

THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY, 29TH JUNE

2000, AT 11:00AM:

MR. COUGHLAN: May it please you, Sir. Before I call Mr.

Ahern to give evidence, I would first of all just like to indicate, Sir, in the public interest, what the purpose of an outline or opening statement at a tribunal is.

It is a statement indicating to the public, and any persons who may be affected by the evidence of the Tribunal, the work which the Tribunal has carried out in its private investigatory stage, the information which has been obtained, and which you have decided should be dealt with in public sittings and, in general, the way that evidence will be dealt with in public with reference to the lines of inquiry in general terms which will be pursued in public.

It is not a statement of any conclusion which has been reached by the Tribunal because you, Sir, are the only one, at the end of the day, having heard all of the evidence and all appropriate submissions, who can find facts and arrive at any conclusions.

Because of certain confusion which has arisen, I propose to deal in greater detail than I would ordinarily do in an outline statement with matters relating to the Tribunal's dealings with the Fianna Fail Party in correspondence, primarily with its solicitor, in respect of the records kept by the Fianna Fail Party of the funds received at

various general elections but with more specific reference to the 1989 general election.

I should say that in opening this correspondence, I am not concluding that there was any deliberate withholding of information from the Tribunal but the facts need to be established in the public domain and it would be for you, Sir, as the Tribunal, at the end of the day, to make any findings of fact or to arrive at any conclusions which you consider appropriate in accordance with the Terms of Reference which you have been given for the purpose of this inquiry.

On the 19th July 1989, the Tribunal wrote to Messrs Frank Ward & Co, solicitors for the Fianna Fail Party, in the following terms.

"Dear Mr. Ward, I refer to previous correspondence in relation to your above-named client. I am now writing to you in relation to a separate matter on which the Tribunal is seeking the assistance of your client.

"In the course of the private phase of its work, the Tribunal wishes to examine records of donations made to the Fianna Fail Party at any time between January 1979 and December 1996. The Tribunal's intention in seeking to examine these records is to identify persons who have made sizable donations to the Party with a view to ascertaining whether such persons may also have made donations to

Mr. Charles Haughey's own election expenses or to any other fund which may have been operated by Mr. Haughey.

"This request is being made in the course of the private phase of the Tribunal's work when the Tribunal is engaged in the process of gathering evidence or information which may lead to evidence material to its Terms of Reference.

These records will remain strictly confidential unless, in the absolute discretion of the Sole Member, they are or become relevant to the Tribunal's Terms of Reference.

"As the Tribunal is anxious to proceed with these aspects of inquiries, I would be obliged to hear from you at your earliest convenience and in the first instance you might telephone me to indicate when you might expect to be in a position to deal with this matter.

Yours sincerely,

John Davis,

Solicitor to the Tribunal."

By letter dated 3rd August 1999, Messrs Frank Ward & Company responded to that letter of Mr. Davis's in these terms:

"Dear Sir,

Thank you for your letters of the 19th July, 21st July and 23rd July.

"Your letter of the 19th July: I note your request to

examine certain records in my client's possession. My client has no difficulty with this but with respect, I suggest that the inspection should be carried out at Fianna Fail Headquarters at 13 Upper Mount Street, Dublin 2. This arrangement can be set up by contacting Mr. Hugh Dolan, Head of Finance & Administration. Mr. Dolan may be contacted at telephone number 6761551. It is noted that the information contained in the records will remain strictly confidential unless in the absolute discretion of the Sole Member, they are or become relevant to the Tribunal's Terms of Reference."

On the 11th August 1999, solicitor to the Tribunal, together with junior counsel to the Tribunal, attended at the Fianna Fail Party Headquarters for the purpose of carrying out an inspection of the records. The only documents made available to junior counsel and solicitor to the Tribunal were the cash receipts book covering the various periods. These Cash Receipts Books contain a list of every donation to Fianna Fail for the various periods. No other records were made available for inspection by junior counsel and/or the solicitor to the Tribunal.

Now, I pause there to emphasise that the Tribunal is not, at this stage, making a suggestion that there was a deliberate attempt to withhold information or documents from the Tribunal. But this is an outline statement and ultimately, Sir, it will be for you to deal with the

matter.

By letter dated 15th June 2000, Mr. Davis, solicitor to the Tribunal, wrote to Mr. Ward.

"Dear Mr. Ward,

I refer to previous correspondence in connection with your above-named clients.

"You will recall that during the course of last summer, members of the Tribunal legal team attended at your client's Head Office and examined your client's original records of donations received in the years from 1980 to 1996. The Tribunal, as a matter of some urgency, wishes to obtain copies of your client's records for the year 1989.

"This request is being made in the course of the investigative phase of the Tribunal's work and the copy records produced by your clients will remain strictly confidential unless in the absolute discretion of the Sole Member, they are or they become material to the Tribunal's Terms of Reference.

"I will be obliged if you would telephone me on receipt of this letter to confirm that your client's have produced copies of the records in question and if so, when I can expect to receive them."

The letter of the 15th June from Mr. Davis to Mr. Ward seeking copies of the records of donations received in the year 1989 was prompted by information made available to the

Tribunal's lawyers by Mr. Mark Kavanagh's lawyers that a significant donation, in the amounts described by Mr. Kavanagh in evidence here, had been made to Fianna Fail through Mr. Haughey.

On Friday, 16th June, 2000 the Tribunal received, from the solicitors to the Fianna Fail Party or from Fianna Fail, a copy of the Cash Receipts Book to which access, but not copies, had been furnished in the previous summer at Fianna Fail Headquarters.

The Tribunal noted anonymous donations of €25,000 and €50,000 and a further donation which was designated as being anonymous in the sum of €50,000 which has not formed part of the public sittings of this Tribunal. The Cash Receipts Book or the copy of the Cash Receipts Book furnished did not indicate to the Tribunal that there had been a donation recorded as being received from Mr. Mark Kavanagh. As I indicated in earlier my outline statement, the Tribunal had also checked to see if €25,000 had been received in the Party Leader's Allowance account in AIB, Baggot Street for the purpose of the Brian Lenihan fund and it appeared to the Tribunal that it had not been so received.

On Monday the 19th June, the Tribunal's lawyers met with solicitors acting for Fianna Fail and with Mr. Sean Fleming. At that meeting - and I should stress it was not

Mr. Fleming - Fianna Fail made available what the Tribunal has described as the second list and which Mr. Fleming has described as the extract from the Cash Receipts Book.

Looking at that document, the Tribunal could see that Mr. Mark Kavanagh was identified as being the anonymous donor of €25,000 recorded in the Cash Receipts Book and there was also furnished to the Tribunal at that meeting a copy of the Custom House Docks Development Company cheque in the sum of €25,000. That copy had been made by Mr. Fleming in 1989 and formed part of the records of Fianna Fail and was retained at Fianna Fail Party Headquarters.

The second list, as described by the Tribunal, or the extract as described by Mr. Fleming, identified Mr. Michael Smurfit as being a donor of €50,000 which was recorded in the Cash Receipts Book, as Mr. Fleming has told us on the instructions of Mr. Haughey, as being anonymous.

The Tribunal's lawyers were not told at the meeting on the 19th June that an inquiry had been made in respect of Mr. Mark Kavanagh's failure to receive an acknowledgment or a receipt in 1996. On Tuesday, 20th June, Mr. Davis, solicitor to the Tribunal, wrote to Mr. Frank Ward in the following terms:

"Dear Mr. Ward,

I refer to the meeting yesterday with Mr. Sean Fleming and members of the Tribunal legal team. Arising from the

meeting, I am writing to advise you that the Tribunal would wish to hear further evidence from Mr. Fleming in the course of its resumed public sittings which are due to commence on Tuesday next, 27th June 2000.

My purpose in writing to you is to request that Mr. Fleming provide the Tribunal with a statement or Memorandum of Evidence which would deal with all of his information and knowledge, direct or indirect, regarding the matters raised in the course of yesterday's meeting. In order to assist Mr. Fleming in the preparation of his memorandum, I would suggest that Mr. Fleming should include reference to the matters listed in the schedule appended to this letter.

"As the Tribunal is under an obligation to circulate statements or memoranda of evidence to persons who may be affected prior to such evidence being led in public sittings, I would be obliged if you would let me have Mr. Fleming's statement or memorandum by no later than the close of business Thursday next, 22nd June 2000.

Yours sincerely,
John Davis."

With that letter went a schedule which arose from the discussions which occurred at the meeting and the schedule Mr. Fleming was asked to deal with was;

1: Mr. Fleming's role in relation to the records kept by Fianna Fail of election fund receipts in 1989.

2: A full description of the system of recording the information contained in the records, the documents or copy documents retained and the manner in which donations were received.

3: The circumstances in which certain donations in the records kept for 1989 were described as "anonymous".

4: Details of all records kept by Mr. Fleming or by the Fianna Fail Party of the anonymous donations.

5: Mr. Fleming's knowledge, direct or indirect, of the identity of the donor of donation reference number 4632 for €25,000 recorded as being received on the 15th June 1989 and marked "anonymous".

6: The circumstances in which the person from whom the donation was received and the source of Mr. Fleming's knowledge as to the identity of the donor.

7: Whether Mr. Fleming or any other person on behalf of Fianna Fail issued a receipt for such donation and if so, to whom the receipt was issued and the person to whom it was delivered.

8: Mr. Fleming's knowledge, direct or indirect, of the identity of the donor of donation reference 4631 for €50,000 which was recorded as received on 15th June 1989 and was also marked "anonymous".

9: The circumstances in which and the person from whom the donation was received and the source of Mr. Fleming's knowledge as to the identity of the donor.

10: Whether Mr. Fleming or any other person on behalf of Fianna Fail issued a receipt for such donation and if so, to whom the receipt was issued and the person or agency to whom it was delivered.

11: Mr. Fleming's knowledge, direct or indirect, of the identity of the donor of donation reference number 4752 for €50,000 which was recorded as received on the 3rd July 1989 and was marked "anonymous".

12: The circumstances in which the person from whom the donation was received and the source of Mr. Fleming's knowledge as to the identity of the donor.

13: Whether Mr. Fleming or any other person on behalf of Fianna Fail issued a receipt for such a donation and if so, to whom the receipt was issued and the person or agency to whom it was delivered.

14: Details of all Mr. Fleming's dealings with the donors of the above contributions, Mr. Charles J. Haughey or any other person on his behalf, Mr. Paul Kavanagh or any other person whatsoever regarding the anonymous donation reference number 4632 and 4631 and 4752."

The Tribunal received a letter from Messrs Frank Ward &

Company dated 21st June 2000.

"Dear Mr. Davis,

With further reference in particular to the meeting between Sean Fleming and myself and the Tribunal's lawyers of the 19th inst and our subsequent correspondence, I am now pleased to enclose as requested the following:"

Messrs Frank Ward & Company then refer to a matter which has not been led in public and I will not deal with here.

The letter goes to refer to other enclosures as follows:

"2. Copy receipt 4632 dated 15th June 1989 of anonymous donation of €25,000 and the donor was Mr. Mark Kavanagh.

3: Copy extract from AIB statement Fianna Fail No. 4 Election Account showing lodgment of €75,000 relating to the above two contributions.

4: Copy receipt 4752 dated 3rd July 1989 anonymous donation of €50,000. Donor: Mr. Michael Smurfit.

5: Copy extract from AIB statement Fianna Fail No. 4 Election Account showing lodgment in respect of same."

"With regard to your letter of the 20th June as advised, I hope to meet with my client later this afternoon and to furnish with you statement of evidence by tomorrow afternoon. For your part, you might please advise as to when you would anticipate that it's likely that Mr. Fleming will be required to give evidence."

The receipts and the extracts from the bank statements have already been dealt with in the evidence of Mr. Fleming over the last day or two.

By this stage, the Tribunal had information showing who the donors were in the Cash Receipts Book for the 1989 general election. It had, as of Monday 19th June, the second list or extract and the backing documentation, namely photocopies of the €25,000 cheque from Mr. Kavanagh and the photocopy of a bank draft for €50,000, made payable to cash, drawn on Guinness & Mahon, and attributed to the anonymously recorded donation of Mr. Michael Smurfit in the Cash Receipts Book. By this correspondence received from Messrs Frank Ward & Company, the Tribunal also had copies of the receipts which had been sent to Mr. Haughey by Mr. Fleming's office.

The Tribunal had not been informed that an inquiry had been raised in 1996 concerning the failure of Mr. Kavanagh to receive an acknowledgment or receipt. On Thursday, 22nd June 2000, the Tribunal received a letter sometime in the afternoon, perhaps after three o'clock, from Messrs Frank Ward & Company in these terms:

"Dear Mr. Davis,

Enclosed herewith please find copy fax as received by my client just after midday today. As this would appear to relate directly to our discussion with Mr. Sean Fleming of last Monday and a statement I am in the process of

preparing on his behalf, I would be obliged to hear from you.

Yours sincerely,

Frank Ward & Company."

Enclosed with that letter was a copy of a facsimile transmission to the Fianna Fail party from Ms. Ursula Halligan, TV3, political correspondent. It was addressed to the Fianna Fail Press Office, it's dated 22nd June, and it reads:

"TV3 has been informed that in 1996/early 1997, a senior party figure informed the Taoiseach that a sum in the region of €100,000 for Fianna Fail given by the property developer Mark Kavanagh to Charles Haughey in 1989 was not passed onto the party in full.

"Why didn't the Taoiseach tell the Moriarty Tribunal that he was made aware of this information?

"We are running a report on this story for our news programme tonight and would appreciate an early reply."

The portion of that facsimile transmission which would have been of interest to the Tribunal was that there may have been an earlier inquiry in respect of Mr. Mark Kavanagh's failure to receive a receipt or an acknowledgment in 1996. The Tribunal knows nothing about that portion of Ms. Halligan's query relating to whether or not Mr. Charles Haughey had passed on the contribution in full to the Party

nor whether a query was raised about that. The information given to the Tribunal is that a query was raised and evidence has been led from Mr. Eoin Ryan that a query was raised in respect of failure to provide an acknowledgment or a receipt.

By letter dated 23rd June 2000, Mr. Davis wrote to Messrs Frank Ward & Company in these terms:

"I understand from Jerry Healy SC that you were either to send on Mr. Fleming's statement late yesterday afternoon or early this morning. The matter is now considerably urgent and I would be much obliged if you would let me have the relevant statement and any relevant documents by return."

By letter dated 23rd June 2000, Messrs Frank Ward & Company wrote to Mr. Davis enclosing Mr. Fleming's statement in the following terms:

"Dear Mr. Davis,

With reference to our meeting in your office on the 19th instant, your letter of the 20th instant, and our subsequent telephone conversations, I am now pleased to enclose a statement of Mr. Sean Fleming as requested, together with copy documents as set forth in the appendices thereto.

"Clearly such statement deals with two contributions, (reference numbers 4631 and 4752) which have no obvious

connection with the contribution made by Mr. Mark Kavanagh. It is a matter for the Tribunal as to how it will deal with the identity of these contributors in the course of its public sittings.

"I will be obliged to hear from you with as much notice as possible of Mr. Fleming giving evidence to the Tribunal."

On the morning of Friday, 24th June, the Tribunal learned for the first time through media comment that Mr. Eoin Ryan may have been the senior Fianna Fail figure referred to in the query raised by Ms. Halligan. The Tribunal immediately communicated with Mr. Eoin Ryan who responded by return on the same day.

The statement furnished by Mr. Fleming, through his solicitors, Messrs Frank Ward & Company, on the 23rd June, did not deal with the issue of the query raised by Mr. Ryan on Mr. Kavanagh's behalf in 1996 and that is a matter which I took up in evidence with Mr. Fleming with week. On Monday 26th June, Mr. Davis, solicitor to the Tribunal, wrote to Messrs Frank Ward & Company in the following terms:

"I refer to my letter to you on the 23rd June last concerning a report in the Irish Times of that date.

"I am now writing to you to bring to your attention certain further information which has come to the Tribunal concerning this matter. Mr. Eoin Ryan SC has informed the

Tribunal that the reports contained in the Irish Times of the 23rd June 2000 are generally correct. He has also informed the Tribunal that he was asked to make contact with Mr. Mark Kavanagh in 1996 regarding a contribution to the Fianna Fail funds. Mr. Mark Kavanagh indicated to Mr. Ryan that he was disposed towards making a contribution to the Party but that he had received no acknowledgment for an earlier contribution and that this was a source of some annoyance to him. While Mr. Ryan is not sure whether Mr. Kavanagh mentioned a specific figure, he formed the impression that the contribution involved was a substantial one.

"Mr. Ryan has informed the Tribunal that following this contact with Mr. Kavanagh, he went to see the Taoiseach Mr. Ahern and that he informed Mr. Ahern of his meeting with Mr. Kavanagh. Mr. Ahern's response was to say that he would look into the matter. Mr. Ryan then contacted Mr. Kavanagh's office to inform Mr. Kavanagh's office that the matter had been brought to Mr. Ahern's attention and that Mr. Ahern was looking into it.

"Mr. Ryan has indicated to the Tribunal that he had no further conversation with Mr. Ahern in relation to the matter.

"I would be obliged if you would kindly indicate if Mr. Ahern agrees with Mr. Ryan's account of his dealings in

relation to Mr. Mark Kavanagh's queries as set out above.

In addition, I would be obliged for a response to the following queries:

- 1: Did Mr. Ahern make any inquiries on foot of the information relayed to him by Mr. Ryan and if so, give full and detailed particulars of those inquiries.
- 2: Furnish a full and detailed account of the result of those inquiries.
- 3: Did Mr. Ahern make contact with Mr. Mark Kavanagh and if so, did he bring to Mr. Kavanagh's attention the results of any inquiries he put in place?
- 4: Identify each and every person with whom Mr. Ahern discussed or may have discussed this matter, together with details of any such discussions.
- 5: Furnish full and detailed particulars of any contacts Mr. Ahern has had with Mr. Mark Kavanagh or with any other person concerning this matter at any time since Mr. Kavanagh made the contribution in question in June 1989.
- 6: Please indicate whether your client has any information, direct or indirect, concerning any other payment intended for Fianna Fail but which was not actually received by the party.

This matter is urgent and I would be much obliged to hear

from you in relation to this matter at your earliest convenience and in the first instance, you might telephone me to let me know when I might expect a response."

CHAIRMAN: Whilst it's only a point of detail, Mr. Coughlan, I think it's acknowledged that the Tribunal letter was in error in that Mr. Ahern was opposition leader rather than Taoiseach at the time.

MR. COUGHLAN: Yes, yes. I should have said, Sir, also that the Tribunal wrote to Messrs Frank Ward on the 23rd June 2000 in these terms:

"It would be much obliged if you would kindly arrange for Mr. Sean Fleming to provide the Tribunal with a statement of his knowledge, direct or indirect, of any queries raised either by an Taoiseach, Mr. Bertie Ahern, or by Mr. Eoin Ryan at any time since June 1989 concerning a donation made by Mr. Mark Kavanagh to Fianna Fail at that time.

Yours sincerely,

John Davis."

By letter dated 26th June 2000, Messrs Frank Ward & Company wrote to Mr. Davis and transmitted by a facsimile, at 19.38

Re: Mr. Sean Fleming.

"Dear Sir,

Previous correspondence herein refers. I enclose herewith a signed statement of my client which is, you will note, a faxed copy. The original will be available tomorrow.

"I understand that our respective Senior Counsel are liaising as to when my client's evidence will be taken and I look forward to hearing you from in this regard."

This enclosed the second statement of Mr. Fleming dealing with the matters which the Tribunal requested him to deal with in the letter of the 23rd June.

The failure to get all records, that is all records other than the Cash Receipts Book, may have been through inadvertence but that is a matter to be inquired into.

That dates from last year. A second matter is the matter which I took up with Mr. Fleming in the course of his evidence that the Tribunal did not become aware of the 1996 inquiry until the matter broke in the media on Thursday of last week, notwithstanding that on the previous Monday, the Tribunal had made information available to Fianna Fail and to Mr. Fleming that Mr. Kavanagh had informed the Tribunal that his company had made a contribution to the Fianna Fail Party directly to Mr. Charles Haughey by way of a cheque made payable to €25,000 and three bank drafts made payable to €25,000 made payable to cash.

Again, I stress, Sir, that these are matters to be inquired into and my outline on them here is to indicate to the public and to persons who may be affected by the work of the Tribunal, that they are relevant to the Tribunal's line of inquiry and those lines of inquiry would be pursued in

public at the Tribunal.

MR. COUGHLAN: Mr. Ahern.

MR. BRADY: Mr. Chairman, I appear for the Taoiseach with James O'Callaghan.

CHAIRMAN: Thank you, Mr. Brady.

MR. BERTIE AHERN, PREVIOUSLY SWORN, WAS EXAMINED AS FOLLOWS
BY MR. COUGHLAN:

CHAIRMAN: Good morning, Mr. Ahern, thank you for attending the Tribunal. You are also sworn from your visit last year.

A. Thank you, Chairman.

Q. MR. COUGHLAN: Mr. Ahern, again, like on the previous occasion, I think you prepared a statement or Memorandum of Evidence for the assistance of the Tribunal and you have that with you in the witness-box, do you?

A. Yes.

Q. And I think you state that by letter of the 26th June 2000, the Tribunal requested, through your solicitors, confirmation of information given to the Tribunal by Mr. Eoin Ryan Snr, and in addition, sought further information outlined in that letter. The further information sought by the Tribunal is set out in six separate categories in that letter and that you propose dealing with the matters raised by the Tribunal in the

letter in the following paragraphs of your statement or memorandum furnished, isn't that correct?

A. Correct.

Q. And I think dealing first of all under the heading "Mr. Eoin Ryan Snr" I think you have informed the Tribunal that Mr. Eoin Ryan Snr was, during 1996 and for many years prior thereto, a senior member of the fundraising committee of the Fianna Fail Party, is that right?

A. Correct.

Q. Part of the functions of the fundraising committee was to solicit donations to the party to fund its operations and elections, is that correct?

A. Correct.

Q. From time to time, you would meet with Mr. Eoin Ryan Snr concerning the fundraising activities of the committee and he would apprise you of how matters were proceeding, is that right?

A. Correct.

Q. He was a person whom you held in the highest esteem and had been a senior party member for many years and had held many senior positions of responsibility within the party, isn't that correct?

A. Correct.

Q. And even outside the party, it would be fair to say, isn't that correct?

A. Exactly.

Q. And I think you have informed the Tribunal that you recall

sometime in early 1996 having a conversation with him wherein he stated to you that he had been speaking to Mark Kavanagh about the latter, that is Mr. Kavanagh, making a donation to the party, is that correct?

A. Correct.

Q. He, Mr. Ryan, told you that Mr. Kavanagh had stated to him that he had made a substantial donation to the Fianna Fail Party in 1989 but he had never received a receipt for that.

A. Correct.

Q. Mr. Kavanagh indicated that he was well disposed towards the Fianna Fail Party and was inclined to give further financial support to it, is that correct?

A. Correct.

Q. However, it was explained to you that Mr. Kavanagh I take it that was by Mr. Ryan?

A. Yes.

Q. It was explained to you that Mr. Kavanagh was annoyed at the absence of a receipt for the earlier contribution.

A. Correct.

Q. And I think you have informed the Tribunal that it was in this context of Eoin Ryan Snr raising this matter with you that you asked Eoin Ryan Snr that you said to Eoin Ryan Snr that you would check this out, is that correct?

A. Correct.

Q. At no stage during the course of that conversation or indeed any other conversation with Eoin Ryan Snr was there

any mention made that the earlier contribution had, in fact, been paid through Mr. Charles J. Haughey, is that correct?

A. Correct.

Q. Furthermore, no figure was mentioned by Eoin Ryan Snr as to the amount of the earlier contribution, is that correct?

A. Correct.

Q. You have informed the Tribunal that it was simply described as being a substantial donation. I think you informed the Tribunal that you recall attending a function in Mr. Mark Kavanagh's office which took place, you believe, in or about the first half of May of 1996, is that correct?

A. I think it's the 2nd.

Q. The 2nd, I see. And I think you have informed the Tribunal that on that occasion, you explained to Mark Kavanagh that the Fianna Fail Party had received a donation and you expressed your regret that he had not received a receipt in respect of the donation.

A. Correct.

Q. And it was at this meeting that Mark Kavanagh made a further donation to the Fianna Fail Party and this was a donation of €50,000 which was paid by way of cheque in favour of the Fianna Fail Party and which was lodged to the account of Fianna Fail.

A. Correct.

Q. And it's recorded in the Fianna Fail financial records of the party as a donation from Mark Kavanagh and there is a

recorded date, isn't that correct?

A. Correct.

Q. I think you have informed the Tribunal that you recall speaking to the then party financial controller, Sean Fleming, in relation to the matter, is that correct, and you asked him to check and confirm that a donation had been made to the party by Mark Kavanagh.

A. Correct.

Q. Sean Fleming, as financial controller of Fianna Fail, was the person who had access and control of the books and records of the party, isn't that correct?

A. Correct.

Q. And it is your recollection that Sean Fleming subsequently made contact with you and confirmed that indeed a donation had been made by Mark Kavanagh and that it was a substantial donation and that you believe that he told you it was in the order of €25,000.

A. Correct.

Q. I think you have informed the Tribunal that other than your discussions with Mark Kavanagh, Sean Fleming and Eoin Ryan Snr, you do not recall discussing at that time this issue with any other person or any official of the Fianna Fail Party, is that correct?

A. Correct.

Q. The first time that you became aware that the donation in 1989 from Mr. Mark Kavanagh was €100,000 was on Wednesday, 21st June 2000 last, is that correct?

A. Correct.

Q. When, after a parliamentary party meeting, you were approached by Mr. Sean Fleming, is that correct?

A. Correct.

Q. And he told you that he had attended a private session with the Tribunal on the previous Monday and that he had been informed by the Tribunal of a further €75,000 from Mark Kavanagh in 1989 in addition to the €25,000 which had been received in Head Office, is that correct?

A. Correct.

Q. I think you have informed the Tribunal that shortly after, in the afternoon on Thursday 22nd June 2000, you were contacted by Fianna Fail Headquarters concerning a media query relating to the €100,000 donation from Mark Kavanagh, is that correct?

A. Correct.

Q. And that media query was forwarded to the Tribunal by Fianna Fail solicitors later that afternoon.

A. Correct.

Q. Now, I think you were asked or the Tribunal has raised a query concerning any information, direct or indirect, that you have of any other payment intended for Fianna Fail which was not received by the party and you understand that the Tribunal has confirmed with your legal team that this query relates to payments made to Mr. Charles J. Haughey and that were not received by the Fianna Fail Party, isn't that correct?

A. Correct.

Q. I think that is correct and that is the query. And I think you have informed the Tribunal that it is important in answering this question that you draw a distinction between the period prior to the public disclosures before this Tribunal in respect of payments made to Charles J. Haughey and the current state of information available to you and the Fianna Fail Party, isn't that correct?

A. Correct.

Q. And you say that while the McCracken Tribunal revealed the making of substantial payments to Charles J. Haughey, there was no evidence adduced before that Tribunal at which the Fianna Fail Party was legally represented to indicate that any of the monies so given to Mr. Haughey were intended for the Fianna Fail Party?

A. Correct.

Q. I think that is correct. And while it was clear that Mr. Haughey had been in receipt of very large sums of money through Mr. Ben Dunne, no evidence of any impropriety in respect of Fianna Fail funds existed at that stage?

A. Correct.

Q. And I think you say that since the commencement of this Tribunal, information has come into the public domain concerning the treatment of funds received by Charles J. Haughey and in this respect, letters were sent by your solicitors, Frank Ward & Company, to Charles J. Haughey and to the solicitors acting on his behalf and you attach a

copy of same with this particular statement.

A. Correct.

Q. I think we dealt with those on a previous occasion when you gave evidence, isn't that correct?

A. We did.

Q. Where you

A. They were letters early in 1999.

Q. Yes, where you raised queries and asked if the money was Fianna Fail's money, if you could have it back or words to that effect.

A. Yes, or the details.

Q. Or the details. You say that Fianna Fail is dependent upon the investigations carried out by this Tribunal with its wide powers of investigation into Mr. Haughey's affairs to establish when, from whom and what amounts of money have been received by Charles J. Haughey that were intended for the party which are not received by the party headquarters, is that correct?

A. Correct.

Q. Other than such pertinent information that has been revealed by the Tribunal, you are not aware of the amounts, dates or sources of other funds which may have been received by Mr. Haughey that were intended for Fianna Fail that were not forwarded to the party, and the party will await the conclusion of the evidence before this Tribunal in this regard, is that correct?

A. Correct.

Q. And in conclusion, you wish to make it clear to the Tribunal that you have at all times directed all officials within the Fianna Fail Party to fully cooperate with this Tribunal. This Tribunal was established by Dail Eireann and Seanad Eireann with the support of the Fianna Fail Party and you personally as Taoiseach and you have been assured by party officials that they have and will continue to cooperate with the Tribunal and you believe that it will continue to do so, is that correct?

A. Correct.

Q. Now, I think you are now aware, Mr. Ahern, that as a result of information being made available to the Tribunal by Mr. Paul Kavanagh, that was a list which contained the names of potential donors for the Brian Lenihan liver transplant fund, that the Tribunal made inquiries of Mr. Mark Kavanagh, isn't that correct you are now aware of that?

A. Correct, yes.

Q. And in the course of those inquiries, the Tribunal, you are now aware, was informed that Mr. Mark Kavanagh's company had, in fact, made a contribution of €100,000, €75,000 of which was designated for Fianna Fail, isn't that correct?

A. Correct.

Q. And I think you are also aware that as a result of records which were made available by Fianna Fail to the Tribunal, that is backing documentation relating to contributors to the 1989 election fund, that the Tribunal was able to

pursue a line of inquiry in respect of a €50,000 bank draft drawn on Guinness & Mahon made payable to cash and which was attributed to Mr. Michael Smurfit in the records of Fianna Fail, isn't that correct?

A. That's right.

Q. And I think you are also now aware that the Tribunal has been able to establish, or it appears at present, that two of the bank drafts which were conveyed to Mr. Haughey by Mr. Mark Kavanagh were used to purchase the bank draft in Guinness & Mahon which is attributed to Mr. Smurfit in the party records, isn't that correct?

A. Correct.

Q. And I think you are also now aware that the Tribunal, in pursuing a line of inquiry with Mr. Michael Smurfit, has been informed that a contribution was made by Mr. Smurfit through a Monegasque Foundation, as Mr. Smurfit understood as a contribution to Fianna Fail, it having been solicited by Mr. Haughey, but it was paid into the Ansbacher account with Henry Ansbacher in London. I think you are aware of that, that that evidence was given this week?

A. I didn't read Mr. Smurfit's evidence.

Q. I see. Well, Mr. Paul Kavanagh has informed the Tribunal, I don't think that there is any doubt about that

A. No, I am not

Q. Fianna Fail didn't have an Ansbacher account?

A. Thankfully not.

Q. And whilst you had a role over the years in Fianna Fail,

that there would never have been any question of Fianna

Fail funds being sent through Ansbacher accounts.

A. Certainly not.

Q. Were you aware of how records were kept at Fianna Fail Party Headquarters?

A. Not particularly, other than we would get a report of the financial situation but as far as knowing the filing system, the cash book system, the bank account system, no. Alls I'd see would be the monthly report.

Q. Well, can I take it that from your own general knowledge and experience, it would be appropriate to have a cash receipts book?

A. Yes.

Q. And for audit purposes, it may be necessary to have backing documentation where necessary?

A. Certainly.

Q. I want to be very clear about this, that Mr. Fleming has informed the Tribunal that at the time of the 1989 general election, Mr. Haughey directed him to record certain donations in the cash receipts book as being anonymous.

Were you aware of that?

A. I am aware of it now.

Q. I appreciate that. Were you aware at the time?

A. No, no.

Q. And there were also, in respect of certain contributors, not just those who might have been recorded as anonymous, but some of them would be recorded, their names recorded in

the cash receipts book but maybe large contributors were at the direction of Mr. Haughey, Mr. Fleming was asked to send the receipts directly to him or to his office.

A. So I understand.

Q. Were you aware of that at the time in 1989?

A. No.

Q. And when did you become aware of that particular

A. In the last few days.

Q. Now Mr. Fleming, in respect of the receipts he was asked to send to Mr. Haughey or to his office, kept what we describe as a list, Mr. Fleming describes as an extract from the cash receipts book and I just want to emphasise again, there is no suggestion that there were two sets of books being kept by the Fianna Fail Party. But without Mr. Fleming's list or extract, the key to the cash receipts book could not be unlocked totally, would you agree?

A. So I understand.

Q. Now, Mr. Fleming again said that or gave evidence that this was not, in his experience over a long period of time being the financial controller of the party, the way things were ordinarily done. Would you accept that that is the case?

A. I think he said it was only in '89.

Q. Only in '89

A. And out of 900 receipts, it's only a small amount.

Q. Yes, about whatever it was, 19 or whatever. Now, in 1996, the party was engaged in fundraising and Mr. Eoin

Ryan, being a senior figure in the party and in other walks of life and on the fundraising committee, approached Mr. Mark Kavanagh about a contribution, isn't that right?

A. Correct.

Q. And it was his belief that he would probably have been informed that Mr. Kavanagh had been a contributor?

A. I assume so.

Q. Was probably.

A. He also knew him.

Q. He knew, yes. He knew his father and he knew him and Mr. Ryan was also a man involved in business in the city, isn't that correct? When Mr. Ryan informed you that Mr. Kavanagh had expressed some annoyance, I think Mr. Ryan has said annoyed that he hadn't received a receipt for his contribution in 1989, can you remember, as best as you can, what Mr. Ryan said to you?

A. Well, I do recall it. Eoin Ryan Mr. Ryan would have dropped in to me regularly enough about different things but I do remember him raising that issue with me because he said he believed that Mark Kavanagh would, who was on his list, would give a donation but he was quite annoyed that he had been badly treated in the past, that he did not receive, to the best of my recollection, it wasn't just a receipt, it was recognition, acknowledgment or receipt, so I think he had given a substantial donation and had got no recognition and he said it to him. I think he may have even said it to others but I think he certainly had said it

to him.

Q. Had Mark Kavanagh had you heard this from others other than Mr. Ryan that Mr. Kavanagh

A. No, Mr. Ryan was the first one to say it to me.

Q. Now, I take it that it's a matter you would have been concerned about, that you would have been hoping that the party would get a contribution and you'd want to quite rightly keep a potential contributor happy. You informed Mr. Ryan that you'd look into it, is that correct?

A. I did. I think the impression that I got, to the best of my recollection, was that if I didn't, if I didn't get back to him, there was no possibility of getting another donation.

Q. And what did you do?

A. I contacted I can't say exactly when, but I think shortly afterwards I would have contacted Mount Street. I presume I don't actually remembering talking to Sean Fleming but on all of these queries, he's the one I'd go to because he is the only one with that information and I would have asked him was there a contribution in and I would have asked him why wasn't it acknowledged and receipted.

Q. Now, I suppose you would have phrased the question, "If there was a contribution, why was there no receipt or acknowledgment?" That was the inquiry you were making?

A. Yes, it was.

Q. And what was the response?

A. The response, I don't know if he gave me the response immediately, I can't recall that because it wasn't that, you know, big of a thing that I was looking for a response immediately, but I do recall being told that he was, in fact, a big contributor, that he had given €25,000 which in 1989 was an awful lot of money and would have been one of our bigger contributors, and that it was recorded and Sean Fleming's evidence, I don't recall it, but his evidence was that I would have been told that the receipt would have gone back to the Taoiseach's office.

Q. I understand that is the evidence that Mr. Fleming gave, but can you recollect what Mr. Fleming told you when you were making the inquiry?

A. I don't, but I do recall I do recall checking that the contribution was actually made.

Q. Yes. So you recall checking and getting the information that a contribution was made, you believe that you would have been told that it was €25,000.

A. Yes.

Q. But the query you had raised was why was there no receipt?

A. Yes, and I assume

Q. You must have got an answer to that?

A. I have no doubt about that and the answer I would have got, according to Sean Fleming, was that there was a receipt and the receipt had gone to Mr. Haughey's office.

Q. Well, did that strike you at the time as being unusual?

A. Not well, I don't recall it at the time, but it would not have struck me as that unusual, because other than the list of 19 that you mentioned, a great amount of the contributions would have come through Mr. Haughey's office, the letters or the people would have presented themselves at his office and given the contribution so the fact that he would have been replying by letter or replying by letter and also giving the receipt would not have struck me unless the money wasn't there at all.

Q. Yes.

A. But it struck me, needless to say, as bad form that we didn't acknowledge or it was receipted but it was not sent back to the company.

Q. But can I take it that a political party, when it's seeking funds and receives a substantial donation

A. Mmm.

Q. would ordinarily try to keep that donor sweet by at least receipting the donation and hope that they would make a contribution in the future?

A. Precisely.

Q. Did it strike you as strange that Mr. Haughey would have been the sort of man who would have or his office would have been lax about acknowledging or sending a receipt to somebody?

A. No, I wouldn't and that was obviously the reason that I went out of my way to speak to Mr. Mark Kavanagh afterwards.

Q. Now you must have been told, you believe by Sean Fleming and that's the evidence he has given, that the receipt was sent to Mr. Haughey or his office.

A. Yes, because I don't believe I would have just asked a question "Was the money in?" I would have asked "Why was there no receipt?" and I would have been given an answer.

Q. Because that was what the annoyance was being expressed about.

A. Exactly.

Q. So you spoke to Mr. Kavanagh.

A. Yes.

Q. Mr. Mark Kavanagh?

A. Yes.

Q. Himself. You received the donation, the cheque made payable to Fianna Fail.

A. Yes.

Q. The normal way you would expect a donation to come through to the party, isn't that correct?

A. Yes.

Q. And I take it that when you spoke to him, you informed this Tribunal that you acknowledged to him that monies had been received, isn't that correct?

A. Yes.

Q. I don't think Mr. Kavanagh had any doubt but that monies had been received because he had handed the money to Mr. Haughey himself personally. His annoyance was that he hadn't received a receipt or an acknowledgment. Did you

inform him of the explanation you had received from Sean Fleming that the receipt would have gone to Mr. Haughey or to his office?

A. When I met him, which was just before a dinner which was held not long afterwards in his office, which was a dinner of business people mainly related in the construction end but not solely the construction end, where I was addressing them and talking about the party's policies and other matters for the next election, I called him aside and said both to him and apologised to him. I told him that Eoin Ryan had been in touch with me. I think he told me that Eoin Ryan had returned the call and I apologised to him. Apologised to him for the fact that he was treated this way, having given a donation, and I was, I recall it very well because he was extremely annoyed. He was not just annoyed, he was extremely annoyed. He said it was bad form and the reason he hadn't contributed since was because it hadn't been there was no acknowledgment, no recognition. I have to say I don't think it was just a receipt, quite frankly. I think there was no acknowledgment or recognition and that is what that is what upset him and annoyed him. And I apologised for that. He told me he was going to give that he would give a donation again and I assured him that it wouldn't be treated in such a shoddy way. We did not have a discussion about the receipt, where it went or where it didn't go.

Q. Are you sure about that?

A. I am positive about it.

Q. But you did have a discussion to the level of detail that Mr. Mark Kavanagh informed you of the reason why there hadn't been a donation in the intervening period was because of how aggrieved he felt at his treatment in respect of the 1989 contribution?

A. He had been treated shoddily and I was left with the impression that it wasn't just I think maybe there was no contact, maybe nobody had spoke to him or maybe he was invited to nothing or whatever, but he was annoyed because I recall him being quite annoyed.

Q. Well, might I suggest to you that if somebody was so annoyed and you were the leader of the party now and you were incurring this particular wrath of Mr. Kavanagh, that would it not seem unusual that you wouldn't have said to him, "Look, I am in charge now, the receipt in that case went to Mr. Haughey, I am sorry about that"?

A. I think I would have said it to him that whatever happened on that occasion, that on this particular one, if you give a donation, I'll make sure it's right. But needless to say that I would have thought that it was just badly handled in the office. I wouldn't have thought anything else.

Q. Well, who do you think it was badly handled by in the office?

A. Well, if it went across, I mean

Q. Sorry, badly handled in Mr. Haughey's office?

A. Well, Fianna Fail's office.

Q. I just want to be clear, you are not making any suggestion that it was badly handled at Mr. Fleming's end or in the Fianna Fail Party Headquarters?

A. No, no.

Q. But that you would have thought that if it had gone across, it might have been badly handled at the other side, in Mr. Haughey's private office?

A. For the very reason he stated. If one is on a list in one election, you want to keep them on the list.

Q. Of course as matters have now unfolded, there may be another reason for all of that, isn't that correct, in that how the monies were used and what went to Fianna Fail?

A. Of course there was.

Q. I just want to be absolutely clear about that. Mr. Sean Fleming must have informed you that the receipt went to Mr. Haughey or his office, isn't that correct?

A. Yes, because just to repeat myself, I remember checking it because I had to meet Mark Kavanagh so I wanted to know the fact was the I assume the money was there because otherwise I assume if he hadn't paid it, he wouldn't have been so annoyed I don't recall what Sean Fleming told me, but Sean Fleming said I would have looked for an answer why we annoyed this man and because Eoin Ryan came in on that day to tell me and I think Eoin Ryan has said that's the reason he came in, particularly to tell me about that

issue so therefore I would have asked him, "Why didn't he get a letter? Why didn't he get an acknowledgment?" I'd have to say when I recall meeting Mark Kavanagh that night, because I had to address a gathering, it was a question and answer gathering, which I did a lot, but he was quite annoyed and I mean quite annoyed. I had to listen to it was a short discussion, but and he was annoyed on the basis that there had been no recognition. I don't think it was just a matter of receipt. I don't think anyone had gone back to him, talked to him. That was it

Q. You got a good earful from him, I take it?

A. Yes, yes.

Q. Are you sure that in the context of receiving a complaint so strongly put, that the person making the complaint mightn't have said, you know, "Bearing in mind the level of contribution...", is it not probably that something like that was said, Mr. Ahern?

A. No, he certainly didn't.

Q. It's not probably?

A. Well, he didn't. He didn't put it I mean the discussion was his annoyance and then me apologising and then him assuring me that he would contribute again.

Q. And you did not inform him that a receipt had been sent to Mr. Haughey's office? You remember all that?

A. I remember apologising to him because I had to apologise fairly profusely to him.

Q. Now, you received a donation which was a €50,000 donation

for the Fianna Fail Party, isn't that correct?

A. At the end of that evening, yeah.

Q. And can I take it that you must have been fairly pleased because as far as you were concerned, this was twice the donation that had been made in 1989, isn't that correct?

A. Precisely.

Q. Did you express any thanks and sort of make any comment to that effect or

A. I don't think I even he gave me an envelope. I hope it was white but I didn't open it.

Q. Well, at any subsequent time, did you have any discussion with Mr. Kavanagh or express thanks in that way

A. Well, I expressed thanks on that occasion. I have expressed thanks and at the start I expressed thanks that he accepted my apology. Because I think that was the issue with the man, that he never got any recognition.

Probably was never asked and maybe he didn't want to be, but I had got the impression it was more a way of acknowledging something than a receipt and that he accepted my apology and said that he would that he would contribute again. And I think I have met Mark Kavanagh a few times since but not anything to do with donations.

Q. But can I ask you this: Since 1986, if you have met Mark Kavanagh, has there ever arisen in conversation with Mr. Kavanagh, or with anyone else, a question relating to the level of his donation in 1989?

A. No, absolutely not.

Q. Now, as a result of inquiries being carried out by this Tribunal, I think you were aware that the Tribunal informed the Fianna Fail Party that, in fact, Mr. Kavanagh's contribution in 1989 had been for €100,000 and the way it was broken up, isn't that correct, you are aware of that?

A. That's correct.

Q. And I think you are also aware now that it was handed over to Mr. Haughey at his house in Kinsealy on the day of the election, 15th June 1989.

A. That's correct.

Q. Now, when you met Mr. Kavanagh the time he was annoyed and made the subsequent contribution, did you have any knowledge as to how the 1989 contribution may have been made?

A. Absolutely none.

Q. Again, I wonder might it not seem unusual that where somebody is expressing annoyance about not receiving a receipt, that he wouldn't indicate A, the level of contribution, and B, the fact that he had handed it to the leader of the party himself in his house?

A. I don't think he expressed either. I just got a verbal bashing and I explained it.

Q. That's what I was just wondering?

A. It was

Q. I thought if you were getting a verbal bashing, he would have said "I handed this to Charles Haughey in his house for €100,000 and nobody gave me no receipts"?

A. The remarks were against me

Q. Against Fianna Fail?

A. Yeah.

Q. Now, you have always been aware of the inquiry made by Mr. Ryan of you and you of Mr. Fleming, isn't that right?

A. Yes.

Q. And as you have said yourself, that you became aware during the course of last week, on Wednesday of last week, as a result of Mr. Sean Fleming telling you about what transpired between him and the Tribunal at a private meeting, isn't that correct?

A. Yes. He told me he came up to me at the end of the party meeting. He said he was in private session. He said he was cooperating with the Tribunal and he said there was an additional €75,000 given by Mark Kavanagh which the party didn't know about, and didn't go to the party. He did not give me any knowledge about the break-up of that. I have just seen that subsequently.

Q. Or the fact that it had been given to Mr. Haughey at his house?

A. No, he didn't go into that.

Q. Well, this must have been first of all, a surprise to you, would that be correct to say? If not a shock, would that be fair too

A. Well

Q. to say or maybe

A. In relation

Q. Maybe when you are Taoiseach, you are beyond being shocked about anything.

A. Maybe when you go over 8 and a half million, you stop getting shocked.

Q. But might I suggest what might have been a surprise or a shock to you was the fact that you knew at that time that "My God, Mr. Kavanagh, he was giving out to me about this and now I now have a good suspicion as to why he didn't get a receipt"?

A. I did not, as Sean Fleming said that to me on Wednesday, I got on with the normal busy day and on Thursday, when I was in Tipperary, I got a phone call and it said there was a media query and then I reflected on it, went back to it.

I didn't reflect on it when he mentioned it to me on Wednesday but

Q. Even as of Thursday when you were reflecting on it and you it must have then come to your mind that this is what Mr. Kavanagh had been giving out to you about?

A. Very much so.

Q. It's correct to say, isn't it, Mr. Ahern, that that information was not conveyed to this Tribunal that there had been an inquiry in 1996 until Fianna Fail solicitors sent the TV3 document to the Tribunal?

A. That's correct.

Q. And all that your solicitors did that day was send us the inquiry made by TV3, the Tribunal was not informed at that stage that an inquiry had been made by Mr. Eoin Ryan in

1996, nor was the Tribunal informed of the identity of

Mr. Eoin Ryan, isn't that correct?

A. That's correct.

Q. Isn't that correct?

A. That's correct.

Q. Now, I think you would not be intimately aware of how a tribunal such as this would work, which starts off with a blank sheet of paper and has to go out and inquire and find out things, but I take it you must accept that any information which might assist the Tribunal, either in gathering evidence or in leading to information which may lead to evidence, is of crucial importance to the working of a tribunal, isn't that correct?

A. Exactly. If it's of seeming relevance.

Q. Is it not correct to say that it is the Tribunal which determines that which is relevant to its Terms of Reference and leads that evidence in public, having sifted through matters in its investigative phase?

A. Of course it is, but I think I'd say, Mr. Coughlan, if it strikes a person, as we have many, many times, issues that either come to our knowledge or remember, then we tell the Tribunal. If something happens and does not spring back to our mind as being particularly relevant in this case, that a man gave €25,000 and he didn't get the receipt but the money was in and we apologised for it, that would not have seemed something, even if it had struck my mind, would have seemed something to tell the Sole Member or the

Tribunal about. As it happened in this case, it didn't strike my mind.

Q. Other than the fact that you must have been informed by Mr. Fleming that you were in possession of two facts, might I suggest, one was that Mr. Mark Kavanagh hadn't received a receipt, isn't that correct?

A. Correct.

Q. And two, you knew from Mr. Sean Fleming that the receipt had been sent to Mr. Haughey, isn't that correct?

A. Yes, in his evidence he said I would have been told.

Q. He must have told you at the dinner

A. I would accept that, I would accept that.

Q. And even during the course of the workings of this Tribunal, many things have come to light which, as you say, may move somebody beyond the level of surprise or

A. Mmm.

Q. that those two significant pieces of information, whilst they might not have occurred to the person in possession of them, nonetheless were, I suggest, sufficient to at least arouse some level of suspicion that perhaps the Tribunal should be informed of this to see if the Tribunal needs to carry out an inquiry, bearing in mind Mr. Haughey's involvement, would you agree?

A. Well, I would agree, if there was a question that we ever knew it was 900,000 and not €25,000. Because in all the workings of this Tribunal, and I think what the Tribunal has always said to Fianna Fail, it's not involving itself

or concerning itself with Fianna Fail fundraising. What it's involving itself is the misappropriation of Fianna Fail money. In this case, the money was not misappropriated. So far as we knew, €25,000 was given, €25,000 should have been receipted and €25,000 was in our records. We had no other information.

Q. No, but Mr. Ahern, I think to an extent what you say I agree with, but this Tribunal is concerned with payments to Mr. Charles J. Haughey.

A. Yes.

Q. And other matters.

A. Yes.

Q. And I think that you had become aware as of an earlier time, which resulted in you having to give evidence because your name or your signature appeared on a cheque on a Party Leader's Allowance which appeared to end up somewhere, caused you surprise as well, isn't that correct?

A. And I informed the Tribunal of that matter.

Q. Yes. But might I suggest to you that perhaps it ought to have occurred to you to bring this other type of information to the attention of the Tribunal?

A. Well, I'd have to say, Mr. Coughlan, it didn't, because the fact is €25,000, as far as I knew that was the contribution, so there was no question of misappropriated by Mr. Haughey because the fact is, as far as we knew, the contribution was there.

Q. But you knew last week it wasn't.

A. I knew last I knew last Thursday.

Q. You knew last Wednesday.

A. I knew last Wednesday that there was €100,000.

Q. Yes, and you knew last Wednesday that €75,000, at first sight, appears to have gone missing and neither you nor any other member of Fianna Fail brought that inquiry of 1996 to the attention of the Tribunal, isn't that correct, as it then

A. That's correct, because we did not reflect on it because the information that I received from Sean Fleming was that the Tribunal had discovered an addition €75,000 and the Tribunal had done that. I mean it was not something we knew about or suspected at any time.

Q. Well, as of Wednesday afternoon last, did yourself and Sean Fleming discuss the 1996 inquiry?

A. No. As I said, Mr. Coughlan, he briefly said it to me at the end of the party meeting that he had been in the Tribunal and it was mentioned to him.

Q. Why would it have been brought to your attention Wednesday afternoon last, do you know?

A. Why

Q. Or Wednesday after the party meeting?

A. After the party meeting I think Sean Fleming obviously, it was news that €75,000 extra had gone from Mark Kavanagh that had not gone into the party records and had obviously gone to Mr. Haughey.

Q. And might I suggest that that might have been the obvious

time to discuss the 1996 inquiry because as events transpired, that became the big news, isn't that correct, on Thursday and Friday?

A. On Thursday, but on Thursday, as soon as it was raised on Thursday, when we were asked to reflect, we did reflect on it, we put all the details that we had and then of course it added up, where the difficulty was. But that was not something that happened before that. That was not something that happened

Q. You see, the inquiry you reflected on wasn't made by the Tribunal because the Tribunal didn't know about the 1996 inquiry. What you reflected on was an inquiry which was made of you by TV3 or a journalist, isn't that correct?

A. Yes.

Q. You see the reason why the Tribunal raises this issue with you and with Mr. Fleming is not to get involved in any political controversy the Tribunal is not in that business but it is a legitimate line of inquiry because once information did become available to the Tribunal, the Tribunal was able to, with its own inquiries, unravel matters fairly quickly.

A. Mmm.

Q. I think you'd agree with that?

A. I'd accept that.

Q. And I take it that you would agree that if anyone in Fianna Fail knew that Mr. Kavanagh's contribution had been €100,000 and not €25,000, that was a matter which should

have been brought to the attention of the Tribunal

immediately?

A. Of course it should. The only reason it wasn't, as I said, I am saying the inquiry in 1996, it was a query in 1996 but if it had been a question of €100,000 rather than €25,000, €75,000 didn't go in the party records, of course I would have given that information.

Q. Can I ask you this, did you know if anybody asked Mr. Haughey in 1996 this is before any Tribunal work happened with regard to Mr. Kavanagh's receipt do you know

A. I certainly didn't. I have to say in 1996 we would not have been suspicious about any of these matters.

Q. All the more reason you might ring the man up and say "Look, there is a big contributor here and he is a bit annoyed and Sean Fleming tells me that the receipt went over to you. Could you tell me did you send it to him, is it a mistake or what?"

A. In fairness, Mr. Coughlan, I didn't. If Sean Fleming told me the receipt went over, I hardly believed that Mr. Haughey would have been sending out the receipts himself. I might believe that now, but I certainly wouldn't have in 1996. It would have been his office and Sean Fleming stated that a number of times in his evidence, that it was his office.

Q. Well, Mr. Fleming on some occasions said his office and on other occasions said he brought them over himself to Mr.

Haughey.

A. Okay.

Q. But that's be it as it may. Mr. Fleming said that this is unusual and unique to the 1989 election that this was done, isn't that correct?

A. So I understand.

Q. And might I suggest that that might be all the more reason why, if a receipt had gone astray, particularly when you were approaching Mr. Kavanagh for what you hoped to be a big contribution, that you wouldn't have carried out a more extensive inquiry such as just ringing up Mr. Haughey.

This wasn't a big matter.

A. Well, I had no the only matters I have followed through with Mr. Haughey, I think as you know in correspondence, were as soon as these issues became public

Q. I can understand that

MR. BRADY: I think the Taoiseach should be allowed answer the question.

MR. COUGHLAN: Sorry, I beg your pardon, Mr. Ahern.

CHAIRMAN: Did you wish to add

A. No. The point I was making that when suspicions were raised, then not alone did we not contact Mr. Haughey, we wrote to Mr. Haughey. We engaged in very extensive correspondence with Mr. Haughey. We asked Mr. Haughey to give the details of any of the monies that the party would

have received and we asked him to confirm that monies received from '79 to the date of the letter which we sent to him were received for the benefit of the Fianna Fail Party and we went on and asked him how much money he received, what funds did he receive in. We asked him to outline the circumstances why he received such funds, identify the donor or donors of such funds, what were the amount or amounts of such funds. So I contend that as soon as I had any suspicion of these matters back in early 1999, that I did write and contact Mr. Haughey.

Q. Was that the letter that your solicitors sent to Mr. Haughey on the 10th March 1999?

A. Yes, and the correspondence that follows on from that.

Q. There is following correspondence?

A. The point is as soon as there was a suspicion. Back in 1996, there wasn't a suspicion.

Q. Well, might I very good, let's move it well first of all, could I ask you, when you weren't in the time of suspicion, might I suggest to you that it might seem a more usual business approach just to ring the man? There was no reason, no question of any rift or any question marks over anybody's behaviour or anything at that stage, that you might not just ring and say, "Look, Mark Kavanagh is a fella that we'd like to get a big donation from and do you know what happened to his receipt because I am getting it in the neck from him?" You didn't think of doing that?

A. No, I didn't think of doing that because the fact is that

the money that Mark Kavanagh, I believed, gave to the party was receipted by the party and was recorded by the party.

So other than apologising to the man that we had not sent him any acknowledgment or given him any formal receipt, which I did, so as far as I was concerned at that stage, that did not involve Mr. Haughey. 1996 Mr. Haughey was four and a half years left.

Q. I think you just told us that as far as you were concerned, you were in possession of information that Mr. Kavanagh had made a contribution of €25,000 in 1989. I think you just said that you believed that it had been receipted by the party, is that right?

A. It had been receipted. It had been receipted in Mount Street as €25,000 and the receipt was sent to Mr. Haughey's office. The money is recorded. I mean the money was never missing. The money is recorded.

Q. Yes. It's just a line of inquiry that I am just thinking about now. Was there any question which arose that Mr. Kavanagh's annoyance was in respect of not receiving a receipt for monies which had not been recorded?

A. He never made any reference to that. None whatsoever.

Q. Very well. We move on then to the letter of the 10th March 1999 when you instruct your solicitors to write to Mr. Haughey raising the various queries about monies which were Fianna Fail monies and if so, you'd like them back or an account of them or matters of that nature, isn't that correct?

A. That's correct.

Q. Because in your mind, or in the mind of party, a certain suspicion had arisen, isn't that correct?

A. Yes, the suspicion arose after the issue where I found out that a cheque that had my signature, that that cheque, it was the Fianna Fail Party, we had ascertained that the cheque drawn on the Leader's Allowance account in AIB Baggot Street, dated 16th June 1989 in the sum of €20,000, was lodged to credit an account apparently beneficially owned or controlled by Mr. Haughey with Guinness & Mahon. And we, in that letter, I said that the Moriarty Tribunal had already been advised of the fact and furnished with such documentation as was available to the party relating to the issue and I went on and said in respect of the cheque, I would be obliged if we were informed A, what use was made by you either directly or indirectly of the €25,000; B, insofar as the use of those funds was connected with your position as leader of Fianna Fail, would you explain in detail how such use conferred the benefit of Fianna Fail, was a proper and appropriate use of the Leader's Allowance fund and please explain the circumstances whereby a cheque in the sum of €25,000 was lodged. And I also went on to ask about the contribution generally, I asked him to confirm that no monies received by you from '79 to the date of today's letter, which was the 10th March, other than those forwarded to you by my client were used for the benefit of the Fianna Fail Party

and if you receipted funds intended for Fianna Fail and not forwarded to the party, I'd be obliged if you could confirm in writing this fact and confirmed the details of such funds received, the amounts, the donors and the circumstances.

So as soon as my suspicions were raised of that Guinness & Mahon one, then I asked about all ones.

Q. You were on your guard now, you wanted to know about everything?

A. At that stage, as soon as I realised from Guinness Mahon that a cheque had gone astray, then we were on guard about everything, we were querying everything, but that did not apply, can I stress, prior to that.

Q. Did the Mark Kavanagh issue arise in your mind around this time?

A. No, it didn't. It didn't because

Q. Did it occur to you if somebody didn't receive a receipt, that there was at least a suspicion that all of the monies paid by that person had not been received?

A. No, it didn't. I can appreciate you asking the question. But that was an issue where a query came up. Somebody had paid money and a receipt had gone astray and that was it. I did not continue to carry that issue as something peculiar in my mind, not one bit. Now, now four years on, of course, that is very easy, you know, to say well, everything and anything should be in, but you know, if hindsight were foresight, we'd have no difficulties at

all.

Q. Tribunals work with the benefit of hindsight, Mr. Ahern

A. I know.

Q. That's what they are set up to do. And what I want to ask about, this is March of 1999, you were now suspicious that Fianna Fail monies could have gone astray, isn't that correct?

A. I certainly was.

Q. And in circumstances whereby, wherein an unusual circumstance prevailed where a receipt was sent to Mr. Haughey's office and the donor did not, or complained about not receiving the receipt. Did that not occur to you that it might be a matter which would come within the category of being suspicious?

A. No, it did not. Because the issues at this stage when we were talking about when did you receive such monies, what was the amount of such funds, please identify the donors, please outline the circumstances where you received these monies. In relation to that issue, if I'd have thought about it, which I didn't, it was still an issue where I understood Mark Kavanagh gave €25,000. It was receipted. It was lodged. It was given to the party. There was no question of it being misappropriated. There was no question of the money being lost. All the issue was was a receipt. That would not have surprised me.

Q. Do you ever remember, because Mr. Eoin Ryan, who you say was a senior party figure, had been around for an awful

long time and would have been involved, I take it, in fundraising over a long period for the party, in fact he may even have been director of elections at one stage.

A. Correct.

Q. That this was the only occasion in his memory that he remembered somebody complaining about not having received a receipt and being quite annoyed about it.

A. He was quite I'd have to say, it's not the only occasion where I can remember people being annoyed about this, that or the other, but

Q. But over not receiving a receipt?

A. Not a receipt, no, not a receipt.

Q. But can we take it that in 1996, the inquiry which took place was not a full inquiry, isn't that correct?

A. Not at all. It was a query actually.

Q. It was a quick phone call you made?

A. It was not in any sense, you know, an inquiry, because we get into the business of mixing up a fast query with an inquiry.

Q. Yes. But if a full inquiry had taken place, the true facts would have emerged, wouldn't they?

A. They may have. They may have.

Q. Well, let's take that now step by step, Mr. Ahern.

A. If Mr. Mark Kavanagh had've told me that it was €100,000 and I knew there was €25,000, then very quickly, I would have been onto the fact where was the €75,000 but that is not what happened.

Q. If you had carried the inquiry in to Mr. Haughey or those in his office to ask about the receipt, if you had been aware or were you, that the donation was recorded in the cash receipts book as being anonymous, were you aware of that?

A. I wasn't aware of that.

Q. Was there can I ask you this, a reluctance or a diffidence to raise financial queries with Mr. Haughey in 1996?

A. Well, Mr. Haughey left in February 1992.

Q. I know that.

A. I don't think I had any till this correspondence, I had no discussions with Mr. Haughey about any financial matters. I was not treasurer of Fianna Fail under Mr. Haughey's period, though I was a signatory to the Party Leader's account because I was Chief Whip.

Q. Which you continued on even as a minister, I think, isn't that correct?

A. Yes.

Q. Why was that?

A. Remained on as signatory? I remained on as a signatory right through. There was no change.

Q. If you had been informed, if you had been informed in 1996 that Mark Kavanagh's donation was recorded in the cash receipts book as anonymous at the direction of Mr. Haughey, and if you had been informed that the receipt, as you knew the receipt had gone missing or hadn't would that have

aroused a suspicion?

A. I think I would have asked why was that? And I would have asked I think how many, you know, why was that going on?

Q. And would you have asked Mr. Haughey?

A. I think I may not have asked Mr. Haughey. I would have asked the staff. Mr. Haughey was gone, I would have asked

Q. Would you have asked why was it being recorded as anonymous?

A. I would have asked the party staff why it was recorded as anonymous.

Q. And if you had been told that this had been directed

A. Direction

Q. by Mr. Haughey?

A. I may have asked Mr. Haughey then. Because I don't really see why these 19 quite frankly were

Q. Not all of them were anonymous on the list, not all of them were. Some of them were large contributors, I think where the funds had come through Mr. Haughey, in fairness.

And can we take it that the reason why, as far as you were concerned at least anyway, I am not asking you to answer for Mr. Fleming, he answered for himself in the witness-box, that the Tribunal was not informed about the 1996 inquiry is because you were reflecting on it arising out of the TV3 inquiry, is that correct?

A. What's the question again?

Q. Why the Tribunal was not informed last week about the 1996

inquiry?

A. When we were reflecting on the

Q. Media

A. The media query. Well when I was asked last week about lunch time on Thursday if there was a query and could I recall talking to Mark Kavanagh and could I recall talking to a senior party figure, I then reflected on it and gave, from Tipperary, the full details that more or less is the same as we are talking about now to the party, as soon as I reflected on it and I recall immediately it was Eoin Ryan spoke to me. I recall the meeting where I met briefly with Mark Kavanagh. But in both cases, Mr. Coughlan, both of them were very short meetings. I'd say the meeting with Mr. Eoin Ryan was a few minutes and the meeting with Mark Kavanagh was just a short meeting at the beginning of a lunch or a dinner.

Q. Now, I am not going to ask to you deal with the correspondence which I opened this morning because you are not familiar with that particular correspondence, but I think you understand and appreciate it's a matter which, for whatever reason, has to be inquired into here at this Tribunal?

A. Yes.

Q. Thank you very much, Mr. Ahern.

MR. BRADY: I have no questions.

CHAIRMAN: Thank you very much for your further

attendance.

A. I just wanted to mention one thing. I don't know if it's of any help to the Tribunal but I did notice in my preparation, Chairman, that the €25,000 of the dealings on this Mark Kavanagh issue, how the €100,000 was broken up, €25,000 on the previous occasion seemed to be of the same day so the €25,000 I was answering here on that went into Guinness & Mahon was actually on the same date. It might be I am sure it's been already noticed by the Tribunal, but I just want to mention it.

MR. COUGHLAN: Thank you. In fact, Ms. Kells was dealing with that the other day as well, but you are quite correct, Mr. Ahern, about that. And thank you very much indeed.

CHAIRMAN: There was just that matter, Mr. Ahern, that I think was touched on by Mr. Coughlan and whilst it relates primarily to the matter you gave evidence on last year, I think it was an aspect that may have been mentioned in the media subsequently so perhaps it's right that I just raise it with you as I am not perhaps surprising you by going back to older matters, but it was mentioned that in 1989 you were still the, one of the three signatories on the Leader's Allowance account, although it was seven years after you had ceased to be the chief whip. I think you had indicated the convention was that the chief whip became one of the signatories, you had by 1989 progressed to becoming quite a senior minister and was there any particular reason

that the replacement chief whip perhaps hadn't taken over those duties?

A. The replacement chief whip, there had been one or two chief whips this the period. The account rarely changed and even back over the years, the names that were on the account rarely changed and it was only if somebody came out, I think I originally came in when the late George Colley died and I think he had been there for years, Sean Brown who had been whip, so I think what happened was, people just continued on in the account as long as they were members of the party. I finally got out of it, thankfully, in around 1992, I think it was Dermot Ahern, the present minister when he took over whip, his signature was put on the account but I remained on the account for seven or eight years.

CHAIRMAN: It may not have been looked on as a plum?

A. It certainly has not turned out to be a plum, Chairman.

CHAIRMAN: Thanks, Mr. Ahern, for your attendance. I think there is one comparative short banking witness in the afternoon. There's no point in us dealing with it now.

We will sit again at a quarter past two.

THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

THE TRIBUNAL RESUMED AS FOLLOWS AT 2:10PM:

MS. O'BRIEN: Mr. John Trethewen please.

JOHN TRETHOWEN, PREVIOUSLY SWORN, WAS EXAMINED AS FOLLOWS

BY MS. O'BRIEN:

Q. Thank you, Mr. Trethowen. Mr. Trethowen, you are the project director of National Irish Bank and you have agreed to give evidence to the Tribunal in relation to a series of accounts held in a Malahide branch of the National Irish Bank which were in the name of Mr. Charles Haughey. I think these accounts primarily date from 1993 so the period to which your evidence relates would be the years from 1993 to the 31st December of 1996?

A. That's correct.

Q. And I think you have provided the Tribunal with a memorandum of the evidence that you are in a position to give and I wonder do you have a copy of that?

A. I do.

Q. And do you have the accompanying documents as well?

A. I have a copy of them.

Q. Now you say in your memorandum that you are the project director of National Irish Bank Limited of 7 and 8 Wilton Terrace, Dublin 2 and that you are fully conversant with all of the books and records of the branch of National Irish Bank at Main Street, Malahide, County Dublin.

You say you have been asked to give evidence on a number of accounts held by Mr. Haughey and in relation to the credits of those accounts insofar as the sources can be ascertained from the documents available to the bank?

A. That's correct.

Q. You say that in the years from 1993 to 1996, there were five accounts in Mr. Haughey's name on the bank's records?

A. That's correct.

Q. And then you set out the details of those accounts and perhaps you could relate the details for us?

A. Okay. The first account is account number 51072463 which is C.J. Haughey trading at Abbeville Farm; the second account is 5107271, which again is Abbeville Farm account and that was a wages account; the third account is account number 1306113, again Abbeville Farm savings account; fourth account is account number 81040509 which was a personal account in Mr. Haughey's name and the final account is account number 5505329, which was a loan account for Mr. Haughey as well.

Q. And I think the first of the accounts, the current account was opened on the 3rd February of 1993, is that correct?

A. That's correct.

Q. And I think similarly, the wages account was opened on the same date?

A. That's correct, yes.

Q. And I think the savings account was in February, also in February of 1993 but it was on the 9th February?

A. That's correct.

Q. And then the personal account in Mr. Haughey's name was opened on the 23rd April of 1993, is that correct?

A. That's correct.

Q. And finally the savings account I think wasn't until the

2nd February of 1995.

A. The loan account.

Q. The loan account, I do apologise.

A. Yes.

Q. And I think all of the of the accounts were opened and operational as of the 31st December 1996?

A. That's correct.

Q. Now, in relation to current account number 51072463 that was the current account in the name of Abbeville Farm, I think you have informed the Tribunal that the bank, at the request of the Tribunal, has endeavoured to identify the source of all credits to the account in excess of œ1,000 in the years from February 1993 to December 1996 inclusive.

A. Correct.

Q. I think you state that in many instances, particularly in the years 1993 and 1994, the bank has not as yet been able to retrieve copies of the cheques or instruments comprised in the individual lodgments made?

A. Yes, and that is correct, we enhanced our computer system in 1994 which made those searches easier after that period of time but we continue to search for the items before that.

Q. I think you are continuing your endeavours in that regard?

A. That's correct.

Q. I think you state that the total value of the lodgments to the account in excess of œ1,000, the source of was which the bank has not yet been able to identify, amount to

œ52,885.27.

A. That's correct.

Q. And I think in fairness, that constitutes a very small portion of the entire of the lodgments to that account for the three year period?

A. That's correct.

Q. And I think the position is as regards all of the other lodgments in excess of œ1,000 to that account which you have been able to identify for the years '93, '94, '95, '96, the Tribunal has not requested you to give evidence in relation to those sources?

A. That is correct.

Q. Now I think in fact we have a table of lodgments, I think we have a copy of the Table 1 separately which can go on the monitor and that sets out just the details of the lodgments that you have not yet been able to identify?

A. That's correct, the Item G, as subsequently found, we have advised the Tribunal of that.

Q. I see. Well we can omit that then from the table, Item G, but the other items I think set out the date of the lodgment, the ID, what does that signify?

A. Just that it's a lodgment.

Q. And then the amount of the lodgment?

A. Correct.

Q. I think we can see that the bulk of those lodgments that you haven't yet been able to identify relate to the period '93 and '94?

A. That's correct.

Q. And that the sole lodgment you haven't able been yet to identify for 1995 is on the 22nd February of that year?

A. That's correct, yes.

Q. And in fact there are no lodgments from 1996 that you have not as yet identified, they have all been identified for that year?

A. Correct.

Q. Now I think you have provided the Tribunal with copies of the lodgment documents which correspond to each of those lodgments and I think we can look at each of those in turn. I think they have been lettered to correspond with the entries on the table, isn't that correct?

A. Yes, that's correct.

Q. Now I think docket A relates to the lodgment on the 2nd or on the 9th February 1993 and that's in the sum of œ2,645.06?

A. That's correct.

Q. And can I take it from the entry on that that it appears that the source of the lodgment is either a cheque or a series of cheques?

A. It could be one cheque or a series of cheques.

Q. But an entry does appear to have been made in the space on the lodgment docket beside the word 'cheques'?

A. Correct.

Q. And that lodgment appears to have been the payment of, the payment appears to be made by P Wall?

A. That is right.

Q. And then the second lodgment docket, which is lodgment docket B I think relates to the lodgment of €10,000 on the 3rd March of 1993.

A. Correct.

Q. If we can just lift that up to actually show the original docket. You can see that that lodgment is for €10,000 and that also, although somewhat obscured by the stamp, that also appears to have been paid in by P Wall?

A. I agree.

Q. There doesn't appear to be any entry on the details of that lodgment to indicate whether it relates to cash or to cheques. Have you any information that can assist the Tribunal as to the breakdown of that lodgement?

A. No, I am sorry I don't but the search of our clearing tapes for a cheque on that date for Malahide will continue and I will advise you in due course.

Q. I think the next lodgment docket, lodgment docket C relates to the lodgment on the 9th March of 1993 in the sum of €2,470?

A. Correct.

Q. And again it doesn't appear to be any entry on that which signifies whether the lodgment was in relation to cash or to other instruments?

A. The little 1 above the amount on that docket would suggest it's one cheque.

Q. One cheque.

A. Yes.

Q. And I think that's also paid in by P Wall?

A. Yes.

Q. The next lodgment docket which is lodgment docket D relates to a lodgment on the 25th May 1993 in the sum of œ6,000. I think we will see there the completed lodgment docket and this appears to have been paid in by some other person.

A. That looks to be M Sheehan.

Q. M Sheehan. Again, is there anything on the face of that lodgment docket which would suggest whether the lodgment relates to cash or other instruments?

A. No, there's no detail on that. Again our search will continue for it.

Q. The next lodgment docket is lodgment docket E and that relates I think to the lodgment on the 23rd December of 1993 in the sum of œ2,450 and I think if we just turn that slightly so it's straight on the monitor and I think just below the stamp on that, there appears to be the signature of P. Wall?

A. That's correct.

Q. And again, is there any detail on that which suggests what the lodgment related to?

A. It would have to be confirmed but it appears to be the initials BR which would indicate a branch cheque.

Q. A branch cheque.

A. Yes.

Q. What would a branch cheque

A. Drawn on Malahide branch of NIB.

Q. That would be on another account within the Malahide branch on the account itself?

A. Another account in the Malahide branch.

Q. Then the next docket is lodgment docket F and relates to a lodgment on the 4th February 1994 of €3,000. That also appears just, that appears to have been N Sheridan who paid that lodgment in?

A. I would suspect it's Sheehan.

Q. Sheehan. And there's the, seems to be a letter D on the details of that lodgment docket as well?

A. That may just be the cashier's initial but it does indicate that the items that were lodged were one or more cheques.

Q. One or more cheques. Now I think G you have already identified so we'll just pass over that. And the lodgment docket H is, relates to the lodgment I think on the 15th February of 1994 in the sum of €6,504.72.

A. That's correct.

Q. And it appears from the docket that that lodgment was also made by M Sheehan?

A. That's correct.

Q. And there does appear to be detail on that lodgment docket which would suggest that it relates to a cheque or cheques in the sum of 6,504.72, is that correct?

A. I agree.

Q. Now lodgment docket I relates to a lodgment on the 24th November of 1994 in the sum of €10,000 and I think that

lodgment docket is now on the overhead monitor, and in this case, it appears that the lodgment was made again by P.

Wall and am I correct in thinking that the number 1 in a circle would also suggest to you on this occasion the lodgment related to a cheque or instruments?

A. I agree.

Q. Lodgment docket J is in respect of a lodgment on the 23rd December 1994 in the sum of œ2,000.

A. Correct.

Q. And that also appears to have been paid in by M Sheehan and there appears to be an entry beside the words 'total cheque œ2,000' and I take it that also suggests that the lodgment comprised a cheque or cheques

A. I agree.

Q. to that value?

A. Yeah.

Q. And then the final lodgment docket which we have asked you to comment on is lodgment docket K and that relates to the single lodgment in 1995 which the bank haven't yet been able to identify and that was a lodgment of the 22nd February of 1995 is the sum of œ4,882.13 and again I think the entries on that would suggest that the lodgment comprised a cheque or cheques to the value of the lodgment, is that correct?

A. I agree.

Q. And I think the position is as regards all of these as yet unidentified lodgments, that the bank is continuing its

endeavouring and items to identify the cheques or instruments which were comprising the lodgment?

A. That's correct.

CHAIRMAN: Just in so far, Mr. Trethowen, that five of the ten remaining lodgments to that account are round figure sums which may be of no particular significance, is it the procedure in the Malahide branch that if a customer were rounding down a figure, say if one had a cheque for €3,200 and wanted to take €200 cash, would it be normal that the lodgment docket would refer to that partial debit?

A. There's a separate docket to detail such a transaction.

CHAIRMAN: Yes.

A. But it should actually obviously melt off the figure on the lodgment docket as well so the transaction would have three documents: One for the original cheque; one for just the lodgment and one for cash.

CHAIRMAN: So it would seem that these were straight lodgments in the particular amounts.

A. Yes.

CHAIRMAN: Thank you.

Q. MS. O'BRIEN: Now in relation to account number 5107271, I think you have informed the Tribunal that this was a business account which appears to have been used primarily for the purposes of paying wages and salaries?

A. That's correct.

Q. It appears to have been funded primarily by transfers from current account number 51072463. That's the account we have just referred to?

A. Yes.

Q. Then the third of the accounts dealt with in your memorandum is Account No. 13086113 and I think that was the Abbeville Farm savings account?

A. That's correct.

Q. I think you stated there were in all seven lodgments to the account in excess of œ1,000 between February 1993 and December 1996?

A. Correct.

Q. Stating that one of these lodgments was a transfer of funds from account 51072463, I think that's the current account that we have also just been referring to. And I think there were two lodgments to the account in 1993, the sources of which the bank has not yet been able to identify?

A. That's correct.

Q. And I think the details of those lodgments are as follows:

A lodgment of œ3,000 on the 9th February of 1993 and a lodgment of œ10,000 on the 11th March 1993?

A. That's correct.

Q. And again I think you have provided the Tribunal with copies of the lodgment documents relating to those two unidentified lodgments to the savings account. I think the

first of those is document number 1, if we can just move that up slightly, we can see again that docket appears to have been signed by P. Wall who signed a number of lodgment documents for the current account also and the entries on the docket I think suggest that the lodgment was comprised of a cheque or cheques to the value of the lodgment?

A. That's correct.

Q. And then the next lodgment docket which is numbered 2, which is the second of these unidentified lodgments to the savings account and that on this occasion it appears to have been signed by M Sheehan, is that correct?

A. That's correct.

Q. And there don't appear to be any details, correct me if I am wrong, as to what that may have been comprised of?

A. Yes, I agree.

Q. And again, I think you are saying that the bank is endeavouring to locate copies of the instruments to which these lodgments relate?

A. That's correct.

Q. I think you have informed the Tribunal that there were two further lodgments to the account, the sources of which the bank has identified for the Tribunal?

A. Correct.

Q. And the Tribunal has requested you to give evidence in relation to one of these lodgments which was a lodgment of €20,000 on the 2nd June 1993 and we can see there the lodgment docket which relates to that lodgment. It appears

that that was not paid in either by the P. Wall or the M.

Sheehan who we have seen on the previous lodgment documents

but am I correct in thinking that that appears to be the

signature of Maureen Haughey?

A. I agree.

Q. And the total there on that is €20,000?

A. Agreed.

Q. And the lodgment docket appears to have been stamped on the

2nd June 1993 at Main Street Malahide, County Dublin?

A. Yes, I agree.

Q. And I take it that suggests that the lodgment was made

across the desk at the Malahide branch itself?

A. That's correct.

Q. Now I think you have informed the Tribunal that from your

microfiche records, you have been able to identify the

source of that lodgment as a cheque dated the 29th May of

1993 in the sum of €20,000 payable to cash, drawn on Allied

Irish Banks, 37-38 upper O'Connell Street, Dublin 1,

account Bernard Dunne?

A. That's correct.

Q. And while clearly you wouldn't be familiar with Mr. Dunne's

signature, I think you can confirm that the name on the

signature appears to be that of Bernard Dunne?

A. I agree.

Q. I think you have provided the Tribunal both with the front

and reverse side of that cheque and perhaps if we can just

look at the reverse side, if you turn it if you would

just describe for the Tribunal what appear to be the handwritten endorsements on the back of the cheque. I think if you have an original, a hard copy, it may be easier.

A. I have what appears to be two endorsements on the cheques, the first is "C.J. Haughey, Abbeville Farm account deposit" and then a separate endorsement "M Haughey".

Q. Can you just assist me, in the ordinary course if a cheque is payable to cash like that, is there any necessity to endorse it with anybody's name?

A. I don't believe so but it would be common practice in a bank for to, specially a cheque payable to cash, to identify which account it was lodged to so we may have asked for an endorsement.

Q. It may be on that basis the cheque was endorsed.

A. Yes.

Q. I think that was the only lodgment to that account which was identified on which the Tribunal has requested you to give evidence?

A. That's correct.

Q. Now just the two final accounts then that were held in Mr. Haughey's name in the branch between 1993 and 1996, I think the fifth account, the fourth account I should say was account number 81040509?

A. Can you just bear with me a second please

Q. Yes. I can hand you up a copy. The last page of the memoranda.

A. Okay. 8104509 which is C.J. Haughey's personal account.

Q. That's right and I think you informed the Tribunal that there were no lodgments to the account in excess of €1,000 between April of 1993 and December of 1996 and that total sum lodged to that account in those years was a modest sum?

A. That's correct.

Q. And then the final account was account 5505329?

A. Correct.

Q. And I think you have stated that this was a loan account which represented a stocking loan of €21,000 advanced in February of 1995 for a term of 15 months?

A. That's correct.

Q. And I think you have stated that the loan was outstanding as of the 31st December 1996 and none of the interest payments made against the loan were in excess of €1,000?

A. I agree.

Q. I think the Tribunal would like to recognise and thank National Irish Bank for the considerable assistance that's been provided to the Tribunal in relation to the analysis in these accounts.

A. Thank you very much.

CHAIRMAN: I think it's fair to say, Ms. O'Brien, the investigative work of the Tribunal which was done almost exclusively by yourself, in this instance with Mr. Trethowen and his colleagues, was initially a good deal more far reaching and included examination of a considerable amount of details, a large number of

transactions but given the Tribunal's view of what is appropriate to tender in public, it was felt that eliminating, as a probability, certain other matters, that having regard to Mr. Haughey's rights of privacy, that evidence should be limited to the comparatively small matters of potential import that have been alluded to by Mr. Trethowen.

MS. O'BRIEN: That's correct quite.

CHAIRMAN: I'd like to concur very much with what Ms. O'Brien says, the evidence was put together speedily and extremely efficiently and I am very much obliged.

A. Thank you.

THE WITNESS THEN WITHDREW.

MR. COUGHLAN: Those are the available witnesses, Sir. There are some other matters to be dealt with arising out of evidence which has been given this week and I would suggest that the appropriate way to deal with it would be that we would give it when we are in a position to sit to deal with that, Sir, before we proceed to deal with other more substantial matters.

CHAIRMAN: It's fair to say it will be for the shortest possible period.

MR. COUGHLAN: Absolutely.

THE TRIBUNAL THEN ADJOURNED UNTIL FURTHER NOTICE.