, it was being raised discreetly at the time.

Q. Yes. And this was a private appeal as you have identified?

A. Yes.

Q. Now, were you asked by Mr. McGing to maintain confidentiality in respect of this particular payment?

A. I don't think so, not particularly, it would have been understood between us and indeed I would have wished it be confidential as well.

Q. Yes.

Q. Well Irish Press of course was a plc, isn't that correct?

A. That's right, I

Q. And this was a donation which was being made by Irish Press?

A. That's right.

Q. And you quite rightly discussed the matter with the then managing director of the company?

A. Yes.

Q. Isn't that correct? And the cheque was drawn on an Irish Press plc account I presume.

A. Yes.

Q. And was it Mr. McGing or you or was it a decision taken on the Irish Press that the cheque would be made payable to the accountants Coopers & Lybrand?

A. I had previously made a donation through Mr. McGing in another matter so I don't think great thought was taken about it.

Q. Right. But in any event, as far as you were concerned, Coopers & Lybrand were the auditors to the company as well?

A. Absolutely.

Q. Yes. Do you know how it was journalised in the Irish Press?

A. I don't actually, the cheque would have been raised as a vouchers payment .

Q. Yes.

A. as an expense.

Q. Now, I think you then in time moved on and you got another I take it you had many discussions with Mr. McGing over different matters in the intervening period between being asked for this donation of €10,000 and attending the lunch?

A. Yes, I mean we were, at that stage we were engaged with completion of the deal with Ingersoll and Mr. McGing was actively involved with us and on many occasions I don't believe this donation ever, was ever referred to.

Q. There was a lot of business being discussed and Mr. McGing was involved in that, advising on it one way or the other.

A. Yes.

Q. Now, you got a phone call and you were invited to a lunch?

A. Yes.

Q. And you remember Mr. Lenihan himself and his son Brian being at the lunch?

A. Yes.

Q. Now you can't remember where I think still, isn't that correct?

A. No, I am let's say I think the likelihood is it was one of the Ballsbridge hotels but I cannot be sure. I believe that it was Mr. McGing who made the phone call but I cannot be sure. I think I would have remembered if anybody else had made a phone call, I would have found it strange and I would have remembered it but I have no positive memory of that, definitely Mr. McGing but the linkage between the donation and this lunch was clearly made.

Q. Now, did you spend any length of time at the lunch or was it just a brief visit by you can you remember?

A. It was fairly short because I know I was busy, I had meetings and I can't quite recall when I came from a meeting and I went back to one.

Q. I think apart from the people that you remember there, the two Mr. Lenihans, you don't letter who else was there?

A. I don't.

Q. Nobody stood out particularly as far as you were concerned?

A. No, well I don't I can't be sure who hosted the lunch.

Q. Yes. Can you remember if Mr. McGing himself was there?

A. I am not absolutely sure, I omitted that from my statement because I just can't be sure.

Q. Yes. Now, I think it was you, Dr. De Valera, who brought this donation, the Irish Press donation, to the attention of the Tribunal, isn't that correct, you approached the Tribunal?

A. Yes, simply on the basis that it was information that might or might not be of interest.

Q. And I think what prompted you was that there was some press coverage of the Tribunal in inquiring into the Leader's Allowance and donations made to defray Mr. Lenihan's health costs?

A. Yes and obviously there were lists, our name had come up and

Q. Yes, but as far as you know, you had no, you were not aware of any list in which the name had come up, is that correct?

A. No, I wasn't aware of anything.

Q. And

A. As far as I was concerned, until now, if I ever, I had no reason to believe that the funds were not properly disposed of.

Q. I am just trying to deal with how, you are the one who brought the matter to the attention of the Tribunal. The Tribunal did not have to approach you, that's what I am trying to establish.

A. Yes, that's true.

Q. Now, I take it you have made reference to a list there, I don't think that you are suggesting that you were on a list or you were aware that the Irish Press were on a list, were you?

A. Absolutely not but since we made a donation, we didn't know, I might have expected there might have been a record.

Q. Yes, there might have been a record you kept?

A. Yes.

Q. And seeing as you had sent the cheque to Coopers & Lybrand, who were the company's auditors, I suppose you would have expected that they would journalise the matter appropriately.

A. Well I would have expected that the payment would have gone through one of their accounts.

Q. Yes. And as that it was intended to go for a specific philanthropic purpose, that it would arrive at its appropriate destination?

A. That's correct.

Q. And that as far as you were concerned, there would be appropriate accounting at that end, as far as you were concerned?

A. Yes, I was happy.

Q. And perhaps at that end, there might have been or should have been perhaps a list kept, might have been or should have been, whichever?

A. However it was managed, yes.

Q. Now I think I asked you already when you were first approached by Mr. McGing, whether he indicated to you if anyone else had approached him?

A. I have no recollection ever mentioning any name, it was apparent that he had obviously been approached, it wasn't his initiative.

Q. Yes. And I think the level of donation was suggested by Mr. McGing to you, isn't that correct, of œ10,000?

A. Yes.

Q. And I take it you weren't taken into any confidence to the extent that a suggestion was being made how many people were being approached or anything like that?

A. No.

Q. And the lunch you attended, was it in a large room or

A. No, it was a private room.

Q. A private room. And was it a formal type of lunch, like were there speeches being made or

A. No.

Q. Or were people just chatting?

A. Mostly people just chatting.

Q. Do you remember did Mr. Lenihan say anything to you at it, by way of a thank you or

A. I don't think I spoke to him, Mr. Lenihan senior.

Q. I see. It would have been to perhaps his son?

A. I spoke briefly to his son.

Q. And can I take it that Mr. Lenihan junior, what did he say to you?

A. Apart from a general memory to the extent of thanking me for being there, what I understood was that, I can't really remember, it was the first time - I hadn't known of Mr. Lenihan's son at that stage.

Q. This was your first time meeting him?

A. Yes, that's clearly why I remember it.

Q. Yes. Yes. Thank you very much, Doctor.

CHAIRMAN: Thank you very much for your assistance and cooperation, Dr. De Valera?

A. Thank you.

THE WITNESS THEN WITHDREW.

MR. COUGHLAN: Mr. McGing.

MR. DAN MCGING, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS
BY MR. COUGHLAN:

CHAIRMAN: Thanks very much for your attendance, Mr. McGing, please sit down.

Q. MR. COUGHLAN: I wonder, Mr. McGing, do you have a copy of your Memorandum and if you have it with you in the witness-box?

A. I do.

Q. Like Dr. De Valera, I intend leading you through it, it's a question and answer form and then maybe answering some questions to clarify matters, it might be of assistance to the Tribunal in that regard.

A. Yes.

Q. I think the first you were asked for your involvement in the raising of funds to defray the medical expense of the late Mr. Brian Lenihan, that was the first query raised with you?

A. That's right.

Q. And I think you have informed the Tribunal that as background, you can inform us that through the 1970s and 1980s you were an audit partner in Coopers & Lybrand, chartered accountants, now merged into Price Waterhouse Coopers?

A. That's correct.

Q. And that in December 1987, you were appointed by the Government as chairman of Agricultural Credit Corporation, now ACC Bank plc., is that correct?

A. Correct.

Q. I think you have informed the Tribunal because of a possible conflict of interest, it was agreed you would take leave of absence as a partner in Coopers & Lybrand while you were chairman of ACC?

A. That's correct.

Q. And that consequently, from December 1987 onwards, you did not attend any further meetings as a partner in Coopers & Lybrand and did not carry out any audits on their behalf, is that correct?

A. That's correct.

Q. And I think however for a couple of years, you continued to

advise some of your former audit clients in relation to their ongoing business affairs and one of these was Dr. Eamon De Valera, then managing director of Irish Press plc, is that correct?

A. That's correct.

Q. After 1987 you would not have signed any cheques on behalf of Coopers & Lybrand, is that correct?

A. Correct.

Q. Now, I think you have informed the Tribunal that you remained as chairman of ACC until April 1996 but resigned finally as a partner in Coopers & Lybrand in April 1991?

A. That's correct.

Q. And from that time onwards, you were not involved in any of Coopers & Lybrand's affairs, is that correct?

A. Correct.

Q. Any papers you might have had in relation to the Lenihan transaction would have been filed in Coopers & Lybrand and you no longer have any access to those records or to their bank accounts and you have not retained any papers related to any clients of Coopers & Lybrand?

A. That's correct.

Q. I think you have informed the Tribunal that while you cannot recall the exact details of the transaction in relation to the late Mr. Brian Lenihan's medical expenses, you have no reason to disagree with Dr. De Valera's accounts of events as set out in the second paragraph of the Tribunal's letter of the 22nd November 1999 and the

second paragraph of the Tribunal's letter of the 22nd November was as follows and you quote: "The attention of the Tribunal has been drawn to a contribution made by the Irish Press Group in 1989 towards medical expenses of the late Mr. Brian Lenihan in connection with medical treatment he was receiving at the Mayo Clinic. The Tribunal has been informed by Dr. Eamon De Valera that he received a request for such a contribution from you, that the request was in the sum of the order of €10,000, that he made out a cheque in favour of Coopers & Lybrand with which you were then associated and sometime later either towards the end of 1989 or the beginning of 1990, he was at a luncheon party arranged as a form of acknowledgment or thanksgiving for the contribution. That the luncheon was attended by you and by Dr. De Valera and also by the late Mr. Lenihan and by his son, Mr. Brian Lenihan who is now a TD."

And you have informed the Tribunal the reason for routing the contribution from Irish Press plc in that manner would have been to maintain confidentiality in Irish Press plc which would not have been unusual in the circumstances, is that correct?

A. That's correct.

Q. Now, I think the next query which was raised was you were asked for the name and address of all persons who you approached to make a contribution to such expenses and you have replied to the Tribunal that you have no recollection

of having approached any person in respect of a contribution to Mr. Lenihan's medical expenses?

A. That's correct.

Q. Now, I think the next query was you were asked for your knowledge, direct or indirect, of funds raised for this purpose including the name and address of each donor, the amount of the relevant donation, the manner in which such donation was made, the person to whom the donation was provided and the bank account into which such donation was lodged and you have informed the Tribunal that with the exception of the matters referred to above, you have no knowledge, direct or indirect, of funds raised for Mr.

Lenihan's medical expenses or any knowledge of any names or addresses of donors, the amounts of the relevant donations, the manner in which such donations were made, the person or persons to whom the donations were provided or the bank account or accounts into which donations were lodged, is that correct?

A. That's correct.

Q. And I think you were then asked for details of all of your dealings with the Irish Press, Dr. Eamon De Valera and other officers or officials of the Irish Press regarding the contribution of €10,000 made towards defraying the late Mr. Lenihan's expenses and you have informed the Tribunal that you believe that your letter of the 2nd December 1999 gives full details of your involvement with the Irish Press regarding its contribution of €10,000 towards Mr. Lenihan's

expenses, that is the

A. That's correct.

Q. You were then asked the manner in which the Irish Press cheque which was payable to Coopers & Lybrand was processed and whether the proceeds of the cheque were paid into a Coopers & Lybrand bank account with an equivalent cheque drawn by Coopers & Lybrand and if so, the person by whom such a cheque was written and by whom it was signed and I think you have informed the Tribunal that your belief is that any cheque from Irish Press which would have been, which was received by you and made payable to Coopers & Lybrand would have been passed by you to the Accounts Department in Coopers & Lybrand for lodgment to the firm's client bank account. A cheque for an equivalent amount would have been drawn on the client account and made payable to the appropriate fund. As you were not operating as a partner of Coopers & Lybrand at that time, you were not aware of who would have signed the cheque or to whom it may have been made payable and in your letter of the 2nd December, you refer the Tribunal to Mr. William Cunningham of Coopers & Lybrand, now Price Waterhouse Coopers, who might have some documentation in relation to the transaction, is that correct?

A. That's correct.

Q. I think you were asked then the name of all other partners or personnel of Coopers & Lybrand who had any knowledge of role in or dealings in connection with the Irish Press

donation and the manner in which it was subsequently processed and you have informed the Tribunal that the only partners in Coopers & Lybrand who might have had any knowledge of or role in dealing in connection with the Irish Press donation would have been Mr. William Cunningham, present partner in charge; Mr. John McMahon, then audit partner in success to yourself or Mr. Richard Lane, then managing partner, is that correct?

A. That's correct, yes.

Q. I think you were then asked the name of the person to whom the Irish Press payment was transmitted for the intended purpose either by you or any other person, who the payment was transmitted by any other person, the name or address of such person and you have informed the Tribunal that unfortunately you have no recollection of forwarding the Irish Press payment to any particular person and you have no knowledge of its onward transmission by any particular person. You regret you are unable to help in this particular matter, is that correct?

A. Yes, indeed.

Q. I think you were then asked for your knowledge, direct or indirect, of any contribution made by any person to the expenses of the late Mr. Lenihan, to any political party or to any politician which were made in the same manner, that is by cheque or instrument payable to Coopers & Lybrand or which were otherwise processed through the bank accounts of Coopers & Lybrand. And you inform the Tribunal that apart

from the Irish Press contribution referred to in your letter of the 2nd December, and in the matter which I will deal with in a moment, you are not aware directly or indirectly of any contributions made by any other person to the expenses of the late Mr. Lenihan, to any political party or to any politician which were made in the same manner. You are aware that on a number of occasions in the past, similar contributions to Fianna Fail were made by Irish Press via Coopers & Lybrand in respect of contributions towards election expenses. You no longer recall the amounts or dates of these contributions but they would generally have occurred in or around the time of the General Elections held during the 1980s and would have been forwarded by you to Fianna Fail Headquarters, is that correct?

A. That's right.

Q. And I think you also recall either one or two financial contributions, although not the amounts, made to Fianna Fail by another person as a contribution towards election expenses in a similar manner to those made by Irish Press. However although you have tried to recall, you cannot remember whether that person made any contribution towards the expenses of the late Mr. Lenihan in that manner?

A. That's true.

Q. I think you were asked for details of your dealings in connection with Irish Press donation, or any donation for the benefit of Mr. Lenihan with Mr. Charles J. Haughey, the

late Mr. Peter Hanley, Mr. Paul Kavanagh or any other person whatsoever and you inform the Tribunal that you believe that you set out in your letter of the 2nd December and your letter of the 28th March your full recollection in relation to all dealings with the Irish Press plc donation or with any other donation for the benefit of Mr. Lenihan.

As mentioned earlier, you are unable to recall if you had any dealings with either Mr. Charles J. Haughey, the late Mr. Peter Hanley or Mr. Paul Kavanagh, although you knew or know all three, isn't that correct?

A. That's correct.

Q. Neither did you have dealings with any other persons whatsoever in relation to it?

A. That's correct.

Q. Now you were asked for your role in the organisation of events subsequent to the return of Mr. Lenihan from the Mayo Clinic which was attended by Dr. De Valera and you informed the Tribunal that you had no role in the organisation of any event subsequent to Mr. Lenihan's return from the US and to which event the Tribunal informed you was attended by Dr. De Valera. I think you informed the Tribunal that you referred to the luncheon in question in your letter of the 2nd December 1999 in which you stated that you recalled being at a number of lunches organised by Fianna Fail during 1989 in connection with various fund raising events. There was a General Election in June 1989. It would have been normal for prominent elected

members of the Party to be present at those lunches and consequently it would have been quite normal for Mr. Brian Lenihan to be there as Tanaiste and for Dr. De Valera to be there as supporter and/or contributor to the Party. You were not aware that any of these lunches was specifically to acknowledge contributions to the late Mr. Lenihan's medical expenses and you never discussed these expenses with Mr. Lenihan, is that correct?

A. That's correct.

Q. I think you were asked for your knowledge, direct or indirect, of all persons who attended such event and you have informed the Tribunal that you do not recall attending a specific luncheon relating to either fund raising for Mr. Lenihan's medical expenses or as a gesture of thank you to people who contracted to such expenses although you may have attended a function in relation to either of these.

You are not in a position to actively indicate who attends these occasions as opposed to many other similar events which you may have attended, is that correct?

A. That's correct.

Q. Now I think, Mr. McGing, you would not have been aware of a list which Mr. Paul Kavanagh had and supplied to the Tribunal in recent weeks?

A. I was not aware of it.

Q. And it has not yet gone into evidence in that Mr. Kavanagh has not given his evidence in relation to it but from the list and from the information available to the Tribunal,

neither your name nor Dr. De Valera's name nor Irish Press plc nor anything connected with Irish Press plc appears to be on the list.

A. Yes.

Q. That appears to be the situation. So we have also heard evidence in the past from Mr. Kavanagh that when he was asked by Mr. Haughey to raise funds for the purpose of defraying medical expenses of the late Mr. Lenihan, that the approaches should be made to people and confidentiality should be maintained and we have also had evidence from Ms. Eileen Foy, who was the administrator of the particular account into which the funds went that again confidentiality was maintained in relation to it. And I think would you agree that when you approached Dr. De Valera, that Dr. De Valera would have understood from whatever conversation he had with you, that confidentiality was to surround the particular donation, would you

A. Yes, I would agree with that.

Q. And in fact the manner whereby the payment was made and there is no criticism of it, was to indicate or was to be done in such a manner so that confidentiality could, insofar as was reasonably possible, be maintained, is that right?

A. That's correct.

Q. Now, Mr. Kavanagh has informed us that Mr. Peter Hanley was also to raise some funds or attempt to raise some funds for this particular purpose.

A. Yes.

Q. And it was in or around the time of general fund raising also because there was a General Election around the period?

A. That's correct.

Q. And I think would you have been aware that Mr. Hanley and Mr. Kavanagh would have been engaged in general fund raising on behalf of Fianna Fail around that time?

A. Certainly Mr. Kavanagh but Peter Hanley, not to the same extent, in the general sense for Fianna Fail, no.

Q. The general sense but both of these men were known to you I take it?

A. Yes indeed.

Q. And if could I ask you this so, with regard to Mr. Hanley who is dead and we can't ask him, but Mr. Kavanagh has told us he was asked to raise these funds by Mr. Haughey. If you approached Dr. De Valera, somebody had to ask you to do so, isn't that right?

A. I believe so, yes.

Q. Did Mr. Kavanagh ask you to approach him?

A. I have no recollection of him asking me to approach Dr. De Valera.

Q. Yes. Well perhaps my question was too specific did Mr. Kavanagh ask you to raise funds?

A. I have no recollection of it at all of Mr. Kavanagh ever speaking to me about raising funds.

Q. On behalf of Mr. Lenihan we are talking about?

A. On behalf of Mr. Lenihan.

Q. Did Mr. Kavanagh ever ask you to raise funds generally?

A. Again, I cannot recall any specific instances where he did.

Q. Well can I ask you this: Did you ever raise funds for Fianna Fail?

A. I was not on their fund raising committee at any stage but in the context of I already informed the Tribunal of one other client of mine who chose to make a contribution to Fianna Fail through me or through Coopers & Lybrand and that was the only one I can recall apart from Dr. De Valera and the Irish Press. They are the only.

Q. You don't actually have a recollection of Dr. Sorry, you don't have a recollection in relation to this particular contribution

A. To this particular one, I don't recollect.

Q. You may have other recollection, other times around the election, donations would have been made to Fianna Fail from the Irish Press through Coopers & Lybrand?

A. That's correct.

Q. And when such, if we can come at it this way so, leave aside this donation for a moment, when other donations would be made of a political nature for General Elections, who would Coopers & Lybrand send the donation to, do you know?

A. Always to Headquarters in Mount Street.

Q. Yes. And we have had Mr. Flemming give evidence here and

we are aware of the accounting system and the recording of donations. How would Coopers & Lybrand treat these particular donations in their own records? I know they'd go into the client account obviously.

A. Coopers & Lybrand would have had a client account.

Q. Yes.

A. Which would have been largely used for dealing with clients' monies where the need arose. It wouldn't arise too often.

Q. Yes.

A. We wouldn't normally be taking money from clients but in some cases, where say Coopers & Lybrand might have acted as agents in paying a payroll, the cheques would come in and be lodged to the client account and then expended from that.

Q. Yes.

A. So that's what would have happened in the case of say the Irish Press cheque, would have been lodged to the client account and then a fresh cheque made out to the payee and my recollection of those would have been that they would have been made out to Fianna Fail in the appropriate the ordinary issue of donations?

A. There wouldn't too many of them.

Q. Can I take it just to clarify, an accountant's client account wouldn't have the number of transactions that a solicitor's client account would have going through it?

A. Quite correct.

Q. A solicitor's would be carrying out many transactions.

A. Exactly.

Q. And it's your recollection, so, in relation to political donation, a normal ordinary political donation, that the Irish Press might make a cheque payable to Coopers & Lybrand, that would go into Coopers & Lybrand client account and a cheque then drawn on Coopers & Lybrand's client account made payable to Fianna Fail or whoever

A. Yes.

Q. Confidentiality was to surround this particular donation, isn't that correct?

A. That's correct, yes.

Q. And as you agree, somebody must have approached you if you were approached Dr. De Valera?

A. Yes, I would agree with that.

Q. And this must have been a unique approach which you made to Dr. De Valera, this was not in the normal approach of a political donation, is that right?

A. That's correct, yes.

Q. Obviously Dr. De Valera had discussed the matter with Mr. Jennings?

A. Yes.

Q. And they felt that it was appropriate that this particular donation should be made?

A. Yes, I was listening to Dr. De Valera's evidence.

Q. Yes. And when the cheque was drawn on the Irish Press plc's account made payable to Coopers & Lybrand, how

would I accept that it would have gone into Coopers & Lybrand's client account , but how would it have been dealt with? How would it have been journalised by Coopers & Lybrand? It was not a political donation.

A. It was, it was purely an in-and-out transaction, I assume that records, separate records would be kept for the client account.

Q. Yes.

A. So that inputs into that account would be balanced by outgoings.

Q. Yes.

A. It would be purely post office account really.

Q. Yes.

A. It wouldn't need to be journalised.

Q. How would or how would you think it might have been journalised by the Irish Press?

A. I just don't know. At that stage, I was totally remote from the audit. After 1987, I didn't carry out any audit.

Q. Well how might you think it should be journalised - charitable donation?

A. Probably donations. Yes, it would probably be analysed like that.

Q. Yes. You have no recollection of sorry if I just go back one step, sorry when the cheque came from Irish Press to Coopers & Lybrand, can we take it that it would have probably come to you, this particular cheque?

A. Yes, I would expect that if I had asked Dr. De Valera for

it, it would have come to me.

Q. And it wasn't just a normal political contribution which perhaps could have been handled by other people in Coopers & Lybrand on advice from you, for example?

A. No, I would have expected it would have come to me.

Q. To you. And you were not in Coopers & Lybrand on any sort of full-time basis at that stage, you were with ACC Bank, is that right?

A. That's correct.

Q. And for it to go through the Coopers & Lybrand client account, you would have had to request that that's how it would be treated?

A. That's correct, yes.

Q. And it is or maybe it's not, but can you remember whether the cheque which you would have got from Coopers & Lybrand would have had to be made payable to somebody or made payable to cash?

A. You see, I have no recollection of receiving a cheque from Coopers & Lybrand. Unfortunately I have no recollection of even receiving the cheque from Dr. De Valera.

Q. Yes.

A. So it could have happened a number of things could have happened; I could have asked somebody to deal with it, possibly John McMahon or perhaps somebody else.

Q. That's what I am trying to establish. Would you be happy on the confidentiality side to ask somebody in Coopers & Lybrand to deal with it?

A. Yes, John McMahon, he was a senior partner and he had succeeded me as auditor in the Irish Press so he would be totally he would be in my confidence anyhow.

Q. I am not suggesting Coopers & Lybrand wouldn't have behaved professionally and in a confidential manner but it was confidential over and above that type of confidentiality?

A. Yes.

Q. And you would have felt that he would have enjoyed your confidentiality and vice versa?

A. He would indeed, yes.

Q. It was unlikely it was made payable to the Fianna Fail Party and sent to headquarters for this particular

A. I just find it difficult, I think you are probably correct in saying it's unlikely.

Q. Because we have

A. Made out to Fianna Fail. I think there might have been something to distinguish it.

Q. Yes. Perhaps something that might be of assistance to you, Mr. Lawrence Goodman has given evidence that he made a donation to this particular fund and when he sought advice as to who the cheque should be made payable to, I think it was Fianna Fail Party Leader's fund, something like that, he distinguished it. Do you know anything about that or do you remember

A. I find it difficult to believe, I think my own inclination might have been to make it, if I was going to do it, would have been to distinguish it and say Brian Lenihan fund or

something like that on the basis that there would be an account such as that.

Q. Yes. Now, you knew Mr. Kavanagh, you knew Mr. Hanley and you knew Mr. Haughey.

A. That's correct.

Q. Over that period, did you have any significant dealings with all or any of the three individuals, do you know?

A. Mr. Hanley would have been a good friend of mine.

Q. Yes.

A. And Mr. Kavanagh and Mr. Haughey I would have had known because of my connections with Fianna Fail at that time.

Q. Yes.

A. But not on a day-to-day basis.

Q. Not on a day-to-day basis.

A. No.

Q. And you seem to be, or again I should ask you the question, did Mr. Hanley ask you to approach Dr. De Valera to the best of your knowledge?

A. Again, unfortunately, I cannot remember whether he did or didn't.

Q. Do you think it's probable or improbable that Mr. Hanley would have asked you?

A. It could have happened that, it could easily have happened that he would have asked me but I just cannot say definitely to the Tribunal that he did.

Q. I see. Well equally, could Mr. Haughey have asked you?

A. Yes, he could but I can't say that he did specifically.

Q. And could Mr. Kavanagh have asked you?

A. Yes, I think he could have, because he, Mr. Kavanagh, you will probably be aware, I think he was chairman of a fund raising committee.

Q. Yes.

A. And as such, he would probably have known who were the main subscribers to Fianna Fail and possibly he would have known that in the past I had been the conduit for Irish Press so he could have but again, I cannot remember that he did.

Q. Well, do you remember, I suppose everybody at the time remembers with an interest in any type of public affairs, remembers Mr. Lenihan's state of health and I think perhaps as Dr. De Valera said, had got into the public domain that he was probably going to have treatment abroad or that he required treatment, whether it was abroad or not?

A. Yes, I knew Mr. Lenihan fairly well so I was aware of his health problems.

Q. And do you remember having any discussions with, I take it Mr. Hanley was a friend, Mr. Kavanagh was not a friend to that extent, he was a

A. That's correct.

Q. He was an associate or somebody you knew well?

A. Yes, I would still call him a friend but not

Q. You would call Mr. Hanley a personal friend, would you?

A. Yes.

Q. I take it you must have had discussions with Mr. Hanley or Mr. Kavanagh or even Mr. Haughey about Mr. Lenihan's state

of health?

A. Probably with, well less so I would have thought with Mr. Kavanagh because I didn't run into him that often, we were both very busy.

Q. Mr. Hanley? Mr. Haughey?

A. Mr. Hanley, yes, definitely, and I do remember at one stage meeting Mr. Haughey and asking him about Mr. Lenihan's health shortly after his operation but that's the only time.

Q. Now, Dr. De Valera, I think we can take it that there was a lunch, Dr. De Valera remembers being at a lunch?

A. Yes and I see Mr. Brian Lenihan TD, in his a Statement of Evidence that he remembers that lunch also.

Q. You don't seem to have any recollection of that lunch?

A. I don't have any recollection of it, if it was organised by Peter Hanley, I probably would have been there but I don't have any recollection of that. It could have been that I was away at the time as well.

Q. Now again, Dr. De Valera, trying to be extremely accurate and fair both in his Memorandum of Evidence and evidence he gave in the witness-box, we asked you, Dr. De Valera seemed to indicate if he received an invitation, it was probably from you?

A. I heard him say that.

Q. Would you accept that?

A. Oh I could accept that, yes.

Q. Which again means that you must have been asked by somebody

to invite him?

A. That would appear to be the case.

Q. And you have absolutely no recollection of

A. I am sorry, I don't have a recollection of it.

Q. You must understand, Mr. McGing, that this Tribunal has been conducted for the benefit for the public.

A. Yes.

Q. And when I ask you these questions, these are questions that have to be asked in the public interest. They are not meant to be offensive or shouldn't be taken as being offensive but the public might raise an eyebrow, Mr. McGing, at your lack of recollection of everything to do with this particular donation when you see it as being in the context of a unique approach made to Mr. De Valera.

A. It was unique in the sense that it was for a unique event, I haven't had to approach anybody for medical expenses for anybody else but in the context, number one, it's eleven years ago and that there is no documentation available to me, normally one has files you can look them up and that triggers memory. In this instance, I have no files whatsoever and I asked my former colleagues if Coopers & Lybrand had them and they have no records they could assist me with either so I tried very hard to remember since I heard from the Tribunal last October, and much as I regret it, I cannot recall it.

Q. Yes. But again, the public might be of a mind that it is understandable that the detail of events might be difficult

to recollect at the time we are from those events now and from the lack of documentary material to assist, but might nonetheless be somewhat nonplused that there would be no recollection of anything to do with the particular unique event?

A. You see, apart from it being a unique event, which I agree with you, it was also at a time when there was a General Election and while I have no difficulty in accepting what Dr. De Valera says about the subscription, I might have made approaches to him anyhow at that time so whether it was a subscription to the election fund so

Q. Yes?

A. That's why I don't have any difficulty accepting what he says and obviously if he says it, I would accept that. As to the specifics, I regret unfortunately, I cannot remember it.

Q. Yes.

A. If it was a subscription that I was making myself, I could be expected to remember but I was purely acting as a postbox.

Q. This came to the attention of the Tribunal by way of Dr. De Valera coming to the Tribunal and saying " look, I see that you are hearing evidence at the moment about donations to the late Mr. Lenihan's medical expenses and this may be of assistance to you, we made a donation."

A. Yes.

Q. Now, Dr. De Valera again, I think, was as far away in time

from the event and had no documents and you were, if I might put it this way, more of a professional man in terms of financing or accounts or matters of that nature.

A. True.

Q. Would you accept that?

A. Yes. But I think the difference between Dr. De Valera and I is that it was a donation from his company.

Q. Yes.

A. Or the company of which he was managing director. Whereas I was just passing an envelope onwards to somebody else so that it wasn't my company, it wasn't my donation, I had no proprietary interest in it so I think that's where the reference comes into it.

Q. May I ask you this: Apart from the Irish Press Group where you have told us you would have been a conduit on previous occasions and perhaps around that time for political donations to Fianna Fail, there was only one other client that you acted as a conduit in relation to?

A. That's correct, as far as I can remember.

Q. And you were not in the way of general fund raising other than those two particular clients?

A. That's correct, I was never on the fund raising committee in Fianna Fail.

Q. Yes.

A. I knew some of them and my activities were with the administration rather than the fund raising activities.

Q. In relation to a lunch, I think you have informed the

Tribunal that you may have attended a fair number of lunches around that time or

A. Yes, there were a number there would have been lunches with a specific purpose for fund raising.

Q. Yes.

A. And in some of those cases I would have been present.

Q. This wasn't, I can understand around prior to elections but perhaps fund raising goes on all the time, I am not quite sure but this was after the election?

A. This was way after it.

Q. Way after it according to Dr. De Valera?

A. Which would have been 1990 I think he said. I just don't have any recollection.

Q. You don't have any recollection. Thank you.

CHAIRMAN: Mr. McGing, insofar as I have to try to reach conclusions in my eventual report on this and a plethora of other issues that are fair and balanced, would you agree with me in the first instance that it was natural and understandable for historic and personal reasons, that whoever was conducting the fund raising for Mr. Lenihan's illness would have looked to the Irish Press and Dr. De Valera as a possible contributor and that in turn, it would have been felt that you were a realistic middle-man to make the approach to him?

A. Yes, I think that's a fair assumption.

CHAIRMAN: Yes, and accepting that you cannot recall the

events of what I accept were eleven years ago, do you feel it a probability that the approach did not come from anybody beyond the three that have been mentioned, namely Mr. Haughey, the late Mr. Hanley, and Mr. Paul Kavanagh?

A. I think that's reasonable, yes.

CHAIRMAN: Would it seem on the face of matters, given your more distant association with Mr. Kavanagh and the absence of any reference to the Irish Press or Dr. De Valera on the recently produced list, would it seem more likely that it was one of Mr. Kavanagh or Mr. Haughey?

A. Yes, from what I am hearing here today, it would seem more likely.

CHAIRMAN: Can you, from your general recollection of dealings with those two individuals over that period, put any degree of probability as to which of those is the more likely?

A. It would be purely on probabilities, it would be more likely I think that it would have been Peter Hanley.

CHAIRMAN: Very good, thank you, Mr. McGing, anybody want to thank you, we are just after half past twelve and we will resume at ten to two.

THE WITNESS THEN WITHDREW.

THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

THE TRIBUNAL RESUMED AS FOLLOWS AT 1:50PM:

MR. COUGHLAN: There is just one short witness this afternoon, Sir. It's Mr. Brian Lenihan and I just want to he just asked me to convey to you, Sir, he was here before lunch, he thought it was ten past two the Tribunal was sitting again and he asked me to convey his apologies to you. Mr. Lenihan.

MR. BRIAN LENIHAN, HAVING BEEN SWORN, WAS EXAMINED AS FOLLOWS BY MR. COUGHLAN:

Q. MR. COUGHLAN: Thanks, Mr. Lenihan. I think, Mr. Lenihan, you provided a memorandum of intended evidence for the assistance of the Tribunal, is that correct, as a result of queries being raised?

A. Yes.

Q. You have that with you?

A. I have.

Q. I think in the memorandum you have informed the Tribunal that you can recall I think the Tribunal raised a query about a luncheon that Dr. De Valera had brought to the attention of the Tribunal, isn't that correct, and the Tribunal has asked you to deal with that?

A. That's right, the Tribunal corresponded with me about it.

Q. And I think you have informed the Tribunal that you recall a luncheon party which took place in the autumn/winter of 1989/1990, is that correct?

A. That's correct. I can't be more precise than that, other than that it would have been a dark evening.

Q. I think you have informed the Tribunal that you remember that the luncheon took place during the law term as you were then at work in the law library as a barrister and you rushed from the Four Courts to the function, is that correct?

A. That's correct.

Q. I think you recall your recall is that the luncheon was organised by the late Mr. Peter Hanley?

A. That's my memory of the lunch certainly, that Mr. Peter Hanley organised it. In fact, I don't remember being told that the purpose of this lunch was some form of acknowledgment or thanks to Dr. De Valera for a contribution, but I was well aware that Mr. Hanley had given great help in connection with my father's operation and naturally I was most anxious to respond to any invitation from him for that reason.

Q. Now, I think you informed the Tribunal that you do not recall being told the purpose of the lunch or that it was in the form of an acknowledgment to Dr. De Valera or to anybody else I think, is that correct?

A. Yes, or to anybody else indeed.

Q. And I think you believe that the luncheon took place in the dining room of either the Berkley Court or Jurys Hotel in the Ballsbridge area, is that correct?

A. Yes, I am sorry I can't be more exact than that but it is some time since the meal took place and my recall is that it was in a dining room in one of those hotels in

Ballsbridge, one of those two.

Q. Well, I don't know if you were present when Dr. De Valera gave his evidence this morning, he seems to remember that it was in a hotel in the Ballsbridge area at least, would you agree with that?

A. Oh yes, absolutely.

Q. And he seemed to think it was some sort of a private dining room, not the main dining room?

A. Yes, I think he is right on that but again I didn't hear him saying that this morning because I arrived in during his evidence, but I am sorry I didn't hear the entirety of his evidence.

Q. I think that's what he said, it was in a hotel in the Ballsbridge area and it was a private dining room?

A. I don't have an exact recall but I think it might well have been.

Q. I think you have informed the Tribunal that your late father was present of course?

A. Oh yes, absolutely, he was Minister for Defence at the time and Tanaiste.

Q. And Dr. De Valera was already a public figure at that time and that you were almost certain he was present to the best of your recollection?

A. Yes, the de Valera family, many of them tend to have a very distinctive appearance and of course Dr. De Valera was at the time the editor-in-chief of the Irish Press Group of Newspapers and well known in that connection and I am

almost certain he was there and I am certainly prepared to accept what he said about it this morning.

Q. Now, I think you cannot remember whether Mr. Dan McGing was present at the lunch, is that correct?

A. No, I can't say with certainty that he was there.

Mr. McGing was a good friend of Mr. Hanley's, that I knew, and a close friend of Peter Hanley's and it's quite possible he was there but I certainly can't remember him specifically being there. As you know, I supplied the Tribunal with the names of two individuals

Q. That is correct.

A. Whom I know were there and

Q. I don't want to you mention those names at the moment.

A. Well, very good.

Q. For Tribunal reasons.

A. Yes, but I supplied those names and I do remember they were there but I can't remember with the same certainty that Mr. McGing was there. In fact I have no certainty that Mr. McGing was there at all but he was a very good friend of Mr. Hanley's, that I do remember.

Q. And I think you can't remember the number of people who might have been at the lunch but

A. Well, I don't have an exact recall of that, but it was a small group. I can't think there are more than nine, ten, eleven at it. That was my impression, it was at one table, yes.

Q. That would seem to perhaps confirm the infirm recollection

of Dr. De Valera that it was in a private dining room in one of the hotels, a small private dining room?

A. It was certainly one table and a long table with ten, eleven, twelve, nine I can't you do appreciate it's some time since this luncheon, although I wouldn't have occasion to go to that many luncheons, compared, say, to Mr. McGing, whom I saw you questioned later this morning on the subject, and naturally, being a prominent person in the accountancy life in this city, I would assume he would attend many such functions. I would have some better recall because I do not attend as many luncheons as people like that.

Q. Your father was at it anyway?

A. And it related to my father.

Q. You did supply the Tribunal with the names of two people whom you remember being at the lunch, that has been dealt with by the Tribunal in its investigative phase. That is why I don't want you to mention those names at the moment.

A. All right, I hadn't intended to.

Q. Now, apart from attending the lunch, did you have any role yourself to play in relation to the raising of these funds to assist your father's treatment in the United States?

A. No, I didn't. As you know, he developed very poor health in the later part of 1987 and that condition continued throughout 1988. In fact, his condition was so serious by May 1988 that he had to take time off from his duties which at the time were those of the Minister for Foreign Affairs

and Tanaiste, though I do remember at that period as well, Mr. Haughey had a period of ill health and my father actually substituted for him so he did continue with his duties and early in 1989, the position became critical and I remember especially about Easter 1989, matters were very serious indeed and the medical advice was that he would require a liver transplant to secure his life and that he was in a very critical medical condition. So I certainly remember that period very, very well.

Q. And I think your mother and you know your mother gave evidence to the Tribunal on a previous occasion?

A. Yes, indeed.

Q. And she informed the Tribunal that apart from dealing with the cost of treatment in the United States, that there was a small donation given to her, I think personally, isn't that correct, and that she made inquiries of members of the family and I think you can confirm that you have no knowledge of the receipts of any other monies?

A. No. No. In fact at the time my father was not an especially wealthy man in any way and to the credit of Mr. Haughey, he came forward and it was a very critical situation, but I think very much to his credit he came forward and said that he would help in every way possible and I did know that Mr. Peter Hanley was helping him in that connection because Mr. Hanley had been a godparent to one of my brothers and he was a very old family friend from the midlands and, in fact, we would have holidayed with the

Hanleys on occasion together. Now, I did have a discussion about this matter with Mr. Hanley on the eve of the general election in June 1989 because when the general election was called in 1989, my father was away in the United States and, in fact, the election was called a few hours after he had the actual transplant. So naturally there was some question mark about whether he would contest the election, whether he would be in a position to return to Dail Eireann on the assembly of the new Dail. I am glad to say he did go forward and I was assisting in organising his campaign at the time and Mr. Hanley visited me on the eve of the poll at my father's residence in Castleknock and I actually asked him how was the operation being funded and he was unwilling to disclose the names of anyone involved but he did say that a number of individuals had been very generous to him and that he wouldn't put the matter any further than that, but that a number of individuals had been very generous to him and that he had assembled a considerable fund but beyond that, we didn't discuss the matter. And as you can appreciate, on the eve of a poll, he was in fact very interested in the election figures and the probabilities about my father's re-election in Dublin West at the time which, of course, happened with a tremendous vote and there wasn't a great difficulty on that front but naturally he was anxious to be assured that all was well on the electoral front that evening. That was his main concern.

Q. That was the extent of your personal involvement, that discussion?

A. Yes, and in fact in any discussion and I have no direct knowledge of any payment made other than the general assistance rendered by Mr. Hanley and Mr. Haughey and to the credit of both of them and apart from that, I don't in fact have hearsay knowledge of this particular matter, in other words, I don't remember any statement made to me indicating who a contributor was. Now that may seem strange to some because my father and myself were close as he was to all of his family but he certainly never discussed this with me, but then he was a politician and I am sure in his political life, he saw many contributions being made to his party and that's of course very germane to all these Tribunals at present and I am sure he exercised discretion about that and so perhaps it's not that surprising that he never indicated to me who the contributors to the operation were and whether he had knowledge of it even was not a matter which he disclosed to me, so I would like to say that, if it can of any help to you in your inquiries.

Q. You are unable to say whether he knew the full extent even himself or any extent?

A. I am unable to say that. In fact I must say, I formed the impression that he might not have known the full extent of who contributed to him at the time. I did have that impression and that he was proceeding on the basis of

estimate or guesstimate.

Q. Thank you, Mr. Lenihan.

CHAIRMAN: It's clear from what you have said, Mr. Lenihan, that of the two persons who, on evidence to date, have acted in the business of raising funds on the occasion of your late father's illness, that Mr. Hanley would have been at a personal rather than political level, a great deal closer to you and to your family than Mr. Kavanagh?

A. Oh yes. I knew that Mr. Kavanagh was involved in raising funds for the Fianna Fail party, but I wasn't aware of his involvement in this particular matter until you started your own investigations, Mr. Chairman.

CHAIRMAN: I see. Thank you for your attendance, Mr. Lenihan.

MR. COUGHLAN: Those are the available witnesses today, Sir. There will of course be further evidence on this particular matter tomorrow.

CHAIRMAN: 10.30 tomorrow so, Mr. Coughlan.

THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,
THURSDAY, 8TH JUNE 2000, AT 10:30AM.