

10:19:46 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**  
2 **13TH DECEMBER 2007, AT 10.30 A.M:**

3

4

CHAIRMAN: Good morning, Mr. Murphy.

10:41:03 5

6

MR. MURPHY: Good morning, Chairman and members.

7

8

Mr. Reilly, please.

9

10:41:08 10 **MR. PATRICK PREVIOUSLY SWORN, CONTINUES TO BE QUESTIONED BY**

11

**MR. MURPHY AS FOLLOWS:**

12

13

A. Good morning.

14

10:41:25 15

CHAIRMAN: Good morning, Mr. Reilly

16

Q. 1 MR. MURPHY: Good morning, Mr. Reilly

17

A. Good morning, Mr. Murphy.

18

Q. 2 Mr. Reilly, yesterday afternoon we left off, we were back in the Beaumont House

19

on a Saturday evening in September, and Mr. Ahern had left the group. You,

10:41:43 20

Mr. Burke, Mr. English and Mr. Carew were at your position in the pub after

21

Mr. Ahern had left, isn't that right?

22

A. That's correct, yeah.

23

Q. 3 And you continued your chat?

24

A. Sure.

10:41:57 25

Q. 4 And Mr. Carew suggested that perhaps a contribution, a collection might be made

26

to assist Mr. Ahern financially in relation to whether the purchase of a house

27

or towards the deposit or something like that, isn't that right?

28

A. That's correct, that's correct, yes.

29

Q. 5 All right. Now, Mr. Reilly, what was your immediate response to that if you

10:42:18 30

had an immediate response to it?

- 10:42:21 1 A. Well during the discussion I certainly agreed that I would be prepared to make  
2 a contribution, yes.
- 3 Q. 6 Yes. How long would the discussion on this topic have gone on for do you  
4 think?
- 10:42:29 5 A. It could have gone on for half an hour, I'm not sure. It could have been half  
6 an hour it could have been less, it could have been ...
- 7 Q. 7 All right. What was Mr. English's response, do you remember?
- 8 A. I really don't remember what Mr. English's response was. I know he said  
9 afterwards that, you know, as we were contributing he was certainly going to  
10:42:53 10 contribute as well.
- 11 Q. 8 He said afterwards?
- 12 A. That if everybody else was contributing he was certainly going to make a  
13 contribution as well as far as I know. That was after -- it was some time  
14 after that.
- 10:43:05 15 Q. 9 Were you surprised in any way that Mr. English would be included in this  
16 conversation?
- 17 A. No, he was. I think I said yesterday he was a friend of Joe Burke's.
- 18 Q. 10 Yes.
- 19 A. And Mr. Burke was a good friend of Bertie Ahern's and I don't think that Joe  
10:43:21 20 would have introduced somebody into the company who he didn't trust.
- 21 Q. 11 All right. And what was Mr. Burke's reaction do you remember to Mr. Carew's  
22 suggestion?
- 23 A. No, he was agreeable.
- 24 Q. 12 Yes. Would you say that the three of you were agreeable?
- 10:43:38 25 A. I think there was a general consensus that, yes.
- 26 Q. 13 It didn't take long to arrive?
- 27 A. It didn't take any length of time to arrive at that.
- 28 Q. 14 All right. And the discussion went on, you are saying, for maybe 15 minutes  
29 half an hour?
- 10:43:48 30 A. It could have been 15 minutes, could have been half an hour it could have been

10:43:52 1 much longer. It was after closing hours, so it wouldn't have been that much  
2 longer.

3 Q. 15 Can you tell us anything about the rest of the discussion on this topic?  
4 A. In what regard, Mr. Murphy?

10:44:02 5 Q. 16 Well I don't know, Mr. Reilly, because I wasn't there.  
6 A. Okay.

7 Q. 17 Was there any further discussion between you four gentlemen in the Beaumont  
8 House this night about Mr. Carew's suggestion?  
9 A. No, other than we would go away, think about it and see what we could  
10:44:17 10 contribute and then come back to Dermot Carew.  
11 Q. 18 How would that take 15 minutes or half an hour?  
12 A. Well, you know, a discussion can go on for a week if you want it to, there  
13 would be toing and froing.  
14 Q. 19 Can you give us an example of the toing and froing that took place, Mr. Reilly?  
10:44:35 15 A. We're talking about 13 years ago, I mean, I don't have total recall.  
16 Q. 20 Was it a question simply Mr. Carew made the suggestion, you all agreed and you  
17 agreed you would go away and think about it?  
18 A. That would be more or less to the best of my knowledge.  
19 Q. 21 It took a minute or two.  
10:44:49 20 A. It could have taken a couple of minutes. It wouldn't have been over in a  
21 minute or two.  
22 Q. 22 And you went on to discuss the affairs of the world that you had been  
23 discussing earlier?  
24 A. Yeah, well we tried to sort out the situation in the middle east.  
10:44:58 25 Q. 23 All right. Did you discuss, for example. Sorry. There was no doubt in your  
26 mind is that the this is something to do with financing a house, whether it's  
27 the deposit or something in connection with the house?  
28 A. Yeah. The whole conversation would be in the context of the fact that  
29 Mr. Ahern did not have a permanent residence.  
10:45:13 30 Q. 24 All right. Did you discuss how much what sort of money total amount might be

10:45:17 1 put together?

2 A. Not at all. It was left up to the individual. It was a contribution. It

3 wasn't a specific contribution.

4 Q. 25 All right. But surely you'd have to think in terms of perhaps a deposit and

10:45:27 5 what the deposit -- where would Mr. Ahern want to live, with sort of the price

6 of house, what would the total contribution be?

7 A. Absolutely not.

8 Q. 26 Absolutely not?

9 A. No.

10:45:36 10 Q. 27 No discussion between the four of you as to what your target figure might be?

11 A. No. There actually was no target figure to the best of my knowledge.

12 Q. 28 All right. No target figure. And what about involving other people in this

13 collection?

14 A. No, there was no question of involving other people in this conversation.

10:45:49 15 Q. 29 All right. Would you say that you are the four. Sorry. You are four. Four

16 closest people to Mr. Ahern or would you say there are more people who would be

17 equally close to Mr. Ahern?

18 A. Oh, there would have been other people. There was three people who would have

19 been very close and Barry English would have been relatively ...

10:46:08 20 Q. 30 I understand that. But the context was to do something to help or give

21 financial assistance to Mr. Ahern. Would it not make sense that you'd think

22 outside the box and you'd wonder would there be other people to make a bigger

23 contribution?

24 A. No.

10:46:21 25 Q. 31 You didn't do that?

26 A. No, we didn't do that.

27 Q. 32 Is there anybody else who would normally be in this group in the Beaumont or

28 your regular meetings?

29 A. Any meetings.

10:46:32 30 Q. 33 I didn't mean meetings, you know get togethers, is there anybody missing on

- 10:46:36 1 this Saturday evening who would normally be there?
- 2 A. There could have been anything up to ten people. There would usually be a
- 3 crowd of people, you know.
- 4 Q. 34 Mr. Reilly, you said yesterday yourself that I think it was your own words this
- 10:46:49 5 was the core group?
- 6 A. Yes.
- 7 Q. 35 Are there other members of the core group who might have been missing this
- 8 Saturday night?
- 9 A. Well I suppose one or two, probably Tony Kett would have been there.
- 10:47:00 10 Q. 36 Yes.
- 11 A. Would on some Saturday nights be there as well.
- 12 Q. 37 He would be a regular?
- 13 A. He would be a regular.
- 14 Q. 38 Who else?
- 10:47:10 15 A. As far as I know, as far as I can recall that's about it of that circle, yes.
- 16 Q. 39 Mr. Tim Collins.
- 17 A. Tim would be, wouldn't be regularly every Saturday night but he would be there.
- 18 Q. 40 Mr. Reilly, you know I'm not asking you about every Saturday night. I'm
- 19 wondering would he be regular, would he be part of a core group that meets this
- 10:47:28 20 two or three times a week as regularly as you can?
- 21 A. No but he would meet once or twice a week. I would meet Tim maybe one every
- 22 couple of weeks for drinks.
- 23 Q. 41 Without me prompting you, Mr. Reilly, could you name anybody else who might be
- 24 part of that group?
- 10:47:41 25 A. No.
- 26 Q. 42 No. So we have Mr. Collins?
- 27 A. Mr. Collins was not there on that night.
- 28 Q. 43 Sorry I know that. And Mr. Kett who wasn't there either.
- 29 A. There he wasn't there that night.
- 10:47:50 30 Q. 44 But they are regulars. Did you not think, did you or Mr. Carew or Mr. Burke

10:47:55 1 not think about what about Mr. Kett and what about Mr. Collins?

2 A. I certainly didn't.

3 Q. 45 No. Is that not strange?

4 A. No.

10:48:01 5 Q. 46 No. Now, all right. You didn't discuss a total target amount. What about  
6 your individual contributions, Mr. Reilly? What discussion took place among  
7 you as to what the appropriate contribution might be?

8 A. There was no. I didn't discuss an individual contribution with anybody.

9 Q. 47 No.

10:48:21 10 A. And nobody discussed their individual contribution with me.

11 Q. 48 Of the four of you discussing this it whether it's for a minute or two or 15  
12 minutes or 30 minutes. There was no discussion of what the individual  
13 contribution might be or?

14 A. No, no. And as I said there was no target.

10:48:37 15 Q. 49 No. So each of you went away not having the faintest idea of what you'd give  
16 or what anybody else might give?

17 A. That would be correct. On the night, yes, absolutely.

18 Q. 50 Does that strike you as strange?

19 A. Not at all.

10:48:48 20 Q. 51 And did you all, did the four of you give a commitment on this night? Did you  
21 go away that evening, Mr. Reilly, believing that Mr. Carew, Mr. English and  
22 Mr. Burke were each going to contribute?

23 A. Yes I did, yeah.

24 Q. 52 And you had made your own mind up?

10:49:04 25 A. Absolutely, yes.

26 Q. 53 But there was no discussion as to how much?

27 A. No.

28 Q. 54 All right. Now, did you -- all right. Did you have any discussion as to  
29 whether it was going to be a present or whether it was going to be a loan?

10:49:21 30 A. As far as I was concerned it was going to be a present.

10:49:24 1 Q. 55 All right. All right. Could we have 18601, please. Do you see at six down.  
2 Do you see the paragraph the group decided, Mr. Reilly?  
3 A. Yes.  
4 Q. 56 This is your statement to the Tribunal we read out yesterday "the group decided  
10:49:50 5 that a number of us would contribute a sum of money and lend it to Mr. Ahern to  
6 help him on the road towards purchasing his house" can you explain that please?  
7 A. Yes, I can. Well it may be that the lending bit in this thing might be a bit  
8 of a mis-statement. On the night it was decided it would be a gift. But when  
9 Mr. Carew went to Bertie, Bertie told him it would only be a loan.  
10:50:14 10 Q. 57 Yes. All right. Now, does that mean that as far as you were concerned when  
11 you went home --  
12 A. Yes.  
13 Q. 58 -- that as far as you were concerned it was going to be a gift?  
14 A. Absolutely, yes.  
10:50:35 15 Q. 59 Why did you say in that statement to the Tribunal on the 14th of July 2006,  
16 "the group decided that a number of us would contribute a sum of money and lend  
17 it to Mr. Ahern"?  
18 A. Well as it turned out it ended up as a loan.  
19 Q. 60 It didn't begin as a loan, Mr. Reilly?  
10:50:47 20 A. No but you see.  
21 Q. 61 And the correct thing would be the group decided that a number of us would  
22 contribute a sum of money and give a difficulty gift of it to Mr. Ahern,  
23 wouldn't that be the correct?  
24 A. You know, in hindsight it could possibly have been the correct way to word it,  
10:51:02 25 yes.  
26 Q. 62 So the word "lend" really means "give" doesn't it?  
27 A. In my context most certainly, yes.  
28 Q. 63 Yes. All right. You intended it at all times as a gift?  
29 A. Yes.  
10:51:12 30 Q. 64 We'll come on to how it was received.

10:51:14 1 A. Yes.

2 Q. 65 All right. Now, what arrangement did you come to the four of you before you

3 parted that evening, Mr. Reilly, in relation to the actual getting together of

4 the collection of the money?

10:51:30 5 A. The arrangement was that we would, we would get what money we could. We deemed

6 that we were going to give and then handed it to Mr. Carew over a period of a

7 week or ten days.

8 Q. 66 All right. And then Mr. Carew would give it to Mr. Ahern, is that it?

9 A. That's correct.

10:51:45 10 Q. 67 So Mr. Carew would have been gone away expecting each of you to get back in

11 touch with him?

12 A. Sure.

13 Q. 68 All right. Now, you did go away, Mr. Reilly, and how did you arrive at the

14 amount of 3,500?

10:52:03 15 A. Because that's what I could afford to give.

16 Q. 69 All right. And did you weigh it up?

17 A. How do you mean?

18 Q. 70 Did you think about it?

19 A. Oh, yes.

10:52:12 20 Q. 71 Could I give one?

21 A. Well absolutely, yes.

22 Q. 72 That was what you could afford?

23 A. Yes.

24 Q. 73 Did you discuss it with your wife?

10:52:20 25 A. No.

26 Q. 74 Did you discuss it with anybody?

27 A. No.

28 Q. 75 Did you discuss it with Mr. English, Mr. Carew or Mr. Burke?

29 A. No.

10:52:27 30 Q. 76 No. And it's a coincidence that you and Mr. Burke turn up with the same

10:52:32 1 amount, is it?

2 A. With well yes coincidences do happen.

3 Q. 77 Of course. So you decide on your own, you decide on the amount of 3,500?

4 A. Sure.

10:52:43 5 Q. 78 Which you are going to be giving to Mr. Carew to give to Mr. Ahern as a

6 present.

7 A. Yes.

8 Q. 79 All right. Now, you gave the money in cash.

9 A. Yes.

10:53:02 10 Q. 80 Did you think of giving him a cheque?

11 A. No.

12 Q. 81 Why?

13 A. Because we agreed that it would not, he would not accept a cheque.

14 Q. 82 All right. Could you go down to the last sentence of that page, Mr. Reilly,

10:53:13 15 where you say "I gave my 3,500 in cash because I had cash available through an

16 active plastering business that I ran at this time."

17 A. That's right.

18 Q. 83 There is no mention in your statement to the Tribunal that you agreed in that

19 meeting and indeed just a few minutes ago, you didn't say anything about that

10:53:29 20 when I asked you about your discussion. No mention of the fact that it was

21 agreed that it would be cash.

22 A. Well I certainly agreed that it would be cash.

23 Q. 84 Did you agree with yourself?

24 A. Yes, absolutely, yeah.

10:53:43 25 Q. 85 All right. Did you agree with the others at the meeting?

26 A. I don't think the amounts or the manner in which it was given was even

27 discussed.

28 Q. 86 But was it or was it not, Mr. Reilly?

29 A. It was, we did agree that if we gave him a cheque he wouldn't accept the

10:53:59 30 cheque.

10:53:59 1 Q. 87 You agreed that?  
2 A. Absolutely.  
3 Q. 88 So you agreed at the meeting that it would be cash?  
4 A. It wasn't a meeting.  
10:54:04 5 Q. 89 I don't mean to keep saying meeting. At this chat on the Saturday or whatever  
6 it is. Friendly gathering on a Saturday evening.  
7 A. Yes.  
8 Q. 90 It was actually part of your discussion that about that the amount would be,  
9 the money would be given in cash?  
10:54:17 10 A. Yes.  
11 Q. 91 Because Mr. Ahern wouldn't accept a cheque?  
12 A. He wouldn't accept a cheque.  
13 Q. 92 Now, you didn't say that to be me a few minutes ago when I was asking you for  
14 full information about the discussion that took place?  
10:54:28 15 A. I'm saying it to you now in the context of the question that you're asking me  
16 now.  
17 Q. 93 Why didn't you say it to the Tribunal in your detailed narrative statement?  
18 A. To say what?  
19 Q. 94 That you had a chat, you had agreed that it would not be a cheque. Sorry.  
10:54:44 20 That it would be in cash format because Mr. Ahern wouldn't accept a cheque?  
21 A. Why didn't I agree, was it relevant?  
22 Q. 95 It is. You make it relevant, Mr. Reilly, in your statement because you say.  
23 You give an explanation forgiving the cash "I had cash available through an  
24 active plastering business that I ran at this time". Why didn't you say we  
10:55:09 25 agreed that it would be in cash because Mr. Ahern wouldn't accept a cheque?  
26 A. I have no idea why I didn't say that, Mr. Murphy.  
27 Q. 96 Because you are making it up, isn't that right, Mr. Reilly?  
28 A. No that is untrue. And by the way, hold on a minute, Mr. Murphy. Do not  
29 accuse me of lying please. I did not come in here to be accused of lying. So  
10:55:27 30 do not attempt, Mr. Murphy. Do not attempt, Mr. Murphy, to do that.

10:55:39 1 Q. 97 Leave the questions to me.

2 A. No, no, no. I will defend myself.

3 Q. 98 Excuse me.

4 A. I will defend myself and I'm sorry, Chairman.

10:55:39 5

6 CHAIRMAN: Hold on now. Just a second. Sorry. Mr. Murphy is asking you why

7 you didn't give a different reason for paying it in cash namely that you

8 decided --

9 A. With respect, Chairman, I gave the are reason that I decided to pay in cash.

10:55:56 10

11 CHAIRMAN: All right. Well that's fine

12 Q. 99 MR. MURPHY: Now, Mr. Reilly, you say that you had cash available. Would that

13 be in your office or in your home?

14 A. I didn't have an office.

10:56:09 15 Q. 100 So at home?

16 A. Yes.

17 Q. 101 You had cash available. You kept cash at home, is that right?

18 A. Of course.

19 Q. 102 Did you keep it in a safe or in the wardrobe or in a drawer or where?

10:56:17 20 A. I think where it is kept is irrelevant, Mr. Murphy, that's a facetious -- it

21 was in the house.

22 Q. 103 In the house?

23 A. Yes.

24 Q. 104 Where in the house?

10:56:24 25 A. In a room in the house.

26 Q. 105 Did you have a safe, Mr. Reilly?

27 A. No I did not have a safe, Mr. Murphy.

28 Q. 106 What sort of amounts did you keep at home?

29 A. Various amount.

10:56:33 30 Q. 107 Varying between, what was the range?

10:56:34 1 A. I have no idea it could have been 2,000, 3,000 4,000 5,000 it could have been  
2 anything. It would depend on the activities I was engaged in at the time.

3 Q. 108 All right. So did you go to wherever you kept your cash and did you count out  
4 3,500 on your own?

10:56:56 5 A. I took out what I believed to be 3,500 yes.

6 Q. 109 Pardon?

7 A. I counted out what I believed to be 3,500, yes.

8 Q. 110 Yes. And do you know were they all in tenners, 20 pound note, 50 pound notes,  
9 100; mixed what?

10:57:10 10 A. It would be mixed.

11 Q. 111 Would they be in bundles?

12 A. Well it was in bundles when I put it into an envelope and gave it to Mr. Carew.

13 Q. 112 No, no. When you counted them out. When you went to wherever you kept it.

14 A. Uh-huh.

10:57:22 15 Q. 113 Are you just, is there just a big load of money there or rolled neatly in  
16 bundles?

17 A. Sorry. There is no big load of money there, Mr. Murphy. There was money  
18 there.

19 Q. 114 Is 3,500 not a lot of money?

10:57:35 20 A. Well it depends.

21 Q. 115 Was it not much money to you, Mr. Reilly, at the time?

22 A. It was a considerable amount of money to me at the time of course it was.

23 Q. 116 So I'm just asking you did you go to wherever you had it and is there money  
24 just there, you know, without big in any order?

10:57:49 25 A. It wouldn't have been in any order.

26 Q. 117 All right. So it wouldn't have been kind of bundled tidily or anything like  
27 that?

28 A. No not necessarily.

29 Q. 118 So you'd have to go. All right. And you counted you 3,500 in varying  
10:58:06 30 denominations, is that right?

- 10:58:08 1 A. Yes, yes.
- 2 Q. 119 All right. And do you know when you did that, did you do that that night when  
3 you went home?
- 4 A. No I did not do it that night. I did it sometime in the following week.
- 10:58:19 5 Q. 120 Can you tell me when you did it in the following week?
- 6 A. Sometime within the following week, Mr. Murphy.
- 7 Q. 121 Was it the Sunday, Mr. Reilly?
- 8 A. It could have been Monday, Tuesday, Wednesday, Thursday, Friday or Sunday.
- 9 Q. 122 You have no idea which day?
- 10:58:29 10 A. Not the exact day or date.
- 11 Q. 123 All right. Had you made up your mind on the amount immediately or did you  
12 think about that for as many days until you went to get your cash?
- 13 A. Well of course I thought about it.
- 14 Q. 124 All right. Now, sorry and I think you said you put the 3,500 into bundles  
10:59:01 15 yourself, is that right?
- 16 A. Into a bundle.
- 17 Q. 125 Into a bundle and did you say into an envelope?
- 18 A. Yes.
- 19 Q. 126 All right. To give to Mr. Carew?
- 10:59:08 20 A. Correct.
- 21 Q. 127 But you don't remember what day of the week that was or how soon it was  
22 after your meeting in the Beaumont?
- 23 A. It would be within a week I would have given it to Mr. Carew and it would  
24 possibly have been probably the following Saturday night.
- 10:59:19 25 Q. 128 The following Saturday night?
- 26 A. Possibly.
- 27 Q. 129 Possibly. So if it was the following Saturday night, presumably you had met in  
28 the meantime with Mr. Carew in one of those other nights in Fagans or Kennedys  
29 during the week as was your custom?
- 10:59:33 30 A. No I wouldn't have met Carew that week. No. I wouldn't have met Mr. Carew.

10:59:37 1 Mr. Carew wasn't always part of the company.

2 Q. 130 But you are saying your evidence is that you didn't meet him again until

3 possibly the following Saturday in the Beaumont, when you gave him the money is

4 that right?

10:59:47 5 A. Correct.

6 Q. 131 Is that correct?

7 A. That's correct.

8 Q. 132 Do you recall if you met the others in the interim between the two Saturday

9 nights Mr. English, Mr. Burke?

10:59:54 10 A. No I would not have met Mr. English. I would certainly possibly have met

11 Mr. Burke I would have met Bertie Ahern.

12 Q. 133 And would you have had any chat with Mr. Burke as to how much maybe you were

13 both giving?

14 A. No, I didn't have any chat with Mr. Burke.

11:00:18 15 Q. 134 Did he have any chat with you?

16 A. No.

17 Q. 135 Possibly the Saturday night you returned to the Beaumont?

18 A. Uh-huh.

19 Q. 136 And who was there on that night?

11:00:18 20 A. Um.

21 Q. 137 I'm thinking in terms of your core group again that were there the previous

22 night when this discussion came up?

23 A. There was nobody there. I went in to the Beaumont House on the Saturday --

24 Q. 138 Yes.

11:00:29 25 A. -- and gave it to Mr. Carew.

26 Q. 139 At what time?

27 A. It could have been late in the evening.

28 Q. 140 But isn't the, isn't that the time when you meet Mr. Ahern Mr. Burke Mr, the

29 others?

11:00:39 30 A. We could also meet them in other places as well.

- 11:00:42 1 Q. 141 You told us all that.
- 2 A. Absolutely.
- 3 Q. 142 Saturday night is usually in the Beaumont.
- 4 A. None of the other people were there that night. None because it wasn't, it
- 11:00:51 5 would have been around 7 or 8 o'clock in the evening.
- 6 Q. 143 I thought you said late?
- 7 A. Well that is late. I said late in the afternoon or late in the evening.
- 8 Q. 144 Okay. Is it about 8 o'clock in the evening on the following Saturday?
- 9 A. If you are trying to tie me down to a time it's not going to happen because it
- 11:01:08 10 was 13 years ago and I'm sure that you don't remember what you were doing on a
- 11 Saturday night 13 years ago. If you do you should be on master mind.
- 12 Q. 145 Wouldn't you remember, Mr. Reilly, when you went in to hand over 3,500 in cash
- 13 that was going to go to Mr. Ahern?
- 14 A. Yes, I said it was on a Saturday. So probably late Saturday afternoon or
- 11:01:26 15 evening.
- 16 Q. 146 Late Saturday afternoon, about 8 o'clock?
- 17 A. It could have been it could have been.
- 18 Q. 147 Okay. Saturday evening is an evening when this group meets in the Beaumont.
- 19 A. Yes.
- 11:01:33 20 Q. 148 But this particular evening you didn't meet, is that right?
- 21 A. Um.
- 22 Q. 149 None of the others were there?
- 23 A. None of the others were will there when I arrived. No.
- 24 Q. 150 Only when you arrived?
- 11:01:42 25 A. No.
- 26 Q. 151 They arrived later?
- 27 A. No. I left.
- 28 Q. 152 Did you just arrive there that Saturday evening?
- 29 A. Specifically to give the money to Mr. Carew.
- 11:01:49 30 Q. 153 All right. Just tell us your recollection of meeting Mr. Carew that evening?

11:01:53 1 A. Well what's to tell? I met him I gave him the envelope.

2 Q. 154 Where was he?

3 A. He was in the bar.

4 Q. 155 Was he behind the counter?

11:02:01 5 A. He usually is, yes.

6 Q. 156 Pardon?

7 A. He usually is out behind the counter unless he is the other side of the counter

8 with us.

9 Q. 157 And you gave him the envelope?

11:02:10 10 A. Yes.

11 Q. 158 And did you tell him how much was in it?

12 A. I did, yes.

13 Q. 159 And did he do anything?

14 A. He put it away.

11:02:17 15 Q. 160 Did you see him write on the envelope?

16 A. I didn't see him write on the envelope, no.

17 Q. 161 Where did he put it?

18 A. He behind the counter, I assume he has a safe.

19 Q. 162 You assume he has a safe?

11:02:28 20 A. I assume he has a safe, yes.

21 Q. 163 Do you know if you were the first of the group to?

22 A. I don't know.

23 Q. 164 What way you were in the group to make the contribution?

24 A. I have no idea.

11:02:34 25 Q. 165 Did he say anything about any of the others?

26 A. No.

27 Q. 166 Did he thank you?

28 A. Of course.

29 Q. 167 Did you ask him for a receipt?

11:02:40 30 A. No.

11:02:40 1 Q. 168 And you left.

2 A. Uh-huh.

3 Q. 169 Why didn't you stay that evening?

4 A. Well why should I?

11:02:54 5 Q. 170 Now, Mr. Reilly, can you tell us, please, the next occasion you met Mr. Carew  
6 and I'm really thinking of the next occasion after which when he would have  
7 already paid, handed over the money to Mr. Ahern?

8 A. It would probably be, have been a week later.

9 Q. 171 In the Beaumont?

11:03:18 10 A. Possibly, yes.

11 Q. 172 Saturday night again?

12 A. Could have been Wednesday night. Saturday night wasn't a religious occasion.

13 Q. 173 All right. Now, can you just tell us about your conversation with Mr -- did  
14 you talk to Mr. Carew on his own in relation to Mr. Carew handing the money to  
11:03:33 15 Mr. Ahern?

16 A. Yes, Mr. Ahern, Mr. Carew I did and Mr. Carew said that he had hand the money  
17 to Mr. Ahern who didn't want to take it and eventually took it on the basis  
18 that it wasn't a gift that it was a loan.

19 Q. 174 Yes. Yes. Now, was that a one-to-one between you and Mr. Carew?

11:03:51 20 A. Yes it was. I assume that he had the same one-to-one with the other members of  
21 the group as well.

22 Q. 175 And you think that was Saturday evening?

23 A. It could have been. I don't think it was but I don't know. It was some time  
24 during the following week.

11:04:03 25 Q. 176 All right. Can you just say though were you in the group with Mr. Carew and he  
26 took you aside to tell you or did you go in early and he told you?

27 A. No, I met Mr. Carew individually after that. Possibly on a Wednesday night  
28 because we used to go in there on a Wednesday night.

29 Q. 177 Do you mean he you could have gone in socially and in the course of this he  
11:04:20 30 would have had a private chat with you?

11:04:21 1 A. I could have called in for a pint, yes.

2 Q. 178 Do you have any recollection of it?

3 A. Of the conversation?

4 Q. 179 Yes.

11:04:28 5 A. I have a recollection that he told me. The recollection I have is that he told  
6 me that he had given the money to Bertie and Bertie was reluctant to take it  
7 and would only take it on the basis of a loan.

8 Q. 180 Yes.

9 A. As I've said several times before.

11:04:46 10 Q. 181 All right, Mr. Reilly. Now, just you and the group then. Mr. Carew and  
11 Mr. English and Mr. Burke, in the aftermath of this so whenever within a few  
12 days a few weeks you're meeting socially on these occasions --

13 A. Uh-huh.

14 Q. 182 -- during the week. Did the four of you have another follow-up chat to the  
11:05:02 15 chat you'd had the on the Saturday night when this plan was agreed?

16 A. About what?

17 Q. 183 About Mr. Carew, did Mr. Carew as it were report and I only mean informally  
18 about handing over 16,500 to Mr. Ahern?

19 A. Of course he would have said that.

11:05:19 20 Q. 184 Could you please tell us when that happened and where it was and what was said?

21 A. No, I can't tell you what was said.

22 Q. 185 All right.

23 A. Or when.

24 Q. 186 Or where?

11:05:28 25 A. I do not have total recall.

26 Q. 187 Or where?

27 A. It was. Once again it would most certainly probably likely be in Beaumont  
28 House.

29 Q. 188 All right. But is it your evidence that on an occasion after Mr. Carew gave  
11:05:41 30 the money to Mr. Ahern he told the three of you, the three of you together that

11:05:45 1 he had done so?

2 A. Yes.

3 Q. 189 All right.

4 A. And he had told us I presume he certainly told me individually and I assume he

11:05:53 5 would have told the rest of them individually.

6 Q. 190 But I'm just talking about collectively?

7 A. Collectively he would have told us, sure.

8 Q. 191 He would have told you. All right. And did you tell did he tell you how much

9 he'd given Mr. Ahern?

11:06:05 10 A. He said it amounted to over 16,000.

11 Q. 192 Over 16,000. But you didn't know your individual contributions, is that right?

12 A. No, nor did we ask.

13 Q. 193 All right. And did he say any more?

14 A. Not really, no.

11:06:18 15 Q. 194 When he was with the group of you did he say Mr. Ahern didn't want to take it?

16 A. Oh, yeah of course he did. He said he insisted it would be a loan not a gift.

17 Q. 195 Yes. There wasn't any mention of Mr. Ahern not needing the money towards a

18 house?

19 A. None whatsoever.

11:06:40 20 Q. 196 No. Now, Mr. Reilly, when was the first time Mr. Ahern mentioned this to you?

21 A. Well the first time after I met him after he had received the money he

22 certainly thanked me for it.

23 Q. 197 Yes. Can you remember was that in St. Luke's or in the Beaumont or where?

24 A. It would probably have been in Fagan's.

11:07:04 25 Q. 198 Yes.

26 A. Drumcondra.

27 Q. 199 And was he thanking you in a group or was he thanking you on your own?

28 A. No, he was thanking me on my own.

29 Q. 200 All right. And did he say any more than that?

11:07:14 30 A. He said he would repay it.

11:07:16 1 Q. 201 Yes. He didn't say anything to you about having enough money for a house or  
2 for a deposit?  
3 A. No, he never said that he had enough money. We were now aware that he had  
4 enough money. He wasn't destitute.

11:07:29 5 Q. 202 You had previously had a conversation with him where he told you he was wanting  
6 to buy a house and that he had some money, isn't that right?  
7 A. Sure, sure.

8 Q. 203 So on this occasion did he say to you listen Paddy that isn't necessary I have  
9 more than enough money to pay the deposit and to get a house?  
11:07:44 10 A. No, I don't recall him saying that, no.

11 Q. 204 All right. But he thanked you?  
12 A. Of course.

13 Q. 205 And he said did he say he didn't want to take it?  
14 A. He said he didn't want to take it he said but Dermot had insisted and that he  
11:07:56 15 would be pay it back, yes.

16 Q. 206 Did he say when?  
17 A. No, he didn't say when.

18 Q. 207 No. And what did you, did you have any response to him about him saying that  
19 he'd take it as a loan and pay it back?  
11:08:06 20 A. That he'd pay it back. My response to him was that we didn't want it back.

21 Q. 208 All right what did he say to that?  
22 A. He said we would get it back.

23 Q. 209 All right. Mr. Reilly, between then, which is let's say it's September,  
24 October 1994, is that right?  
11:08:29 25 A. Around that time, yes.

26 Q. 210 And 12 years later --  
27 A. Uh-huh.

28 Q. 211 -- did Mr. Ahern ever come to you and say Paddy there's the 3,500 back?  
29 A. He never said there it is. He said I will, you know. I'll sort it out with  
11:08:45 30 you, yes of course.

11:08:45 1 Q. 212 All right. How many times do you think he said that to you?  
2 A. It could have been three or four times. It could have been more.  
3 Q. 213 And would that have been in the early days?  
4 A. Yes it would. It would have been more or less in the early days, yes.  
11:08:59 5 Q. 214 I mean, for example, I mean on the anniversary of this loan or gift or when he  
6 was made Taoiseach or can you remember any other instance when he said?  
7 A. We didn't. We didn't celebrate anniversaries of loans.  
8 Q. 215 No. All right. But Mr. Ahern you think, three or four times or maybe more --  
9 A. Or maybe more, yes.  
11:09:20 10 Q. 216 Would have said something to you like what?  
11 A. Like he would pay it back. Could I say, Mr. Murphy, it was a matter of total  
12 indifference to me whether he did or didn't pay it back. I didn't want it  
13 back.  
14 Q. 217 I know. All right. And why do you think it was repaid in 2006, Mr. Reilly?  
11:09:41 15 A. Well I would have thought that was obvious. It was causing him serious  
16 embarrassment.  
17 Q. 218 Yes. Where --  
18 A. Have you read the papers?  
19 Q. 219 Was it causing him any embarrassment vis-a-vis you and the group?  
11:09:57 20 A. How do you mean were we embarrassed by it.  
21 Q. 220 Was he embarrassed that it was outstanding as far as you were concerned and his  
22 friends?  
23 A. I would think so absolutely, yes of course.  
24 Q. 221 Do you think if that hadn't hit the papers you would have been repaid by  
11:10:10 25 Mr. Ahern?  
26 A. I think he certainly would have made an effort. I don't think that I would  
27 have taken it.  
28 Q. 222 Yes. You wouldn't have taken it. Do you seriously think, Mr. Reilly, that if  
29 the matter had not become public in 2006, that you would have received. That  
11:10:31 30 that money would have been offered back to you?

11:10:34 1 A. Oh, yeah.

2 Q. 223 When?

3 A. I don't know. It would certainly. And he would probably have got the same

4 response as he would have got previously. We'll sort it out later. None of us

11:10:44 5 wanted to take the money back.

6 Q. 224 And, Mr. Reilly, did you, Mr. Burke, Mr. English and Mr. Carew continue to meet

7 regularly with Mr. Ahern since 1994?

8 A. Oh, yeah of course.

9 Q. 225 A few times a week as?

11:10:57 10 A. Yeah, Mr. English would not have been, excuse me, he would not have been a

11 regular attendee. He would but myself Mr. Burke Mr. Carew and Mr. Ahern would

12 have met along with other people, Senator Kett and a few other people.

13 Q. 226 All right. And Mr. Ahern knew obviously that between the four of you?

14 A. Sure.

11:11:17 15 Q. 227 The three of you present plus the regulars plus Mr. English.

16 A. Sure.

17 Q. 228 That as far as he was concerned he owed you collectively 16,500?

18 A. That would be right, yes.

19 Q. 229 But it was not repaid before 2006?

11:11:30 20 A. No.

21 Q. 230 There were a few mentions. He referred it on a few occasions?

22 A. Yes.

23 Q. 231 And you would have told him that you didn't want it back?

24 A. Absolutely.

11:11:38 25 Q. 232 And what about the house, Mr. Reilly?

26 A. What about it?

27 Q. 233 Did you, were you, the purpose of this was to get a house?

28 A. Uh-huh.

29 Q. 234 When did Mr. Burke -- when did Mr. Ahern get the house?

11:11:49 30 A. I'm not so sure around '96 or '97, I'm in the all that sure.

- 11:11:54 1 Q. 235 Were you not concerned that collectively you were getting in giving in excess  
2 of 16,000 you knew from Mr. Carew towards a house that there was no house  
3 forthcoming?
- 4 A. No, I wouldn't have been concerned because we had given a friend a dig out if  
11:12:09 5 you like and it was up to him to do ... that was the genesis of that was that  
6 it would have been to help him to purchase a house.
- 7 Q. 236 We --
- 8 A. Whether he did or not was up to him.
- 9 Q. 237 Are we getting to the reality of the matter, Mr. Reilly, had it nothing to do  
11:12:26 10 with the house and it was a dig out in a general way?
- 11 A. The genesis of the matter was that it was most certainly that we would  
12 contribute something to help him purchase a house.
- 13 Q. 238 Now, Mr. Reilly, tell the Tribunal when you, Mr. Carew and Mr. English and  
14 Mr. Burke and any combination of you, without Mr. Ahern, would have had a  
11:12:48 15 little bit of a chat saying we've given 16,000 plus and there doesn't seem to  
16 be any house?
- 17 A. I don't think that conversation ever took place.
- 18 Q. 239 Can you explain why it didn't?
- 19 A. Why would it?
- 11:13:00 20 Q. 240 This was a matter of some interest to you.
- 21 A. Sure.
- 22 Q. 241 And Mr. Ahern personal and political level, isn't that correct?
- 23 A. Correct.
- 24 Q. 242 You wanted to see him have a house?
- 11:13:08 25 A. Yes.
- 26 Q. 243 Politically and personally?
- 27 A. Yes.
- 28 Q. 244 And you are just down 3,500 and between you over 16,000?
- 29 A. Sure.
- 11:13:14 30 Q. 245 And you never discussed among yourselves what is Bertie doing about a house?

- 11:13:19 1 A. Not to my knowledge. I mean, why would we? He had ... we had done what we  
2 thought was a -- we made a gesture. He is a mature individual. It's up to him  
3 to decide what to do with it after that.
- 4 Q. 246 Did you think he might have needed a bit more?
- 11:13:37 5 A. That question never came up. It's a possibility that he did but it didn't come  
6 up in my, any conversations that I had with anybody.
- 7 Q. 247 You meet, you met him on a regular basis?
- 8 A. Sure.
- 9 Q. 248 In St. Luke's and elsewhere, did you ever say to him Bertie the money we gave  
11:13:54 10 you for the house?
- 11 A. Uh-huh.
- 12 Q. 249 Which you say is a loan and we don't want back. Is there any progress on it?
- 13 A. No.
- 14 Q. 250 Mr. Reilly, when was the first time you were asked to recall these events. I'm  
11:14:07 15 talking about this meeting in Beaumont and the giving of 3,500 to Mr. Carew?
- 16 A. When it became public knowledge.
- 17 Q. 251 All right. And that was, when was that, that was September 2006?
- 18 A. In or around that time, yes.
- 19 Q. 252 In or around there, yeah. The Tribunal wrote to you on the 29th of June 2006?
- 11:14:35 20 A. Uh-huh.
- 21 Q. 253 And we saw that letter, we just didn't go through each individual paragraph.  
22 It was dealing with it and I can put it up on the screen if you want?
- 23 A. Sure. What letter are we talking about?
- 24 Q. 254 18599, please. This is a letter dated 29th of June 2006, to you, Mr. Reilly.  
11:14:57 25 We went through the beginning of it yesterday, asking you saying that the  
26 Tribunal has been informed that you made a payment of money to Mr. Ahern TD.
- 27 A. Yes.
- 28 Q. 255 In about October 1994 etc. with ten questions and then we had on a moment ago  
29 on the screen, your statement which was dated the 14th of July 2006.
- 11:15:15 30 A. Yeah well then that's when it became public knowledge as far as I'm concerned

11:15:19 1 that's when I became aware of it.

2 Q. 256 Mr. Reilly, that's nonsense?

3 A. No, it's not nonsense.

4 Q. 257 Mr. Reilly, it became public knowledge when there was a letter in the front

11:15:25 5 page of the Irish Times which was not written to you, isn't that right?

6 A. It was which?

7

8 JUDGE FAHERTY: I think that was September 2006, Mr. Reilly.

9 A. What was?

11:15:34 10

11 JUDGE FAHERTY: The publication of matters that the Tribunal were enquiring

12 into.

13 A. That's very. That may very well have been.

14

11:15:41 15 CHAIRMAN: What's the date of this letter?

16

17 MR. MURPHY: The Tribunal letter is the 29th of June 2006.

18

19 JUDGE FAHERTY: It was correspondence to you, Mr. Reilly. I think that's what

11:15:50 20 Mr. Murphy is asking you.

21 A. Yes and so what's the point of his question?

22 Q. 258 MR. MURPHY: Mr. Reilly, my question to you a few moments ago was when was the

23 first time you were asked to recall these events, the giving of the 3,500?

24 A. Well it was obviously when the Tribunal wrote to me.

11:16:05 25 Q. 259 Why did you say when it became public?

26 A. Because I hadn't looked at the letter so I assumed it was around the same time.

27 Q. 260 All right. And you prepared a statement and that's dated the 14th of July

28 2006.

29 A. Sure well that's when I became aware of it.

11:16:18 30 Q. 261 Fine. That's the first time you recalled these matters?

11:16:21 1 A. Yes, it was the first time I was asked to recall these matters as far as I  
2 know.  
3 Q. 262 When you were asked by the Tribunal, did you meetly or shortly and before  
4 giving your statement get on to Mr. Ahern and/or Mr. Burke and/or Mr. English  
11:16:34 5 and/or Mr. Carew and say listen, I've been asked by the Tribunal can you  
6 remember this let's have a chat?  
7 A. Yes, we would have done.  
8 Q. 263 Where did that meeting where did that chat take place?  
9 A. It would possibly have been with Bertie Ahern it would have taken place in St.  
11:16:47 10 Luke's.  
11 Q. 264 Tell us about your conversation with Mr. Ahern about having to, about you  
12 preparing a statement for the Tribunal?  
13 A. The conversation would have been, I've been asked by the Tribunal. I've been  
14 asked to recall dates, and dates and whatever and prepared the statement.  
11:17:04 15 Q. 265 Right. And you prepared a statement?  
16 A. Yes.  
17 Q. 266 All right.  
18 A. With help from people who would be there to give dates and whatever.  
19 Q. 267 All right.  
11:17:13 20 A. The thing would be.  
21 Q. 268 All right. What assistance did Mr. Ahern give you in relation to this  
22 statement and we'll put it back up on the screen, please. It is --  
23  
24 JUDGE FAHERTY: 18601.  
11:17:23 25  
26 MR. MURPHY: Thank you.  
27 A. Yeah. He would have been able to inform me of the dates and the time that took  
28 place.  
29 Q. 269 MR. MURPHY: How would Mr. Ahern have remembered the dates and time of this  
11:17:35 30 particular chat in the Beaumont and the giving of ... and the giving of the

11:17:40 1 16,500, Mr. Reilly

2 A. Because he was given the 16,500 around that time.

3 Q. 270 All right. Have you any record at all of that being given around that time did

4 you put a diary entry or anything like that?

11:17:53 5 A. No, no, no, no.

6 Q. 271 All right. So Mr -- you didn't remember when it was given, is that it?

7 A. I remembered it was given sometime around '94, but I certainly wouldn't have

8 been able to put dates on it.

9 Q. 272 All right. And all right. But did you say. Are you saying that Mr. Ahern was

11:18:08 10 able to give you the date?

11 A. And Mr. Carew.

12 Q. 273 No just deal with Mr. Ahern for a second.

13 A. I'm saying both of them would have.

14 Q. 274 You talked to Mr. Ahern on your own.

11:18:17 15 A. I would have mention it had to Mr. Ahern and I would have had a conversation

16 with Dermot Carew as well.

17 Q. 275 I'm sorry I'll come to Mr. Carew in a second. With Mr. Ahern just tell us

18 please what his input was by way of information that was of assistance to you

19 giving the statement to the Tribunal?

11:18:31 20 A. They assisted me in the sense that he told me the month or around the time that

21 this happened.

22 Q. 276 All right. So his only assistance was to tell you the month in or around when

23 it happened?

24 A. In or around the time that it happened, yes. Because I wasn't ...

11:18:49 25 Q. 277 And what month did he say?

26 A. What's on the screen?

27 Q. 278 Don't mind the statement, Mr. Reilly. Don't mind looking at that for a second?

28 A. Well what's in the statement is what.

29 Q. 279 We'll come to that?

11:18:56 30 A. No, no, no what's in the statement, Mr. Murphy, is the knowledge I got and the

11:19:01 1 information I got.

2 Q. 280 Yes but surely you remember that.

3 A. Remember what?

4 Q. 281 Now in the witness box you remember Mr. Ahern telling you what month this

11:19:08 5 happened?

6 A. It could have been September/October of '94.

7 Q. 282 Is that what you're remembering?

8 A. Well that's mostly it, yes.

9 Q. 283 Why didn't you put it in your statement?

11:19:16 10 A. Because it wasn't relative. I gave a narrative of what happened. Maybe it

11 wasn't as detailed as it should have been but that's ...

12 Q. 284 But, Mr. Reilly, you say that the only assistance Mr. Ahern gave you --

13 A. Uh-huh.

14 Q. 285 -- was to identify the month?

11:19:32 15 A. Yes.

16 Q. 286 And you don't put the month in to your statement?

17 A. Well it was an omission then.

18 Q. 287 Do you see the extent, Mr. Reilly, to which that just does not make sense?

19 A. No I don't see the extent that it doesn't make any sense. Of course it makes

11:19:46 20 sense.

21 Q. 288 Now, you went to Mr. Ahern that was his contribution?

22 A. Yeah.

23 Q. 289 Did you go to Mr. Carew?

24 A. Yes I asked Mr. Carew.

11:19:52 25 Q. 290 What?

26 A. I asked Mr. Carew for his recollection of events.

27 Q. 291 What did he tell you?

28 A. What I've just told you.

29 Q. 292 What was that?

11:19:58 30 A. The meeting that took place on the Saturday night the discussion which I was

11:20:03 1 mostly aware of anyhow.

2 Q. 293 What new information did Mr. Carew give you that you hadn't remembered?

3 A. Well he didn't give me any new information.

4 Q. 294 Did he tell you the month?

11:20:11 5 A. He said around the same time, yeah.

6 Q. 295 What, September?

7 A. September/October.

8 Q. 296 But you didn't put it in the statement?

9 A. No.

11:20:17 10 Q. 297 All right. And what about Mr. English, did you go to him?

11 A. No, I did not.

12 Q. 298 Why not?

13 A. Well why would I?

14 Q. 299 Did you go to Mr. Burke?

11:20:25 15 A. No.

16 Q. 300 Why not?

17 A. For the same reason, there was no reason to.

18 Q. 301 All right. So you just discussed it individually with Mr. Ahern and Mr. Carew?

19 A. Correct.

11:20:33 20 Q. 302 And really apart from the date they were of no assistance?

21 A. That's about it, yes.

22 Q. 303 All right.

23 A. Well they were of assistance. I mean they assisted me around the time.

24 Q. 304 Mr. Reilly, the Tribunal received a report from Mr. Ahern via Mr. Peelo in

11:21:19 25 April 2006, in which you were identified as one of the contributors to this dig

26 out?

27 A. Okay.

28 Q. 305 All right. That's the first the Tribunal knew of you. Did Mr. Ahern or

29 anybody on his behalf say to you before that report went in by the way Paddy

11:21:33 30 I'm putting in a report to the Tribunal and we have to go in to these details

- 11:21:37 1 and your name is in it?
- 2 A. I was aware my name would be mentioned, yes.
- 3 Q. 306 Yes. Who told you?
- 4 A. Bertie would have told me.
- 11:21:44 5 Q. 307 Yes.
- 6 A. I mean if he was asked by the Tribunal to identify anybody who made
- 7 contributions of course he would inform those people.
- 8 Q. 308 Yes. Can you remember when he told you?
- 9 A. No.
- 11:21:55 10 Q. 309 We get it in April 2006, so presumably and we would -- it would have been
- 11 shortly before that I presume?
- 12 A. I presume so.
- 13 Q. 310 Which is a year and a half ago or, you know, can you make a little bit of an
- 14 effort to see can you remember Mr. Ahern telling you about this?
- 11:22:15 15 A. I can remember that he would have informed. I would have assumed he informed
- 16 us. He certainly wouldn't have gone in cold put our names in without informing
- 17 us and I can't remember the exact conversation.
- 18 Q. 311 No. But, Mr. Reilly, it would have been a landmark discussion because out of
- 19 the blue after 12 years or something, the Taoiseach says to you by the way
- 11:22:34 20 Paddy report going in to the Tribunal, I'm dealing with these finances he may
- 21 not have given you the detail but the loan that you very kindly gave me, you
- 22 are named with the others in it?
- 23 A. Sure.
- 24 Q. 312 Now what did he tell you?
- 11:22:46 25 A. Exactly what you said or thereabouts. We're going to have to the mention the
- 26 names are being asked for I'm going to have to mention them.
- 27 Q. 313 Was he asking you for any information, was he asking you for assistance in
- 28 relation to what happened?
- 29 A. No, not really no.
- 11:23:01 30 Q. 314 Not really. I mean tell us. Did Mr. Ahern say to you, do you remember where

11:23:06 1 this chat took place?

2 A. Oh, come on for God's sake. What do you mean do I remember where the meeting

3 took place. It could have taken place on the top of Carrigwohill for all I

4 know.

11:23:27 5 Q. 315 Why is this such a surprise. You recalling the Beaumont House on a Saturday 13

6 years ago. So how do you not remember Mr. Ahern dropping this on you a year

7 ago?

8 A. Do you seriously expect that you would recall every bloody conversation that

9 you have with every person in relation to this --

11:23:30 10

11 CHAIRMAN: Sorry, Mr. Reilly. If you don't remember where a conversation took

12 place, simply say that.

13 A. Well then I'm saying that now.

14

11:23:37 15 CHAIRMAN: All right. Well there is no need to use the term bloody.

16 A. Well I apologise, Judge, if it offends you. But Mr. Murphy here is becoming

17 very confrontational and I don't like accusations being thrown at me.

18

19 CHAIRMAN: It doesn't offend me. Each I'm just saying if you can't remember

11:23:55 20 where just say I don't remember.

21 A. Fine Mr. Murphy, I can't remember.

22 Q. 316 MR. MURPHY: All right. Did Mr. Ahern ask you how much did you contribute?

23 A. He knew how much I contributed.

24 Q. 317 How did he know?

11:24:10 25 A. Because I, Dermot Carew would have told him.

26 Q. 318 How do you know that?

27 A. Because Dermot Carew told me he told him.

28 Q. 319 And so the letter from the Tribunal in June was not a surprise, Mr. Reilly, is

29 that right?

11:24:38 30 A. It could very well have been a surprise because I did not think that we would

11:24:43 1 be everybody would be hauled in. Why would I?

2 Q. 320 You told us a moment ago that the first time you were asked to recall all this

3 having said, your immediate answer turned out to be September when the matter

4 went public but when you were reminded about the letter in June that was the

11:25:20 5 first time?

6 A. Sure.

7 Q. 321 But in fact the first time you were asked to remember all of this was when

8 Mr. Ahern asked you to remember it, isn't this right?

9 A. No he told me my name was going to be put forward. As was the names of other

11:25:32 10 people.

11 Q. 322 Now, did he say anything to you shortly before anybody going on television to

12 tell the country about you?

13 A. That he was going to name --

14 Q. 323 Yeah.

11:25:48 15 A. No, he did not.

16 Q. 324 So that was a surprise to you?

17 A. Yes, a very unpleasant one I can assure you.

18 Q. 325 Mr. Reilly, you said a moment ago giving in a report of course he was going to

19 tell you?

11:25:59 20 A. Yes.

21 Q. 326 But yet he goes on the television in an interview with Mr. Dobson and he puts

22 your name out there?

23 A. I wasn't aware until about an hour before he went on television that he was

24 doing this television interview.

11:26:11 25 Q. 327 But even then --

26 A. I wasn't talking to him then.

27 Q. 328 And you didn't know you were going to be mentioned?

28 A. I did not.

29 Q. 329 You would have met him in the days weeks before that on a number of occasions

11:26:20 30 as usual.

- 11:26:21 1 A. I'm not so sure, would the interviewer have been arranged that far in advance.
- 2 Q. 330 I don't know when it was arranged.
- 3 A. Well neither do I.
- 4 Q. 331 All right. But you got no advance warning of it?
- 11:26:32 5 A. No.
- 6 Q. 332 And did he say anything to you afterwards about it?
- 7 A. Yes, he absolutely apologised for that he had been put in a position for naming
- 8 us. Not just me but everybody else.
- 9 Q. 333 All right. And was that on your own just a one-to-one he apologised to you?
- 11:26:47 10 A. He would have apologised to us on our own and individually and as a group. Of
- 11 course he would.
- 12 Q. 334 And can you remember where any of the apologies were said?
- 13 A. No, Mr. Murphy, I can't.
- 14 Q. 335 So, Mr. Reilly, with all of your meetings with the Taoiseach in St. Luke's and
- 11:27:02 15 Beaumont etc. and he apologised to you individually and collectively. You
- 16 don't remember where the apology would have taken place?
- 17 A. No, it could have been in Luke's itself.
- 18 Q. 336 All right. And did you get advance notice, Mr. Reilly, that there was a cheque
- 19 coming in the post?
- 11:27:22 20 A. I got a phone call to say that a cheque, no cheque came to me in the post.
- 21 Q. 337 No. How did it come to you?
- 22 A. I got a phone call from St. Luke's and was told that there was a cheque there
- 23 for me to come down and collect it.
- 24 Q. 338 So it wasn't even sent to you you were to come down and collect?
- 11:27:38 25 A. It I'm a regular visitor to St. Luke's.
- 26 Q. 339 Who did you get the phone call from?
- 27 A. Sandra Cullagh.
- 28 Q. 340 Why would it be a phone call if you are a regular attender?
- 29 A. I wasn't there at the time the cheques were wrote out.
- 11:27:46 30 Q. 341 So she phoned you?

- 11:27:47 1 A. Yes.
- 2 Q. 342 The letter is dated the 29th of September 2006. Did she phone you that day or  
3 the day before or what?
- 4 A. She phoned me the day I endorsed the cheque to CARI.
- 11:27:57 5 Q. 343 All right. So that presumably 29th -- the letter and cheque are dated that  
6 day?
- 7 A. Well then that's if it then that's the day that we have the CARI receipt. We  
8 will know.
- 9 Q. 344 We'll see the receipt now in a second. If we could just have 21712 please, is  
11:28:13 10 the letter to you.
- 11 A. Yes.
- 12 Q. 345 "Enclosing cheque in the amount of 7,984 Euro in full and final settlement of  
13 the outstanding loan you very kindly extended to me all those years ago" all  
14 right.
- 11:28:26 15 A. Yes.
- 16 Q. 346 And you were phoned shortly before that by Sandra to ask to you come and  
17 collect it, is that right?
- 18 A. No, I was told that there was an envelope in St. Luke's, I was to come down and  
19 collect it.
- 11:28:42 20 Q. 347 All right. Were you told any more about it?
- 21 A. In what way? How do you mean?
- 22 Q. 348 Did Sandra say anything else to you did she just say that there's an envelope  
23 here come and collect it?
- 24 A. Yes.
- 11:28:53 25 Q. 349 Why was she saying that when you were going to be in or out that day or the  
26 next day anyway?
- 27 A. Why wouldn't she say that? If -- Sandra could contact me several times a day  
28 for various reasons.
- 29 Q. 350 All right. Did you know?
- 11:29:06 30 A. I'm quite sure she wouldn't want to have signed cheques lying around the

- 11:29:11 1 office.
- 2 Q. 351 Were you, had you any involvement in the preparation of these cheques and these
- 3 letters going back to these people?
- 4 A. No.
- 11:29:21 5 Q. 352 Were you aware that it was happening?
- 6 A. I was aware of what I received.
- 7 Q. 353 No no. Yes but were you aware at that time that Mr. Ahern was in the process
- 8 of?
- 9 A. Oh, yeah I would have, yeah.
- 11:29:32 10 Q. 354 These loans?
- 11 A. Sure I would have been.
- 12 Q. 355 How did you know that?
- 13 A. Because it would have been mentioned in the office that there were other
- 14 cheques there.
- 11:29:40 15 Q. 356 At what point was that, before Sandra phoned you or after?
- 16 A. No, it was after I came down to collect.
- 17 Q. 357 So Sandra phoned you and said come and get a cheque. Sorry, there is an
- 18 envelope here for you?
- 19 A. Yes.
- 11:29:50 20 Q. 358 And you go to collect the envelope, is that right?
- 21 A. Sure.
- 22 Q. 359 And become aware that everybody else is being repaid, is that right?
- 23 A. Yes.
- 24 Q. 360 And what was your reaction to it when you got that, when you opened the letter
- 11:30:00 25 and saw the cheque?
- 26 A. I certainly didn't want to take it but because of the situation that the then
- 27 Taoiseach was in, you know, he had to do something about it.
- 28 Q. 361 All right. Now, did you say that you endorsed it that day?
- 29 A. Yes, I did endorse it to CARI.
- 11:30:16 30 Q. 362 I'm assuming and this may be wrong. I'm not worried about the particular day.

- 11:30:20 1 But the letter and the cheque are dated the 29th of September 2006?
- 2 A. Sure.
- 3 Q. 363 And there is 21744, please. Is a CARI receipt to the, to Mr. Ahern which
- 4 includes your cheque at No. 5, Paddy Reilly 7,984.
- 11:30:36 5 A. I have never seen that receipt before. I got an individual receipt.
- 6 Q. 364 Which is later, Mr. Reilly, I will show you that in just one moment. But just
- 7 in relation to the endorsing of it, I suppose more than likely it was the day
- 8 that the cheque and letter were written or perhaps very shortly after it?
- 9 A. Yes, that would be probably right, yeah.
- 11:30:54 10 Q. 365 All right. But anyway, effectively what you were doing. Did you know that you
- 11 were arriving to collect a cheque this repayment cheque?
- 12 A. I had a good idea, yes.
- 13 Q. 366 Sandra told you that much?
- 14 A. Yes I think so.
- 11:31:05 15 Q. 367 And you endorsed it there and then?
- 16 A. Yes.
- 17 Q. 368 Without talking to anybody?
- 18 A. Well, no, I didn't talk to. I believe that Dermot Carew could talk to a number
- 19 of people. I certainly had my mind made up that CARI was going to be the
- 11:31:22 20 beneficiary.
- 21 Q. 369 Did you make your mind up of that independently of anybody else Mr. Reilly?
- 22 A. I'm not all that certain. I certainly made my mind up that's where it was
- 23 going.
- 24 Q. 370 You get a phone call from Sandra. Effectively there is a cheque here. You
- 11:31:35 25 turn up on the day of the phone call and you endorse it?
- 26 A. Yes.
- 27 Q. 371 And at that moment you have already made up your mind?
- 28 A. Well it would have been mentioned in the office that other people were donating
- 29 it to the CARI foundation.
- 11:31:45 30 Q. 372 All right. And we know that it came out of Mr. Ahern's account and it went to

11:31:49 1 CARI isn't that right?

2 A. Of course.

3 Q. 373 And your cheque.

4 21713, please.

11:31:54 5 Your receipt is dated 13th of November 2006.

6 A. Uh-huh.

7 Q. 374 All right. That's your receipt?

8 A. Okay.

9 Q. 375 All right. Was this an orchestrated thing, Mr. Reilly? Is it the position

11:32:06 10 that Mr. Ahern wrote all of these cheques and phone calls were made. Because

11 eight of them end up with CARI?

12 A. Sure.

13 Q. 376 And people were phoned. It was either sent to them or couriered to them or

14 hand delivered?

11:32:18 15 A. Uh-huh.

16 Q. 377 Or people came in and collected them and endorsed them there and then and then

17 they go to CARI, which is a charity with which Mrs. Ahern is associated?

18 A. Sure.

19 Q. 378 Is it the position that this was arranged, in other words, Mr. Ahern would

11:32:32 20 write these cheques to you people and you would endorse it to this charity?

21 A. No, he wrote those cheques to us.

22 Q. 379 Yes?

23 A. It was our decision to donate them to CARI.

24 Q. 380 All right. Why did you think you should give it to CARI?

11:32:46 25 A. Why not it's a reputable charity.

26 Q. 381 It was money that you had gave given 13 or 14 years ago to Mr. Ahern you say as

27 a gift and he took as a loan?

28 A. Yes.

29 Q. 382 You were perfectly entitled to keep it?

11:33:03 30 A. Of course. As I said earlier on, I had no intention of taking the cheque or

11:33:04 1 keeping the cheque. So what would I have done torn it up and leave it there.  
2 Wouldn't it be better off to give it to a children's charity. There is nothing  
3 wrong with that as far as I can see.  
4 Q. 383 1957 --  
11:33:15 5 A. And Miriam Ahern was a patron of the charity so it would have been a natural  
6 thing to do I would have thought.  
7 Q. 384 19567, please. Mr. Reilly, this is an acknowledgement. 14th of December 2006  
8 to Mr. Bertie Ahern TD.  
9 "I acknowledge with thanks cheque for 7,984 comprising 4444 Euro loan repayment  
11:33:38 10 and 3540 interest on the loan" your signature name typed underneath and your  
11 address underneath?  
12 A. Uh-huh.  
13 Q. 385 Can you tell us about your signing of that please?  
14 A. In St. Luke's Dublin.  
11:33:51 15 Q. 386 In St. Luke's?  
16 A. Yes.  
17 Q. 387 So was it prepared in St. Luke's?  
18 A. Yes.  
19 Q. 388 By whom?  
11:33:55 20 A. Probably by Sandra I presume.  
21 Q. 389 This was prepared for everybody, prepared acknowledgement?  
22 A. It was a prepared. I don't know about everybody. Certainly it was prepared  
23 for me, yes.  
24 Q. 390 And you signed it there?  
11:34:09 25 A. Yes.  
26 Q. 391 All right. Well now, Mr. Reilly, you are aware of this dinner that Mr. Ahern  
27 attended in Manchester where he received approximately the 8,000 Pounds  
28 Sterling?  
29 A. I am now.  
11:34:25 30 Q. 392 All right. Were you there?

- 11:34:26 1 A. No.
- 2 Q. 393 Are you sure about that?
- 3 A. I am absolutely 100 per cent certain about that. I have never been in
- 4 Manchester in my life.
- 11:34:34 5 Q. 394 You have never been in Manchester?
- 6 A. Never.
- 7 Q. 395 Are you sure about that?
- 8 A. Absolutely certain.
- 9 Q. 396 You have never been in Manchester?
- 11:34:43 10 A. No.
- 11 Q. 397 All right. Now, Mr. Ahern said that on the 27th of December 1993 having been
- 12 at the races in Leopardstown Mr. Brennan handed him 22,500 back in St. Luke's
- 13 which was a regular meeting you would go to Leopardstown and back to St. Luke's.
- 14 Were you at that event?
- 11:35:04 15 A. No.
- 16 Q. 398 Were you in Leopardstown that day?
- 17 A. In '93 I don't know but I would doubt it very much.
- 18 Q. 399 Were you back in St. Luke's for the social whatever it was that evening?
- 19 A. There was no social. What social?
- 11:35:17 20 Q. 400 All right. Did you ever go with -- ever go with Mr. Ahern to the Leopardstown
- 21 races immediately after Christmas?
- 22 A. Oh, yes.
- 23 Q. 401 Did you ever go back to St. Luke's after it?
- 24 A. No. We would go back to friends house after that or go back to our local.
- 11:35:31 25 Q. 402 I understood Mr. Reilly and please correct me. But I understood from previous
- 26 evidence, I think Mr. Ahern, that and maybe Mr. Richardson that it was an
- 27 annual outing Leopardstown the races with Mr. Ahern and a group would go back to
- 28 St. Luke's and would stay there for a while?
- 29 A. I wouldn't have been in St. Luke's. I would go back to my local.
- 11:35:56 30 Q. 403 All right?

11:35:57 1 A. Which could have been Kennedys or Fagans Bar in Drumcondra.

2 Q. 404 So it was a point with you that you might go to Lepardstown with Mr. Ahern but

3 you wouldn't go back to St. Luke's?

4 A. Yes.

11:36:10 5 Q. 405 Why is that?

6 A. Why not? I prefer drinking in a pub if I'm drinking in a pub rather than an

7 office.

8 Q. 406 All right. Thank you, Mr. Reilly.

9 A. Okay.

11:36:21 10

11 CHAIRMAN: All right. Do you want to ask your client anything?

12

13 MR MAGUIRE: No questions.

14

11:36:25 15 CHAIRMAN: All right. Mr. Reilly, can I just ask you one thing. When you

16 went back. If I bring you back to the meeting in the Beaumont House when you

17 decided to contribute this money. You said that there was no discussion about

18 a target figure?

19 A. No, there wasn't.

11:36:40 20

21 CHAIRMAN: But I presume you had some idea in your own mind as to what sort of

22 money you thought might be collected or should be collected?

23 A. Not really, Judge. Each person went away and decided what they could

24 contribute, what they could afford. But there was certainly. Nobody said that

11:37:02 25 we have to raise 30,000 or 40,000.

26

27 CHAIRMAN: No I know there was no ...

28 A. So there was no target, Judge Mahon.

29

11:37:09 30 CHAIRMAN: There was no enforcer there saying it it had to be.

11:37:13 1 A. Nor any suggestion of a final sum.  
2  
3 CHAIRMAN: But often if there is a collection being made.  
4 A. Sure.  
11:37:18 5  
6 CHAIRMAN: Somebody might want to know what's the going rate or what should we  
7 aim for. There was no discussion like that?  
8 A. No, no, absolutely no discussion.  
9  
11:37:28 10 CHAIRMAN: I think I asked Mr. English, if I remember correctly, I mean, what  
11 was ... if there wasn't some idea.  
12 A. Uh-huh.  
13  
14 CHAIRMAN: Even roughly as to what might be collected, wasn't there a chance  
11:37:40 15 that you'd all come back with 1,000 Pounds, for example?  
16 A. Well, people could have come back with 1,000 pounds. We chose not to.  
17  
18 CHAIRMAN: You say there was no?  
19 A. Absolutely not. There was no set target, any limits put, upper or lower  
11:37:58 20 limits.  
21  
22 CHAIRMAN: Presumably, you knew if the purpose of the collection was to assist  
23 Mr. Ahern?  
24 A. It had to be reasonable.  
11:38:04 25  
26 CHAIRMAN: It had to be a reasonable figure.  
27 A. Sure, sure.  
28  
29 CHAIRMAN: It wasn't just for Christmas.  
11:38:08 30 A. No.

11:38:09 1

2 CHAIRMAN: All right. Thank you very much.

3 A. Thank you very much.

4

11:38:14 5

**THE WITNESS THEN WITHDREW.**

6

7 CHAIRMAN: We'll sit again at two o'clock.

8

9 MR. MURPHY: Thank you, Chairman.

11:38:19 10

11 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH.**

12

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11:38:36 1 **THE TRIBUNAL RESUMED AS FOLLOWS AT 2:00 P.M.:**

2

3 CHAIRMAN: Good afternoon, Mr. Murphy.

4

14:08:41 5 MR. MURPHY: Good afternoon, Chairman and members. Mr. Joseph Burke, please.

6

7 **MR. JOSEPH BURKE PREVIOUSLY SWORN, WAS QUESTIONED BY**

8 **MR. MURPHY AS FOLLOWS:**

9

14:08:59 10 CHAIRMAN: Good afternoon, Mr. Burke.

11

12 CHAIRMAN: I think you have already been sworn in --

13 A. Several months maybe years, yes, Chairman.

14

14:09:07 15 CHAIRMAN: All right.

16 Q. 407 MR. MURPHY: Mr. Burke, good afternoon.

17 A. Good afternoon.

18 Q. 408 Mr. Burke, I think you live in Collins Avenue, is that correct?

19 A. I did live in Collins Avenue.

14:09:19 20 Q. 409 You did. You don't any longer, is that right?

21 A. No.

22 Q. 410 When -- do you live in Drumcondra?

23 A. No.

24 Q. 411 No. You lived in Drumcondra until when? Or n the Drumcondra area?

14:09:29 25 A. Up until about 2003/2004.

26 Q. 412 All right. Would you have lived most of your life there or a lot of your life  
27 there?

28 A. In or around Collins Avenue, Whitehall, Artane, yeah.

29 Q. 413 All right. You are a former Fianna Fail Councillor I think, is that right?

14:09:44 30 A. That's correct.

14:09:44 1 Q. 414 That was when?  
2 A. '85 to '91.  
3 Q. 415 All right. And since April 2002, you have been Chairman of the Dublin Port  
4 Authority, is that right?  
14:09:53 5 A. That's correct.  
6 Q. 416 Are you a builder in fact, is that what?  
7 A. I did have a building business.  
8 Q. 417 You had a building business?  
9 A. I did, yes.  
14:09:59 10 Q. 418 I think that ceased about a year ago, is that right, around about 2006?  
11 A. It did. That's correct.  
12 Q. 419 What is your occupation now may I ask?  
13 A. I still act as chairman of Dublin Port company.  
14 Q. 420 Is that a full-time position?  
14:10:12 15 A. Not quite no, but it takes up quite a bit of my time.  
16 Q. 421 All right. And do you have other occupations?  
17 A. Not permanently, no.  
18 Q. 422 Is it fair to say, Mr. Burke, that you are a close personal friend of  
19 Mr. Ahern?  
14:10:26 20 A. The dogs in the street know that.  
21 Q. 423 For many years.  
22 A. As Harry Moore says, for more years than I care to remember.  
23 Q. 424 All right. And I think you have a role in St. Luke's, is that right?  
24 A. Yes.  
14:10:37 25 Q. 425 What is that?  
26 A. I am chairman of the trust and I organise functions which fund the constituency  
27 organisation.  
28 Q. 426 Right. The one of those would be the O'Donovan Rossa?  
29 A. It used to be the O'Donovan Rossa, it's now under the constituency of Dublin  
14:10:55 30 Central, Fianna Fail Dublin Central.

14:10:56 1 Q. 427 I see. There is an annual dinner?  
2 A. Yes.  
3 Q. 428 Are there other fundraisings are there?  
4 A. There is just one other one, a golf outing once a year.  
14:11:04 5 Q. 429 Are there BBQs?  
6 A. No.  
7 Q. 430 So you you are involved in the organisation of those?  
8 A. Yes.  
9 Q. 431 Do you have any other involvement in St. Luke's?  
14:11:11 10 A. No, other than I'm a trustee.  
11 Q. 432 All right. And in relation to Mr. Ahern and constituency work and so on, have  
12 you an involvement there?  
13 A. I have an involvement for quite a few years, yeah.  
14 Q. 433 Up to when?  
14:11:23 15 A. Up until about 2003/2004.  
16 Q. 434 And would that go back into the '80's maybe?  
17 A. It went back to 1977 when he was first elected.  
18 Q. 435 All right. Now, perhaps, Mr. Burke, if I could just -- you were contacted by  
19 the Tribunal on the 29th of June 2006, 17908, please. And this came about as a  
14:11:54 20 result of the Tribunal receiving a report from Mr. Peelo on behalf of Mr. Ahern  
21 which mentions you as a contributor to a total collection of 16,500 pounds.  
22 You are aware of that?  
23 A. Yes.  
24 Q. 436 Yes. All right. You got in letter dated 29th of June 2006, re Tribunal of  
14:12:15 25 Inquiry into certain planning matters and payments.  
26  
27 "Dear Mr. Burke. The Tribunal has been informed that you made payment of money  
28 to Mr. Bertie Ahern TD, or for his benefit in or about October 1994. The  
29 Tribunal seeks your assistance in reconciling certain receipts of funds by  
14:12:27 30 Mr. Ahern during this period and accordingly requests you to provide to the

14:12:30 1 Tribunal the detailed narrative statement setting out the circumstances in  
2 which you came to make any such payments to Mr. Ahern. In your narrative  
3 statement please include the following information."  
4

14:12:41 5 There are 10 headings; the first is "the identity of the person who requested  
6 you to make such a payment". There are a number of others. You in fact chose  
7 to just give a narrative detailed narrative statement, isn't that right?

8 A. Correct.

9 Q. 437 So if we can just move on though that, Mr. Burke, page 179. Sorry, 17910,  
10 please. And this is your statement, I think, to the Tribunal.

11 A. Correct.

12 Q. 438 It's dated the 10th of August 2006, is that right?

13 A. That's correct.

14 Q. 439 And your address is care of Unit 6 North Richmond Street Industrial Estate  
15 would that have been the address of your company?

16 A. Yes.

17 Q. 440 It reads as follows:  
18

19 "Dear Ms Gilvarry. I can confirm that I gave money to Mr. Bertie Ahern in mid  
14:13:23 20 1991 or thereabouts.  
21

22 I gave the money because Bertie Ahern is a good friend of mine for over 30  
23 years, which is common knowledge. At this time he had come through what I  
24 assumed was a costly separation following the break up of his marriage.

14:13:36 25  
26 On several occasions Bertie Ahern lived with my family and myself on and off  
27 after his marriage ended. I remember Mr. Ahern's friends were concerned that  
28 he did not have a permanent address. There had been insinuations about this in  
29 the newspapers and it was felt that this would damage him politically.

14:13:48 30

14:13:48 1 On one occasion while out socially a few of us discussed this. We decided that  
2 we would give him money to help him finance the deposit for the purchase of a  
3 house. I said that I would definitely contribute. I also remember that Dermot  
4 Carew was present and it was agreed that those willing to contribute would give  
14:14:02 5 the money to him.

6  
7 I subsequently gave 3,500 pounds or thereabouts in cash to Mr. Dermot Carew for  
8 Mr. Ahern. I know Dermot gave money himself and so did other friends. It had  
9 been agreed that we would give the money in cash because we believed that if we  
14:14:16 10 wrote a cheque Mr. Ahern would not cash it.

11  
12 Shortly afterwards in conversation, Mr. Ahern raised with me the matter of the  
13 money I had given. He thanked me for my generosity and said that he was taken  
14 aback by this kind gesture from his friends. He said he was determined to pay  
14:14:28 15 this money back. Over the intervening years Mr. Ahern has on a number of  
16 occasions offered to pay me back the money. My response has always been we'll  
17 have a party when you leave politics.

18  
19 I apologise for the delay in responding and trust that the above assists you in  
14:14:41 20 your inquiry. Yours sincerely Joe Burke."

21  
22 That's your statement to the Tribunal.

23 A. Yes.

24 Q. 441 In August of last year.

14:14:46 25 A. Correct.

26 Q. 442 Thank you. Mr. Burke, I want to ask you about the collection of this money  
27 that the other gentleman, gentlemen contributors have been talking about  
28 including Mr. Reilly this morning and yesterday afternoon. Just before I do,  
29 could I just ask you for in relation to a collection that was made by  
14:15:25 30 Mr. Richardson and Mr. the late Mr. Brennan in December 1993, which amounted to

- 14:15:33 1 22,500 and included 15,000 pounds in cash from the 15,000 coming from six  
2 contributors of 2,500 each. Were you aware of that collection at that time?
- 3 A. I was aware that something, somebody was doing something about his legal bills  
4 from the separation.
- 14:15:52 5 Q. 443 Yes.
- 6 A. But I wasn't sure who was doing it or what the amount was.
- 7 Q. 444 All right. And were you aware of that in December 1993?
- 8 A. Yes, I think I was.
- 9 Q. 445 All right. You didn't know what the amount was and you didn't know who was  
14:16:05 10 doing it?
- 11 A. Correct.
- 12 Q. 446 What were you aware of; what was the extent of that awareness?
- 13 A. As I said, I was a close friend of Mr. Ahern.
- 14 Q. 447 Yes.
- 14:16:13 15 A. I knew that he had bills in relation to legal and bills from his separation?
- 16 Q. 448 Yes. Did you know he had taken out a loan for just over 19,000 pounds to deal  
17 with that?
- 18 A. No.
- 19 Q. 449 He didn't tell you that?
- 14:16:24 20 A. Not at the time no.
- 21 Q. 450 But he did tell you that he had legal bills?
- 22 A. I knew he had legal bills.
- 23 Q. 451 Did he tell you?
- 24 A. Yes.
- 14:16:31 25 Q. 452 Right. Did he tell you that Mr. Richardson and/or Mr. Brennan had collected a  
26 sum of money?
- 27 A. No, I just told you a second ago. I didn't know who was organising or what was  
28 raised.
- 29 Q. 453 Is Mr. Ahern the source of your information in relation to this collection?
- 14:16:48 30 A. I think so. I can't be 100 per cent sure, Chairman, it's 15 years ago. Memory

14:16:54 1 isn't as good as it used to be.

2 Q. 454 Who else might it have been that told you Mr. Burke?

3 A. Any conversation I had with Mr. Ahern would be on a one-to-one basis.

4 Q. 455 Yes but if it wasn't Mr. Ahern somebody else would have told you that there was

14:17:06 5 this collection?

6 A. It's possible somebody else told me, yes.

7 Q. 456 Do you think we can assume that it was Mr. Ahern more than likely?

8 A. I'm assuming it's Mr. Ahern.

9 Q. 457 Well if you're assuming it I'll assume it, Mr. Burke.

14:17:20 10 A. Thank you.

11 Q. 458 What did Mr. Ahern tell you about it, was that around the end of the year?

12 A. This is '93/'94.

13 Q. 459 Yes.

14 A. I met the man and still do on a regular basis.

14:17:31 15 Q. 460 Yes.

16 A. And something thank would come up.

17 Q. 461 Sure.

18 A. You might meet him at half nine ten o'clock and by half 11 you go home you

19 might have forgot what was said in the first half hour he met you.

14:17:47 20 Q. 462 I'm only asking you what is it that you do remember that he said to you about

21 this?

22 A. I was aware that he had gone through the separation. I was still close to him

23 in those days, knew exactly what was happening where he was living sometimes

24 with me and sometimes in ...

14:17:54 25 Q. 463 Yes.

26 A. I knew, yes, that he had legal bills. Nobody in that day and age was going to

27 do anything for nothing.

28 Q. 464 Mr. Burke, I wasn't asking that and I think you know that. What did Mr. Ahern

29 say to you about this collection? I just want to know what was the totality of

14:18:07 30 what he said to you?

- 14:18:08 1 A. I can't remember the exact words but I vaguely remember that somebody was  
2 actually you know one day we said this is a costly matter that's going to cost  
3 you a lot of money. You know, how are you fixing, somebody might have said it  
4 or somebody said well I think there's something being sorted out. Forget about  
14:18:24 5 it. End of story.
- 6 Q. 465 All right. You wouldn't have been a close friend of Mr. Ahern's. You wouldn't  
7 have been told by him or anybody else that him and/or Mr. Richardson or  
8 Mr. Brennan?
- 9 A. No.
- 14:18:34 10 Q. 466 Did you -- Were you approached about making a contribution at that time?
- 11 A. No. What are we talking about now.
- 12 Q. 467 December '93?
- 13 A. No.
- 14 Q. 468 The gentleman who contributed Dave McKenna, Jim Nugent, the late Mr. Gunne,  
14:18:50 15 Michael Collins, Charlie Chawke, the late Mr. Reilly. Do you know?
- 16 A. I think I would have known most of them bar one or two.
- 17 Q. 469 You'd have known most of them bar one or two. All right. Friendly with them?
- 18 A. Well how do you determine a friend.
- 19 Q. 470 All right. But in any event, you weren't approached, isn't that right?
- 14:19:08 20 A. That's correct.
- 21 Q. 471 Could I just put up 24682 for one moment. Mr. Ahern, you will be aware,  
22 Mr. Burke, on the 26th of September 2006, gave an RTE interview, isn't that  
23 right?
- 24 A. Yes.
- 14:19:22 25 Q. 472 I suppose you probably watched it, did you?
- 26 A. No, I didn't.
- 27 Q. 473 No. Well if you go down to the last line ever the third column?
- 28 A. Sorry, Chairman, the print is extremely small. I can't read it.
- 29
- 14:19:33 30 CHAIRMAN: We'll increase it now

14:19:35 1 Q. 474 MR. MURPHY: Do you just see on the right hand column the last line and if we  
2 just take it there. "There were others that" and if we can go on to the next  
3 page. Up at the top "wanted to assist at the time and later on in 1994, four  
4 of them gave me Irish 16,500. They would have contributed at Christmas but  
14:19:57 5 they were good friends of mine and they were Joe Burke, Dermot Carew, Barry  
6 English and Paddy Reilly".  
7  
8 Mr. Ahern was telling Mr. Dobson in the course of that RTE interview "that the  
9 four people who contributed in the collection that I'm coming to in a moment  
14:20:11 10 which amounted to 16,500 were keen to be involved at Christmas but weren't  
11 involved". Does that mean anything to you, Mr. Burke?  
12 A. No, nothing.  
13 Q. 475 All right. And you didn't know what the amount was?  
14 A. Which amount?  
14:20:36 15 Q. 476 That was collected in December 1993?  
16 A. No.  
17 Q. 477 Or the ballpark figure even?  
18 A. No but can I say, Chairman, as a personal friend of long-standing with the  
19 Taoiseach, I didn't want to go in to every inner thing that was happening in  
14:20:52 20 his life. He had enough problems.  
21  
22 CHAIRMAN: All right.  
23 Q. 478 MR. MURPHY: Well you were about to get involved in a collection for a house  
24 or for a deposit, isn't that right?  
14:21:01 25 A. Yes. Absolutely.  
26 Q. 479 So your sense of privacy didn't stop you doing that, isn't that right,  
27 Mr. Burke?  
28 A. Correct, yeah.  
29 Q. 480 Yes. Mr. Burke, Mr. Reilly and Mr. Carew and Mr. English -- now, first of all  
14:21:32 30 you are a very good friend of Mr. Carew and Mr. Reilly, is that right?

- 14:21:36 1 A. Correct.
- 2 Q. 481 And of Mr. English as well, is that right?
- 3 A. Correct.
- 4 Q. 482 He came on the scene later?
- 14:21:42 5 A. Yes.
- 6 Q. 483 All right. Now, but you were very good friends in 1994, and you would meet  
7 sorry perhaps if we exclude Mr. English for a second. The other gentlemen  
8 including Mr. Ahern, you would meet regularly over the years, perhaps one, two,  
9 three times a week and you'd have a drink?
- 14:21:58 10 A. Correct.
- 11 Q. 484 That would be social?
- 12 A. Correct.
- 13 Q. 485 You'd be meeting Mr. Ahern more frequently, sorry and the others in St. Luke's,  
14 is that right?
- 14:22:06 15 A. Correct.
- 16 Q. 486 All right. And I think did Mr. English come on the scene in the spring of  
17 1994?
- 18 A. Yes.
- 19 Q. 487 All right. Sorry. Just in relation to him. How did that come about,  
14:22:20 20 Mr. Burke?
- 21 A. Through an architectural practice.
- 22 Q. 488 Pardon?
- 23 A. Through an architectural practice.
- 24 Q. 489 Whose architectural practice?
- 14:22:28 25 A. Frank Ennis & Associates. I was introduced to him as a mechanical electrical  
26 engineer.
- 27 Q. 490 I see. Did you then have a business relationship with him?
- 28 A. No, we formed a friendship and that friendship is still today.
- 29 Q. 491 All right. Which started in the spring of 1994, is that right?
- 14:22:49 30 A. That's correct.

- 14:22:49 1 Q. 492 He became a regular with this group, this core group that met in --
- 2 A. He would have turned up on many occasions but he wasn't a regular as such.
- 3 Q. 493 All right. And but is it correct that the core group would be Mr. Ahern,
- 4 Mr. Carew, yourself and Mr. Reilly?
- 14:23:02 5 A. Of that group, yes.
- 6 Q. 494 And there might be Mr. Kett and Mr. Collins as well, is that right?
- 7 A. Absolutely.
- 8 Q. 495 And would there be more?
- 9 A. Oh, yes there would be.
- 14:23:10 10 Q. 496 Of a core group?
- 11 A. Yes on a Saturday evening you could have up to 20 people.
- 12 Q. 497 In the Beaumont House?
- 13 A. In the Beaumont House.
- 14 Q. 498 Okay. And Mr. English would attend from time to time?
- 14:23:19 15 A. Not all the time but on many occasions.
- 16 Q. 499 All right. And this was a close bunch ever friends, is that right?
- 17 A. Absolutely.
- 18 Q. 500 All right. Now, Mr. Burke, we have had evidence of a Saturday evening it seems
- 19 to be at the end of September 1994, when the get together, the social get
- 14:23:46 20 together was taking place in the Beaumont House. And Mr. Ahern was present for
- 21 a while and I think Mr. Reilly felt that perhaps shortly before lunch, closing
- 22 time he might have left. You are aware of that evidence?
- 23 A. Yes.
- 24 Q. 501 Are you in agreement with that, have you a recollection?
- 14:24:04 25 A. Absolutely. But I would have to say, Chairman, that Mr. Ahern on a regular
- 26 basis other than the month of November, would be regularly in the Beaumont
- 27 House on a Saturday evening.
- 28 Q. 502 Yes.
- 29 A. Having a drink. And there would be anything between 10, 20, 25 people around,
- 14:24:23 30 groups of people.

- 14:24:24 1 Q. 503 I see. All right. But do you remember this particular evening when?
- 2 A. No, no, no, no, no I certainly do not.
- 3 Q. 504 Excuse me. When there was a discussion?
- 4 A. I remember the discussion.
- 14:24:36 5 Q. 505 Yes.
- 6 A. If that's what you're asking me. If you're asking me do I remember the
- 7 particular weekend and what month or what date it was, I'm sorry, Chairman, I
- 8 don't.
- 9 Q. 506 Have you any way of pinpointing September 1994?
- 14:24:53 10 A. No.
- 11 Q. 507 Have you any way of pinpointing 1994?
- 12 A. Is that what you not just asked me '94?
- 13 Q. 508 No I asked you had you any way of pinpointing September 1994, Mr. Burke.
- 14 A. Oh, yes.
- 14:25:09 15 Q. 509 And you you identify 1994 as the year in which this chat in the Beaumont House?
- 16 A. Yes, yes, yes.
- 17 Q. 510 How do you do that?
- 18 A. It was around September was the time of my wife's birthday.
- 19 Q. 511 Around September?
- 14:25:21 20 A. Yes.
- 21 Q. 512 How do you know it was 1994 and not 1993 or 1995?
- 22 A. Well I would -- the particular year that it was I was actually had started
- 23 refurbing pubs and I had been buying a lot of salvage in that particular year
- 24 storing it in a warehouse.
- 14:25:38 25 Q. 513 How does that help you identify the year 1994, as the year you gave that money
- 26 to Mr. Ahern?
- 27 A. That time that I had bought and sold some salvage from the pub I had the cash.
- 28 Q. 514 Oh, yes I see. So that makes it 1994?
- 29 A. Yes.
- 14:25:50 30 Q. 515 And September because of your wife's birthday?

- 14:25:53 1 A. Yes.
- 2 Q. 516 What is it about your wife's birthday?
- 3 A. It's always at the end of September and the particular incident was whilst I
- 4 had wrote that I gave 3 and a half thousand, originally I had intended to give
- 14:26:06 5 5,000 but I had been passing by somewhere where I caught, something caught my
- 6 attention and I bought it for her birthday, so therefore I removed 1,500 from
- 7 the envelope so that kind of sort of clicks into place.
- 8 Q. 517 It sort of clicks into place does it?
- 9 A. Yes.
- 14:26:22 10 Q. 518 Your statement. 17970, please. You say in the first line "I can confirm that
- 11 I gave money to Mr. Bertie Ahern in mid 1994 or thereabouts".
- 12 A. Yes.
- 13 Q. 519 Do you regard September 1994 as mid 1994?
- 14 A. In or around about, yeah.
- 14:26:38 15 Q. 520 All right. It doesn't seem to have the kind of precision that you're giving us
- 16 at the moment which is your wife's birthday in or around September 1994,
- 17 Mr. Burke?
- 18 A. Well at the time that I, that that statement was written was in August of last
- 19 year, I think was it.
- 14:26:54 20 Q. 521 Yes.
- 21 A. And to be quite honest with you, Chairman, you know, you have to sit down and
- 22 rack the brain and work-out and try and position and try and find out the
- 23 detail. So having done all of that and knowing that I was going to be here and
- 24 be questioned as to about the money, it did come back to me that there was
- 14:27:15 25 5,000 in an envelope and I did stop and bought my wife something which cost the
- 26 money and the remainder went to it.
- 27 Q. 522 Mr. Burke, I don't follow your explanation. You said something about sitting
- 28 down and wracking your brain?
- 29 A. Yes.
- 14:27:35 30 Q. 523 Can we take it that you did that before you prepared the statement?

14:27:35 1 A. Yes.

2 Q. 524 You are a bit slow about that?

3 A. Why?

4 Q. 525 In your answer. You are a bit hesitant about agreeing that you sat down.

14:27:42 5 A. I had a think of what the question was that you were asking me.

6 Q. 526 Okay. I'll ask you the question again. Did you sit down and rack your brain

7 before coming up with the statement for the Tribunal last year?

8 A. Not to the extent that I have since I made the statement.

9 Q. 527 And how do you explain that, Mr. Burke?

14:27:57 10 A. Because I assume that when I sent in the statement, right, that it would have

11 confirmed what I had said that I had given to Mr. Ahern and I assumed that that

12 would be the end of it.

13 Q. 528 I beg your pardon?

14 A. It wasn't.

14:28:09 15 Q. 529 I don't understand you, Mr. Burke. What are you saying?

16 A. Well let me explain. The Tribunal wrote to me and asked me on the narratives

17 that they asked. I sent back a statement confirming that I had given him this

18 money.

19 Q. 530 Yes. This is this statement?

14:28:24 20 A. This statement.

21 Q. 531 Thank you.

22 A. And I assumed that was the end of it but it wasn't.

23 Q. 532 So in other words you've given more thought to the matter since writing the

24 statement because you were coming in to give evidence?

14:28:34 25 A. Correct.

26 Q. 533 Do you mean that you were taking a casual attitude to the statement, Mr. Burke?

27 A. No, I wasn't taking a casual attitude.

28 Q. 534 But it was something less than the fully comprehensive.

29 A. Absolutely. You know the situation is when I made the statement it was to the

14:28:47 30 best of my recollection at the time.

- 14:28:48 1 Q. 535 Of course.
- 2 A. And I assumed that it was dealt with.
- 3 Q. 536 And had you forgotten the significance of your wife's birthday when you made
- 4 the statement?
- 14:28:56 5 A. No, I didn't.
- 6 Q. 537 All right. Now, obviously you won't recall what chat there was in the group
- 7 when Mr. Ahern was there. I'm not interested in it, Mr. Burke. But do you
- 8 recall that on the evening when you eventually started having this discussion
- 9 about a collection for Mr. Ahern, that Mr. Ahern had been there previously
- 14:29:22 10 earlier in the evening and had left?
- 11 A. As I said, Chairman, it was seldom on a Saturday night other than the month of
- 12 November that Mr. Ahern didn't have a drink in the Beaumont House.
- 13 Q. 538 All right. And when he left, do you recall being in this core group I think
- 14 it's at one end of the counter with Mr. Carew and Mr. English and Mr. Paddy
- 14:29:51 15 Reilly?
- 16 A. Yes, I remember the discussion, yes.
- 17 Q. 539 And is it correct that there were just the four there?
- 18 A. There was, if my memory serves me correctly. What would happen, it was the end
- 19 of the bar, there was a couple of tables at the back of the lounge if you were
- 14:30:06 20 familiar with the lounge. A group of people at one table a, group of people at
- 21 another table, a group of people at the end of the bar. All associated with
- 22 Mr. Ahern.
- 23 Q. 540 I understand that, Mr. Burke, but it was quite clear from Mr. Reilly and
- 24 perhaps other that you were four people after Mr. Ahern left in a group
- 14:30:22 25 together having a chat and nobody else was party to it?
- 26 A. Correct.
- 27 Q. 541 Mr. Collins, Tim Collins and Mr. Tony Kett were missing that night, is that
- 28 right?
- 29 A. I can't be sure. They might have been there they might have been at another
- 14:30:33 30 table.

- 14:30:34 1 Q. 542 All right. And why do you think in your statement you didn't tell us that  
2 Mr. English and Mr. Reilly were there in this group when you were having this  
3 chat?  
4 A. I don't quite understand that.
- 14:30:49 5 Q. 543 If you go to paragraph one, two, three, four. Four -- the middle of it.  
6 A. Yeah.
- 7 Q. 544 "I also remember that Dermot Carew was present and if was agreed that those  
8 willing to contribute would give the money to him" so you remember in your  
9 statement Mr. Carew but you don't say anything about Mr. Reilly and  
10 Mr. English. Why is that?  
11 A. I'd no reason.
- 12 Q. 545 Is that something that you've recalled since the statement?  
13 A. No!
- 14 Q. 546 You so you remembered it at the time but you didn't put it into the statement?  
14:31:17 15 A. Correct.
- 16 Q. 547 Is there any reason for that?  
17 A. None whatsoever.
- 18 Q. 548 All right. Now, Mr. Reilly said that Mr. Carew, he recalls that Mr. Carew was  
19 the person who raised sympathetically, the question of Mr. Ahern's  
14:31:33 20 accommodation, would that accord with your recollection?  
21 A. I'm not sure who raised it but it was raised.
- 22 Q. 549 It was raised. And Mr.-- and that Mr. Carew was the person who suggested that  
23 a collection might be made to go towards finance for whether it's for the  
24 deposit or towards the house. Do you recall that?  
14:31:56 25 A. Yes.
- 26 Q. 550 Yes.  
27 A. Vaguely.
- 28 Q. 551 Do you recall who suggested the collection?  
29 A. I think it was Mr. Carew. I'm almost sure it was Mr. Carew.
- 14:32:21 30 Q. 552 All right. Now, this was the first time, isn't that right, that this was

14:32:22 1 suggested in this close group, that you would make a collection for Mr. Ahern,  
2 isn't that right?  
3 A. Correct.  
4 Q. 553 And Mr. Ahern had been out of his home since 1987, isn't that right, Mr. Burke?  
14:32:33 5 A. Yes.  
6 Q. 554 Is there any particular reason that at this that this suggestion came up as a  
7 suggestion at this particular friendly gathering in perhaps the end of  
8 September 1994, in the Beaumont House?  
9 A. Well the leader and the former leader had stepped down and Mr. Haughey and it  
14:32:53 10 was considered that Mr. Ahern actually might run for the leadership.  
11 Q. 555 When are we talking about?  
12 A. Sorry.  
13 Q. 556 When are we talking about?  
14 A. I think it's '92, is it?  
14:33:02 15  
16 CHAIRMAN: Uh-huh  
17 A. If my memory serves me correctly and Mr. Reynolds took over. And at that time,  
18 it was reported in the press that some of his cabinet colleagues referred to  
19 him as the rat in the anorak and others said it would be nice to know where the  
14:33:20 20 Taoiseach would live.  
21 Q. 557 MR. MURPHY: Yes  
22 A. And for that purpose really, we thought at the time and I make no apologies,  
23 that it would be better that if he had a residence of his own.  
24 Q. 558 All Right. Now, sorry, when was that change in leadership from Mr. Haughey to  
14:33:35 25 Reynolds 1992?  
26 A. I can't remember the month.  
27 Q. 559 First half or second half of the year?  
28 A. I think it was the first half.  
29 Q. 560 All right.  
14:33:42 30 A. Uh-huh.

- 14:33:43 1 Q. 561 And so and this was going, this was in the media and presumably was in  
2 political circles?  
3 A. Correct.  
4 Q. 562 As an attack on Mr. Ahern, is that right?  
14:33:53 5 A. That's right.  
6 Q. 563 Which you didn't like Mr. Burke, I imagine, is that right?  
7 A. Sorry?  
8 Q. 564 His supporters didn't like this attack, did they?  
9 A. No.  
14:34:00 10 Q. 565 You didn't like it?  
11 A. Certainly not.  
12 Q. 566 Were you keen then that Mr. Ahern would actually have a house for himself?  
13 A. I think all his friends would have been keen, yes.  
14 Q. 567 Yes. And why did it take you until take you until two and a half years, until  
14:34:15 15 this chat in September 1994, for Mr. Carew to suggest a financial collection  
16 for Mr. Ahern?  
17 A. Who knows why sequence of events happen at certain times.  
18 Q. 568 Exactly. And Mr. Ahern of course had accommodation in St. Luke's, isn't that  
19 right?  
14:34:31 20 A. He had an apartment there was a small one bedroom apartment overhead, yes.  
21 Q. 569 That is where he was living?  
22 A. And with me at times.  
23 Q. 570 Yeah, well how often was he living with you, Mr. Burke?  
24 A. Quite often.  
14:34:44 25 Q. 571 Tell us now.  
26 A. Well I remember --  
27 Q. 572 Say in the year of this?  
28 A. I remember 1992.  
29 Q. 573 Uh-huh.  
14:34:51 30 A. During the leadership he used to live with me for almost three weeks.

- 14:34:55 1 Q. 574 When was the apartment in St. Luke's refurbished, Mr. Burke?
- 2 A. I can't actually remember.
- 3 Q. 575 Was it 1992?
- 4 A. I don't think so, no.
- 14:35:05 5 Q. 576 You are the trustee?
- 6 A. Yeah.
- 7 Q. 577 Yes.
- 8 A. Had I been known I was going to be asked that question I would have checked it.
- 9 Q. 578 I see. Big work was done on St. Luke's?
- 14:35:16 10 A. It wasn't big work.
- 11 Q. 579 Was it not. In relation to the apartment, did you make ensure that your, then
- 12 what, Minister for Finance and your constituency person politician and so on
- 13 had proper accommodation in St. Luke's?
- 14 A. And the point being?
- 14:35:32 15 Q. 580 It's not a point, it's a question.
- 16 A. What is your question?
- 17 Q. 581 When St. Luke's and when the apartment was being renovated in. You agree with
- 18 in a, that was done, wasn't it?
- 19 A. It was.
- 14:35:42 20 Q. 582 I am suggesting to you that it was 1992?
- 21 A. I'm not sure, I would have to check.
- 22 Q. 583 Can we take it that Mr. Ahern. I'm not saying it was the Alesai Palace but can
- 23 we take it that it was adequate accommodation once it had been renovated?
- 24 A. Well you know some parts of the world people live in sheds and containers.
- 14:36:02 25 Q. 584 Yes.
- 26 A. Who deem to be adequate living accommodation.
- 27 Q. 585 All right. There was no need for Mr. Ahern to reside with you at any time
- 28 isn't that right, Mr. Burke? St. Luke's was the place where he was living?
- 29 A. There was times that you he live in the St. Luke's and there was times that I
- 14:36:17 30 repeat again he lived with me, and my family.

14:36:20 1 Q. 586 All right. Why did it take from the first half of 1992 to -- sorry you've  
2 answered that question. Now, when Mr. Carew suggested this, this evening, this  
3 particular Saturday evening, Mr. Burke, what was your response?  
4 A. More than happy to go along with it.

14:36:39 5 Q. 587 You conveyed that immediately?  
6 A. Absolutely.  
7 Q. 588 What about Mr. English?  
8 A. Oh, I didn't, I didn't know that he raised any problems, I think he was quite  
9 happy to go along with it as well.

14:36:50 10 Q. 589 Do you remember what his response was there, you had introduced him to the  
11 group?  
12 A. No, I don't remember his response.

13 Q. 590 You don't remember his response?  
14 A. Not 100 per cent. I remember that he would have agreed to contribute but as to  
14:37:06 15 what exact words were, I don't remember.  
16 Q. 591 But you are happy that he would have agreed to it?  
17 A. Oh, absolutely.  
18 Q. 592 What was he doing contributing to that, Mr. Burke, may I ask when this is a  
19 very close knit group that has gone back decades?  
14:37:14 20 A. With respect, Chairman, I think you should have asked that of Mr. English  
21 yesterday.  
22 Q. 593 All right.  
23 A. I can't answer for him.  
24

14:37:18 25 JUDGE KEYS: He was asked.  
26  
27 CHAIRMAN: He was asked. But I suppose perhaps a better way of putting the  
28 question. Did you think it odd or peculiar that Mr. English --  
29 A. Sorry, Chairman, I can't hear you.  
14:37:29 30

14:37:29 1 CHAIRMAN: Did you think it odd or unusual at that time given the fact that  
2 Mr. English was, if you like, a newcomer in to this group that he would be  
3 asked to contribute?  
4 A. No.

14:37:44 5  
6 CHAIRMAN: Because the rest of you were?  
7 A. I don't actually think that anybody was individually asked. The discussion  
8 took place about the house and the general discussion was that, you know, a few  
9 bob should be got to assist him and everybody agreed. Yes, it should happen.

14:38:04 10 There was nobody asked for a certain figure and nobody questioned as to who was  
11 giving what.  
12 Q. 594 MR. MURPHY: I understand.  
13 A. Does that answer the question?  
14 Q. 595 It does. And Mr.-- yes I understand that. It was a suggestion -- it was Mr.  
14:38:14 15 Carew had out thrown and yes Mr. Carew was throwing out this suggestion to this  
16 small group, perhaps a financial contribution from Mr. Ahern right? Okay.  
17 What was Mr. Reilly's response do you recall?  
18 A. No but I assumed that he went with it.  
19 Q. 596 Is it fair?  
14:38:32 20 A. Mr. Chairman, I think I should actually point out, you know, this is almost  
21 closing time on a Saturday night where none of us were driving and you will  
22 appreciate that there was a certain amount of alcohol consumed and it's the  
23 best of things to remember the following day after you've had a few glasses of  
24 wine or pints or whatever.

14:38:50 25  
26 CHAIRMAN: There is no difficulty, Mr. Burke, if you don't have a recollection  
27 of it a particular issue asked by Mr. Murphy.  
28 A. I want to be helpful, Mr. Chairman. To be asking me in minute detail of what  
29 the discussion was 15 years ago.

14:39:05 30

14:39:05 1 CHAIRMAN: Well if you don't have an answer to a particular question because  
2 of lack of memory, you are perfectly free to say that.

3 A. Thank you, Chairman.

4 Q. 597 MR. MURPHY: Is it fair to say, Mr. Burke, that when Mr. Carew suggested this,  
14:39:18 5 this was an enthusiastic response from the three of you?

6 A. Yes. Absolutely. Yes.

7 Q. 598 And when you left that evening did you understand, you'd made up your own mind  
8 you were going to contribute, is that right?

9 A. Yes.

14:39:30 10 Q. 599 And did you understand that the other two with you were going to contribute?

11 A. No. How would I?

12 Q. 600 Oh, sorry I assumed?

13 A. How would I.

14 Q. 601 Because I assumed from an enthusiastic response?

14:39:39 15 A. The question was when I left that evening.

16 Q. 602 Yeah.

17 A. Did I firmly make up my mind to contribute. The answer is yes. Did I know  
18 that evening when I left that the other people were had made up their mind to  
19 contribute? How could I?

14:39:50 20 Q. 603 Oh, I see. So you didn't know if any of the other three were going to  
21 contribute?

22 A. Just go back again: At the discussion at the end of the bar we all agreed to  
23 contribute. That's what I have already said.

24 Q. 604 That's all I mean.

14:40:05 25 A. So I mean you can ask me the questions in ten different ways you will still get  
26 the same answer.

27 Q. 605 Mr. Burke, you understood as you left each of the four of you was making a  
28 contribution?

29 A. Correct. The question that you did ask me was had I firmly made up my mind  
14:40:21 30 when I left to contribute and the answer is yes. You then asked me had I

14:40:24 1 firmly believed that the other people were going to contribute.  
2  
3 CHAIRMAN: No. I think you were asked did you understand that the other two  
4 with you were going to contribute.

14:40:31 5 Q. 606 Was that your understanding as I understand?  
6 A. It that was the understanding, Chairman, of the meeting. That's as we said  
7 three or four times.  
8  
9 CHAIRMAN: So when you left you would have assumed without knowing definitely?

14:40:44 10 A. Correct, Chairman.  
11  
12 CHAIRMAN: That the others were going to contribute. Put it another way. You  
13 would have been surprised to find out if they hadn't?  
14 A. Correct, Chairman.

14:40:52 15  
16 Q. 607 MR. MURPHY: So, Mr. Burke, just given this kind of understanding that you had  
17 at the time and collecting money from Mr. Ahern, did it occur to you or did  
18 anybody raise the names of for example Mr. Kett and Mr. Collins who were  
19 regulars in this group and just happened to be missing this evening, this  
14:41:10 20 particular evening that they might be contacted as well?  
21 A. No.

22 Q. 608 It was going to be kept to this four and whoever wanted to contribute among the  
23 four?  
24 A. Correct.

14:41:19 25 Q. 609 Any reason?  
26 A. None whatsoever.

27 Q. 610 All right. Could you please tell me what the rest of the discussion about this  
28 topic was before presumably you got back to just ordinary Saturday night chat?  
29 A. I have just told you.

14:41:34 30 Q. 611 Is that all?

14:41:35 1 A. That's all.

2 Q. 612 So Mr. Carew raises the question of his accommodation?

3 A. We agreed that we would make a contribution and we put would put a few bob in

4 the kitty.

14:41:46 5 Q. 613 All right?

6 A. And I think if we remember correctly that Dermot would put the money together

7 and he would pass it on.

8 Q. 614 Right.

9 A. And then we probably went back talking about something else.

14:41:56 10 Q. 615 All right. That was it that was the extent of?

11 A. It that was it.

12 Q. 616 All right. Did you for example I mean this was go, this was collected with the

13 idea of a house, isn't that right?

14 A. Correct.

14:42:05 15 Q. 617 Sole purpose of collection?

16 A. Sorry.

17 Q. 618 Sole purpose of collection?

18 A. Yes, the idea of the collection was that he would actually get a house, yeah.

19 Q. 619 Yes. And I mean, did you for example have a brief chat about where he might

14:42:25 20 like to live, what it might cost, what would be needed what your contribution

21 might be?

22 A. No.

23 Q. 620 No?

24 A. None whatsoever.

14:42:32 25 Q. 621 That isn't something that would have occurred?

26 A. Sorry Chairman four lads in a pub on a Saturday night we're not actually going

27 to be running the world.

28

29 CHAIRMAN: No. But I think what Mr. Murphy is asking you.

14:42:43 30 A. I understand, Chairman, what Mr. Murphy is asking me. No, there was no

14:42:48 1 discussion as to where the house should be located, whether it should be a one  
2 bed roomed apartment, a mansion.  
3  
4 CHAIRMAN: But did you have some idea in your own mind?

14:42:55 5 A. No.  
6  
7 CHAIRMAN: Was it was discussed as to what sort of money might be needed?  
8 A. The money was discussed and would be given and it was up to him to find the  
9 house. There was no conditions on it.

14:43:06 10 Q. 622 MR. MURPHY: To no target figure?  
11 A. No target, no conditions.  
12 Q. 623 We're not talking about conditions yet. No target figure?  
13 A. No.  
14 Q. 624 All right. What about individual amounts. There you are the four of you.  
15 It's a great suggestion. You are welcoming it and I would suggest to you the  
16 obvious follow on from that would be what should the amount be and perhaps  
17 agreeing the same amount for each of you. What chat about that took place?  
18 A. None.  
19 Q. 625 None at all?

14:43:33 20 A. None at all.  
21 Q. 626 Nobody suggested a figure?  
22 A. No, no.  
23 Q. 627 There was Mr. English who had joined the group in the recent months and was by  
24 means as close to Mr. Ahern as the rest of you and he was left pondering for  
14:43:46 25 himself what he might?  
26 A. As it turned out he was the most generous.  
27 Q. 628 And how do you explain that Mr?  
28 A. I don't explain it.  
29 Q. 629 Right. But this is your evidence to the Tribunal that there was no chat among  
14:43:58 30 the four of you about whether you would give hundreds or thousands each or

14:44:02 1 what?

2 A. None that I have any recollection of it.

3 Q. 630 All right. And whether it was a loan or a gift?

4 A. Well I never intended giving it to him as a loan. But I understood from Dermot

14:44:17 5 Ahern (sic) having talked to me making giving passing it on to Mr. Ahern and

6 Mr. Ahern says the only conditions that he would take it on was a loan.

7 Q. 631 All right.

8 A. And I said fine all right no problem, don't worry about it.

9 Q. 632 All right.

14:44:38 10

11 CHAIRMAN: I presume you mean Dermot Carew.

12 A. What?

13

14 CHAIRMAN: You said Dermot Ahern.

14:44:43 15 A. No Dermot Carew. We have enough Aherns in trouble without getting the poor out

16 Minister for Foreign affairs in trouble.

17 Q. 633 MR. MURPHY: Did you have any other chat then before you went back to the

18 affairs of the world?

19 A. I'm sure we did

14:44:58 20 Q. 634 No, no, sorry about this. Have we covered everything that you recall you?

21 A. On the night in question?

22 Q. 635 I see?

23 A. As to when the discussion.

24 Q. 636 That's this night?

14:45:07 25 A. Yes as far as I'm aware, unless you can actually come up with something that

26 jobs my memory.

27 Q. 637 Well I will but can you jog it yourself, Mr. Burke?

28 A. No.

29 Q. 638 You think you've given us the total?

14:45:18 30 A. I think so, yeah.

- 14:45:18 1 Q. 639 All right. Were you going to pay by cheque?
- 2 A. Sorry.
- 3 Q. 640 Were you going to pay by cheque?
- 4 A. No, never entered my head.
- 14:45:27 5 Q. 641 How were you going to pay?
- 6 A. I told you, I was in the pub refurbishing where I was buying and selling
- 7 memorabilia and salvage.
- 8 Q. 642 Yes. So it was convenient -- You had cash available to you, is that right?
- 9 A. Yes.
- 14:45:40 10 Q. 643 So it was convenient for you?
- 11 A. Yes.
- 12 Q. 644 Is that why you were going to give cash?
- 13 A. Yes.
- 14 Q. 645 All right. Could you look at your statement again for a second please
- 14:45:47 15 paragraph one, two, three, four, five "I subsequently gave 3,500 or thereabouts
- 16 in cash to Mr. Dermot Carew for Mr. Ahern. I know Dermot gave money himself
- 17 and so did other friends. It had been agreed that we would give the money in
- 18 cash because we believed that if we wrote a cheque Mr. Ahern would not cash
- 19 it".
- 14:46:16 20
- 21 Now, can you just explain how that is in your statement and you weren't able to
- 22 say that two seconds ago to the Tribunal?
- 23 A. Well sure I mean if you had read my statement you wouldn't have had to ask me
- 24 the question you would have had the answer there.
- 14:46:19 25
- 26 CHAIRMAN: Mr. Burke, we've got a slightly different answer from you, a few
- 27 minutes ago to the effect, the reason you used cash was because you had it
- 28 available to you. In your statement you say that it was agreed that between
- 29 you that and there is nothing wrong about so agreeing. But that it was agreed
- 14:46:37 30 between you that it would be paid in cash. So we are just wondering which is

- 14:46:43 1 correct; did you pay cash simply because it suited you?
- 2 A. I paid cash because it suited me, Chairman, yeah.
- 3
- 4 CHAIRMAN: So it wasn't because it had been agreed?
- 14:46:52 5 A. No, I don't remember anybody agreeing.
- 6
- 7 CHAIRMAN: But your statement says that it had been agreed that the money
- 8 would be given in cash because you felt that or because it was believed that a
- 9 cheque would be --
- 14:47:06 10 A. Yeah, well I mean.
- 11
- 12 CHAIRMAN: Rejected or torn up?
- 13 A. It may have been mentioned, Chairman, at the time. But I remember that I
- 14 specifically as I said had 5,000 in an envelope and I took and some money out
- 14:47:18 15 of it and I passed on the rest.
- 16
- 17 Q. 646 MR. MURPHY: A few moments ago in relation to the date identifying when this
- 18 meeting happened we had the situation, Mr. Burke, where your statement didn't
- 19 have the precise information because you have given it more thought in
- 14:47:37 20 preparation for evidence. Now we have your statement giving information that
- 21 you don't give in evidence. Can you account for those discrepancies?
- 22 A. No. But at the same time I don't think it's the end of the world as the
- 23 Chairman said.
- 24 Q. 647 Now as you left. As you parted company the four of you that evening what was
- 14:47:55 25 your understanding, Mr. Burke, of the arrangement from the point of view of
- 26 giving the money to Mr. Carew for Mr. Ahern?
- 27 A. I think that the arrangement was that Mr. Carew, anybody that was going to
- 28 contribute or since Dermot Carew had raised the making the contributions, that
- 29 the contributions would be passed on to him to pass on to Mr. Ahern.
- 14:48:15 30 Q. 648 All right. And when did you pass it on to Mr. Carew?

14:48:18 1 A. I would say maybe it was within a week or a month. I can't be exactly precise.

2 Q. 649 Where?

3 A. I am sure I would have given it to him in his pub.

4 Q. 650 You are sure what?

14:48:35 5 A. I would have given it to him in his pub.

6 Q. 651 I see. All right. Well anyway before you come to giving it to him. When did

7 you decide how much?

8 A. I don't remember, I have to say.

9 Q. 652 How did you come to that decision?

14:48:49 10 A. Because as I already told you, I had an envelope at home in my safe which had

11 contained 5,000 and that's what I originally intended to give.

12 Q. 653 Sorry. You actually had an envelope that had the sum of 5,000 in it and then

13 you used some of that towards a present for your wife, is that right?

14 A. Correct.

14:49:07 15 Q. 654 Okay. How was there a sum of 5,000 did you say in a safe?

16 A. In a safe, yes.

17 Q. 655 How was the sum of 5,000 just in an envelope in a safe?

18 A. I told you that I was pub refurbishing where I was buying and selling pub

19 memorabilia and salvage.

14:49:21 20 Q. 656 All right.

21 A. There might have been 5 or 600 in my pocket.

22 Q. 657 Of course, yes.

23 A. So --

24 Q. 658 You kept money at home?

14:49:27 25 A. I did, yes.

26 Q. 659 Always?

27 A. Always.

28 Q. 660 And would it have ranged even higher than 5,000?

29 A. It might have done, yes.

14:49:34 30 Q. 661 Yes. All right. No. You had no difficulty in accessing cash?

14:49:40 1 A. Well I wouldn't agree with that statement no difficulty to access in cash but  
2 there was times that I had cash and times that I didn't have cash.

3 Q. 662 All right. How serious an amount of money was 3,500 to you in 1994, Mr. Burke?  
4 Did you regard that as a lot and a financial sacrifice or was it peanuts?

14:49:59 5 A. At the time he was a personal friend of mine and I didn't look upon it as a  
6 serious amount.

7 Q. 663 All right. And all right. But sorry I just want to ask you, how did you  
8 decide on the amount? You have reminded me that it was 5,000 originally but  
9 somewhere along the line you must have said to yourself it will be 5,000?

14:50:23 10 A. I just said that there was 5,000 in an envelope in my safe.

11 Q. 664 Yes.

12 A. And that was what I was prepared to give him that was in that envelope.

13 Q. 665 All right. Did you discuss it with Mr. English who also gave 5,000?  
14 A. No.

14:50:35 15 Q. 666 You didn't. Did he look to you for guidance?  
16 A. Sorry, Chairman. I have answered this question already.

17 Q. 667 Yes.

18 A. I did not discuss with Mr. English, Mr. Reilly or Mr. Carew as to what amounts  
19 they were going to contribute or what amount they should contribute.

14:50:49 20 Q. 668 All right.  
21 A. I have already answered that.

22 Q. 669 All right. So on your own you decided on the 5,000 cash that was in the  
23 envelope?  
24 A. Correct, yes.

14:51:00 25 Q. 670 All right. And then you decided -- anyway for the reason that you've stated  
26 that became 3,500, isn't that right? And can you as best you can, can you tell  
27 the Tribunal your recollection of meeting up with Mr. Carew again and handing  
28 him this envelope with 3,500 in it?  
29 A. As I said, I would have probably have given it to him in the pub. Mr. Carew  
14:51:43 30 was a client of mine, we used to do work for him in his pub.

14:51:46 1 Q. 671 Yes.

2 A. Different refurbishings and different, so I used to have lunch there on a

3 regular basis. I would go in for a pint or a sandwich in the evening on a

4 regular basis.

14:51:57 5 Q. 672 And Saturday nights.

6 A. Yes, going to Mass on a Sunday. Like going to Mass on a Sunday.

7 Q. 673 I see. But you did say it might be a week later it might have been a month

8 later?

9 A. Yes.

14:52:07 10 Q. 674 Now, and as far as I gather, I think this chat that you'd had in the Beaufield

11 in the Beaumont House on this particular evening, was late September after the

12 All-Irelands would you agree with that, does that --

13 A. I'm not sure.

14 Q. 675 Well your wife's birthday though?

14:52:28 15 A. My wife's birthday is the 28th of September, yes in or around time, yes.

16 Q. 676 All right. So does that mean it must have been before that?

17 A. It could have been before. I would say it was slightly after that, yeah.

18 Q. 677 Yes.

19 A. That I gave him the money.

14:52:46 20 Q. 678 And what about the meeting in the Beaufield, in the Beaumont?

21 A. What meeting?

22 Q. 679 Do you not know what I'm referring to?

23 A. No. Is this the meeting where I gave Mr. Carew the money?

24 Q. 680 No the meeting where you had the discussion?

14:52:59 25 A. Yes.

26 Q. 681 Was that before or after your wife's birthday?

27 A. I think it might have been before it.

28 Q. 682 Pardon.

29 A. I think it may have been before it.

14:53:06 30 Q. 683 And why do you think that?

14:53:09 1 A. Because having taken the money out of the envelope that I was prepared to give  
2 to buy her birthday present, it wouldn't have been after now would it?  
3 Q. 684 All right. So before the, before her birthday on the 28th of September?  
4 A. Yes. Chairman, these are to the best of my recollection.

14:53:26 5  
6 CHAIRMAN: That's fine. Do you have any, Mr. Burke, do you physically or do  
7 you recall physically handing over the money to Mr. Carew? I know you say that  
8 --  
9 A. I do.

14:53:37 10  
11 CHAIRMAN: You think it was around?  
12 A. I remember going down to the bar and taking the money in an envelope out of my  
13 pocket.  
14

14:53:44 15 CHAIRMAN: And you think that was a week?  
16 A. Whether it was a Saturday or Thursday or Sunday or Friday.  
17

18 CHAIRMAN: You think that was a week or so after the discussion?  
19 A. Possibly, yes.

14:53:52 20  
21 CHAIRMAN: Well could you just tell us what you recall about actually handing  
22 it over to Mr. Carew?  
23 A. I remember going in to his pub and having a cup or tea or sandwich with him or  
24 a pint and saying by the way that's what we discussed recently, will you see  
14:54:11 25 that he gets it.  
26  
27 CHAIRMAN: All right. And it was in an envelope.  
28 A. It was in an envelope. To the best of my memory, recollection it was in 50s  
29 and 20s.  
14:54:22 30 Q. 685 MR. MURPHY: In?

14:54:23 1 A. 50s and 20s.

2 Q. 686 All right. Any others of the group there at the time?

3 A. No.

4 Q. 687 Just yourself and Mr. Carew?

14:54:29 5 A. Just myself, yeah.

6 Q. 688 And just going back to the time, do you think it could have, you say possibly

7 within the following week. You did say earlier it could have been a month?

8 A. Exactly.

9 Q. 689 It could have been?

14:54:39 10 A. Yeah.

11 Q. 690 You don't recall that when you had this chat and then your wife's birthday and

12 5,000 becoming 3,500 and then you got back to Mr. Carew quickly?

13 A. I don't recall the precise day or the precise hour if that's what you're asking

14 me.

14:54:52 15 Q. 691 It could have been up to a month later?

16 A. I don't think it would have been a month later. I'm not sure.

17 Q. 692 And was your name on the envelope?

18 A. Why would my name be on the envelope?

19 Q. 693 The question was; was your name on the envelope?

14:55:11 20 A. Why would it be on an envelope?

21

22 CHAIRMAN: Just it was or it wasn't?

23 A. It wasn't but I can't understand why my name would be on an envelope.

24 Q. 694 MR. MURPHY: Was the amount on the envelope?

14:55:20 25 A. No.

26 Q. 695 Did you tell Mr. Carew what you were giving?

27 A. Yes, I think so.

28 Q. 696 What did he do with it?

29 A. He went behind the bar with it. After that, I couldn't tell you what he done

14:55:40 30 with it.

14:55:41 1 Q. 697 Did you stay on and have a pint?  
2 A. I did. As far as I know, yeah. He came back to me. Went in through one of  
3 the doors of the bar and after a while he came back.  
4 Q. 698 Did he say anything about the collection going well?  
14:55:53 5 A. No, we talked about something else.  
6 Q. 699 He just received the envelope from you?  
7 A. Yeah.  
8 Q. 700 You think you told him how much was in it?  
9 A. I think so, yes.  
14:56:08 10 Q. 701 Did Mr. Carew report back to you personally or to you in the company of your  
11 group about handing it over to Mr. Ahern?  
12 A. I'm almost sure that I might have been in the pub the night he handed it over.  
13 Q. 702 Right. Well could you tell us about that?  
14 A. Well I am, I think it might have been a Saturday night or Saturday evening  
14:56:37 15 before he left. As I said already, we would be in different groups different  
16 tables.  
17 Q. 703 Yes. All right. But sorry -- can you just tell us as much as you know, as you  
18 recall about Mr. Carew handing over the 16,500 to Mr. Ahern?  
19 A. Well I don't recall that he handed over 16,500.  
14:57:02 20 Q. 704 No.  
21 A. I remember that he told me that he had given the money that was collected.  
22 Q. 705 That evening?  
23 A. Whatever it was.  
24 Q. 706 That particular evening?  
14:57:09 25 A. Whatever it was.  
26 Q. 707 So sorry. Are you recalling another Saturday evening in the Beaumont House  
27 when the group assembled and there were others there and Mr. Carew tells you  
28 that earlier in the evening he had given the money to Mr. Ahern?  
29 A. It was the most common night that Mr. Ahern would be in the Beaumont House was  
14:57:27 30 a Saturday night.

- 14:57:28 1 Q. 708 And do you think Mr. Reilly and Mr. English were there with you that night?
- 2 A. I couldn't be sure.
- 3 Q. 709 Yes.
- 4 A. There would be 20, 25 people.
- 14:57:37 5 Q. 710 Did you witness. You didn't witness the handing over?
- 6 A. No.
- 7 Q. 711 All right. Mr. Carew gave evidence, Mr. Burke, that he went over to, I think
- 8 that it was a weekend night I think and I don't think the group were there.
- 9 Mr. Ahern was there and Mr. Carew came over to Mr. Ahern and gave him a folder
- 14:58:24 10 which wouldn't have been visible because Mr. Ahern put it under his coat and
- 11 they were later joined by Mr. Kett?
- 12 A. Uh-huh.
- 13 Q. 712 Yes.
- 14 A. Most of the time that Mr. Ahern because I lived locally to the Beaumont House.
- 14:58:38 15 Q. 713 Most of the time that what?
- 16 A. Mr. Ahern when he would be in the Beaumont House, I would normally be there
- 17 anyway.
- 18 Q. 714 All right. Mr. Carew didn't mention you being there on the occasion of the
- 19 hand over?
- 14:58:50 20 A. So?
- 21 Q. 715 Well would you not think it would be a bit unusual that he wouldn't mention
- 22 that? He does mention Mr. Ahern being there and he does mention Mr. Kett
- 23 coming in?
- 24 A. I don't see what's odd about that.
- 14:59:06 25 Q. 716 Well if you are a co-contributor Mr. Carew would know whether you were there
- 26 when he was giving the money to a Mr. Ahern, wouldn't he?
- 27 A. I assume that if his memory was good he would, yeah.
- 28 Q. 717 Anyway your recollection is that you were there?
- 29 A. No, no, no I said it's possible that I was there.
- 14:59:23 30 Q. 718 It's possible.

- 14:59:24 1 A. Oh, I didn't say that I was there.
- 2 Q. 719 And it's possible that on a particular evening in the pub Mr. Carew said to you
- 3 that earlier I gave the money to Mr. Ahern?
- 4 A. Yeah.
- 14:59:33 5 Q. 720 I see. So he may never have said any such thing to you?
- 6 A. Sorry.
- 7 Q. 721 He may never have said any such thing to you, is that right?
- 8 A. Correct.
- 9 Q. 722 All right. Now, what did you, when Mr. Carew came to you that evening what did
- 14:59:50 10 he say to you about giving the money to Mr. Ahern?
- 11 A. Which evening?
- 12 Q. 723 The evening when Mr. Carew?
- 13 A. Told me in a he had given the money to Ahern.
- 14 Q. 724 Yes. Which is the evening that he gave it to Mr. Ahern you believe?
- 15:00:02 15 A. Well whether it was that evening or another evening. Some of the conversation
- 16 that he did say that he had passed on the money to Mr. Ahern.
- 17 Q. 725 All right. What else did he say?
- 18 A. I don't remember. I think he said that he was a bit taken aback about it. So
- 19 what, don't worry about it.
- 15:00:19 20 Q. 726 All right. And did he say anything about it being received as a loan?
- 21 A. I have no recollection of him saying that but I, some time later Mr. Ahern told
- 22 me that he was, he thanked me for it and said that he had taken it on the
- 23 condition that it was a loan.
- 24 Q. 727 He had what?
- 15:00:40 25 A. He had taken it on condition that it was a loan.
- 26 Q. 728 All right. Do you know where you were when Mr. Ahern acknowledged this?
- 27 A. No.
- 28 Q. 729 No recollection?
- 29 A. None whatsoever.
- 15:00:49 30 Q. 730 St. Luke's?

15:00:49 1 A. I could have been driving in his car somewhere.

2 Q. 731 Beaumont?

3 A. It could have been Fagans.

4 Q. 732 Fagans?

15:00:56 5 A. It could have been in the palace. I could have been even driving in his car

6 with him.

7 Q. 733 Yes. You have no recollection of where you were when Mr. Ahern told you this?

8 A. No.

9 Q. 734 And what did he say to you? It's kind of a big moment isn't it? Your close

15:01:08 10 fiend --

11 A. It's not a big moment. What's big about it? If you can explain what's big

12 about it?

13 Q. 735 Did you at any stage know how much had been given to Mr. Ahern?

14 A. No.

15:01:21 15 Q. 736 So all you knew was that you had contributed 3,500?

16 A. Correct. And the other people had contributed?

17 Q. 737 Did you understand that each of the other three had contributed?

18 A. Yes.

19 Q. 738 All right. So anyway it was something in excess of 3,500 and it was a rather

15:01:43 20 nice gesture to your friend, is isn't that right?

21 A. Absolutely. By the way, if the same occasion arose today, Chairman, I'd do the

22 same thing. I didn't give the Minister for Finance, I didn't give a

23 politician, I gave a personal friend of long-standing.

24 Q. 739 Yes. And did Mr. Ahern say to you when he was acknowledging this there was

15:01:56 25 absolutely no need for it Joe because actually I've got plenty of money to I'm

26 well able to afford the deposit on a house?

27 A. Why would he say that having accepted it?

28

29 CHAIRMAN: Well, Mr. Burke, it's something that some people might say that

15:02:24 30 having been the recipient of a very generous gesture towards a deposit on a

15:02:31 1 house or whatever. Some people might respond and say well I didn't, I don't  
2 need it or I didn't need it or I have the wherewithal or I don't need it for  
3 that purpose but I'll keep it for some other purpose, words to that effect. I  
4 mean, I know you did it as a gesture of generosity to a close friend but at the  
15:02:58 5 same time, it was a significant incident.

6 A. I will correct you, Chairman. Not a close friend. A personal friend of  
7 long-standing. And he didn't have to explain to me or thank me for my  
8 generosity.

15:03:09 10 CHAIRMAN: No but Mr. Murphy is just asking you did, did Mr. Ahern indicate to  
11 you that perhaps this was more than he needed or that he didn't need it or  
12 words to that effect?

13 A. It was, see as I said earlier, Chairman, it was given to him in the hope that  
14 it would go towards the purchasing of a house.

15:03:35 15  
16 CHAIRMAN: Okay.

17  
18 Q. 740 MR. MURPHY: Now, we know that in 2006 it was repaid, Mr. Burke, isn't that  
19 right?

15:03:44 20 A. Yes.

21 Q. 741 Was the money presented to you any time between 1994 and 2006 in cash or cheque  
22 or a bank draft or anything like that?

23 A. No.

24 Q. 742 No. Could you just give us, not looking for individual occasions, but the gist  
15:04:02 25 of conversation between you and Mr. Ahern, whether just the two of you or in  
26 your group over those 12 years in relation to this? In relation to this gift  
27 that you were giving and was being received as a loan, did Mr. Ahern ever or  
28 from time to time say I must repay that or what conversation came up about it?

29 A. On two occasions, one was at the races when I think he won a few bob. I can't  
15:04:39 30 remember where the other occasion was, right? But I think something at the

15:04:44 1 races I think he said to the effect if I have a few more good days like this  
2 I'll be able to pay you guys back.

3 Q. 743 Yes.

4 A. He did mention on another occasion.

15:04:56 5 Q. 744 Yes.

6 A. And I think that the final time that he mentioned it to me was when he was  
7 sorting out something else and he said that when I, I'm going to sort this  
8 thing out and get it paid back to you guys, right.

9 Q. 745 Yes.

15:05:11 10 A. And I said listen, you know, we're mates for almost 40 years.

11 Q. 746 Yes.

12 A. Forget about it and we'll have a hooley when you step down.

13 Q. 747 Yes. And you?

14 A. And at that stage I told him I didn't want to hear any more talk about it.

15:05:25 15 Q. 748 All right. What year was that?

16 A. '97/'98 after he became Taoiseach.

17 Q. 749 All right?

18 A. I think.

19 Q. 750 And you guys continued to meet, say, I'll leave Mr. Ahern out of the equation  
15:05:40 20 for a second but Mr. Carew, Mr. English, yourself and Mr. Reilly, isn't that  
21 right?

22 A. Continued to meet in relation to?

23 Q. 751 Socially?

24 A. Oh, yes absolutely. Still do.

15:05:51 25 Q. 752 In the pubs?

26 A. Still do.

27 Q. 753 Socially and in St. Luke's and elsewhere?

28 A. Yes.

29 Q. 754 All right. But you continued to meet. You know, you don't know how much the  
15:06:00 30 total was that went to Mr. or did Mr.-- did you understand from Mr. Carew that

15:06:05 1 it was in excess of 16,000?

2 A. No.

3 Q. 755 I think it must have been Mr. Reilly said that?

4 A. No.

15:06:11 5 Q. 756 But you know that the four of you had made a contribution. It was towards a  
6 house. There was no sign of a house. And there was no repayment. Did that  
7 exercise your conversation at all any of these evenings?

8 A. I will repeat again, Chairman, that as far as I was concerned the money was in  
9 the hope that it would help him to get a house. There was no conditions, no  
10 strings or no ties put on to it.

11 Q. 757 But what about the fact that the recipient didn't seem to be doing anything  
12 about a house, Mr. Burke?

13 A. That didn't bother me.

14 Q. 758 And you think maybe he needs a few more bob. Did that occur to you?

15:06:51 15 A. Sorry.

16 Q. 759 Did it occur to you that maybe not enough had been collected and you wanted to  
17 collect more?

18 A. No.

19 Q. 760 All right. And if, Mr. Burke, there had been no publicity in September 2006,  
15:07:10 20 do you think that this what he saw as a loan was going to be repaid ever?

21 A. I'm sorry just the end of that question again.

22 Q. 761 If there had been no publicity in 2006, relating to the Tribunal, Mr. Burke, do  
23 you think that this money, this 3,500 would ever have been repaid to you?

24 A. I will take you back to the beginning, Mr. Chairman, and say I never gave him  
15:07:30 25 the money with the intention that it was a loan.

26 Q. 762 All right. When was the first time you were asked to recall all of this,  
27 Mr. Burke?

28 A. I'm almost sure when I got a letter from the Tribunal.

29 Q. 763 All right. Now, that letter was, did we say June 2006?

15:07:53 30 A. Uh-huh.

- 15:07:55 1 Q. 764 Did you, were you asked to recall it before then?
- 2 A. No, other than I think prior to the letter was the Brian Dobson interview.
- 3 Q. 765 No, it was after the letter?
- 4 A. Was it? Whatever it was anyway.
- 15:08:10 5 Q. 766 All right. And when you got this letter did you get in touch with either
- 6 Mr. Ahern or any of the other three gentlemen to discuss it with them and to
- 7 try and help your recollection?
- 8 A. I asked one of them I think Mr. Carew was when did this, can he remember when
- 9 it happened. I had a vague memory of when it happened. And I think, yeah, I
- 15:08:33 10 think I would have mentioned.
- 11 Q. 767 Well wait now. You mentioned it to Mr. Carew?
- 12 A. I may have, yeah.
- 13 Q. 768 You may have?
- 14 A. Yeah.
- 15:08:39 15 Q. 769 You're not sure.
- 16 A. I mean listen, this is going back to '94.
- 17 Q. 770 Well it's not actually it's going back to 2006, Mr. Burke.
- 18 A. Well sorry which. Which are we talking about the loan or the money.
- 19 Q. 771 When you got the letter from the Tribunal asking you for a detailed narrative
- 15:08:54 20 statement which you supplied shortly afterwards, Mr. Burke, dealing with this
- 21 matter in 1994. I'm asking you did you speak to Mr. Carew?
- 22 A. No.
- 23 Q. 772 About the events?
- 24 A. No.
- 15:09:04 25 Q. 773 Not at all?
- 26 A. Not at all.
- 27 Q. 774 Did you speak to Mr. Ahern?
- 28 A. I am sure I would have told him that I got a letter from the Tribunal.
- 29 Q. 775 But did you discuss what was required and what I mean is that what happened?
- 15:09:16 30 A. No.

- 15:09:16 1 Q. 776 The loan?
- 2 A. No, no, no, no, no.
- 3 Q. 777 And the circumstances?
- 4 A. I remember correctly that was there not something on a confidential not to be
- 15:09:26 5 discussed with anybody other than my legal team.
- 6 Q. 778 All right. Did you discuss it with Mr. English or Mr.
- 7 A. No.
- 8 Q. 779 Mr. Reilly?
- 9 A. No, no, no.
- 15:09:34 10 Q. 780 All right. The Tribunal received a report from Mr. Ahern in April 2006, which
- 11 contained your name. Did Mr. Ahern say to you before that came in, before
- 12 sending that to the Tribunal, that the Tribunal is asking him information about
- 13 certain matters which included this loan which involved you, Mr. Burke?
- 14 A. Sorry, just give me that again. Did Mr. Ahern what?
- 15:10:19 15 Q. 781 Did Mr. Ahern at any point, and the time I'm talking about is the time when he
- 16 sent in a report of Mr. Peelo in April 2006, did Mr. Ahern give you any advance
- 17 warning at that time, that that report is coming in to the Tribunal and
- 18 therefore the Tribunal was being given your name?
- 19 A. No, I don't think so.
- 15:10:40 20 Q. 782 What about the television interview, did he say to you before the television
- 21 interview that he would be mentioning you along with?
- 22 A. I didn't even know that he was doing a television interview.
- 23 Q. 783 So he didn't mention it to you? All right. Did that come to as a surprise to
- 24 you when you were mentioned?
- 15:10:57 25 A. No, not really.
- 26 Q. 784 No.
- 27 A. Nothing that comes out of certain areas comes as a surprise to me any more.
- 28 Q. 785 What areas have you in mind?
- 29 A. Well the papers, journalists stories.
- 15:11:09 30 Q. 786 This would be Mr. Ahern's interview?

15:11:11 1 A. Yes.

2 Q. 787 Does nothing surprise you about what would come out of Mr. Ahern's interview?

3 A. In relation to the fact that I was mentioned. That was the question that you

4 did ask me.

15:11:20 5 Q. 788 Now, on the 29th of September 1994, Mr. Burke, Mr. Ahern signed a number of

6 cheques to a number of donors between these two collections and we're talking

7 about.

8

9 CHAIRMAN: It's --

15:11:33 10 A. '94. I think you've got your dates wrong there.

11

12 CHAIRMAN: 2006.

13

14 Q. 789 MR. MURPHY: Did I get my dates wrong, Mr. Burke?

15:11:40 15 A. Do you know something, you are reading from a screen and I am to remember 15

16 years ago.

17

18 CHAIRMAN: No, it's 2006.

19

15:11:46 20 Q. 790 MR. MURPHY: Thank you Chairman. In 2006, Mr. Ahern wrote cheques to a

21 number of people in respect of these two collections that we're talking about.

22 A. Yes.

23 Q. 791 For various sums and you got a cheque and you got a letter accompanying it,

24 isn't that right?

15:12:00 25 A. Yes, that's correct.

26 Q. 792 Was that letter a surprise and that cheque?

27 A. Yes, it was.

28 Q. 793 Did anybody say to you that it's coming or you know?

29 A. No, I was as I said I am a trustee of Lukes so I was in and out of Lukes and it

15:12:24 30 was left there for me.

- 15:12:24 1 Q. 794 All right. Have you a post box there or something?
- 2 A. No.
- 3 Q. 795 Where did you get it?
- 4 A. It was handed to me when I went in. I told you I'm a trustee of Lukes the
- 15:12:24 5 constituency office. And I was in the constituency office and somebody handed
- 6 it to me.
- 7 Q. 796 Who hand it had to you?
- 8 A. It might have been Sandra, it might have been Denis, it might have been the
- 9 housekeeper.
- 15:12:34 10 Q. 797 An envelope?
- 11 A. Yeah.
- 12 Q. 798 And you opened it?
- 13 A. Yes.
- 14 Q. 799 And what did you think?
- 15:12:37 15 A. Inside was a cheque if I remember correctly and a letter that I was asked to
- 16 sign having acknowledged it.
- 17 Q. 800 I'm sorry?
- 18 A. I think there was a letter that I had to sign acknowledging that I had got the
- 19 cheque back.
- 15:12:49 20 Q. 801 All right. Well sorry was there a letter from Mr. Ahern saying Dear Mr. Burke
- 21 or Dear Joe, I enclose thank you for the loan I enclose cheque for whatever?
- 22 A. I can't remember the wording but the letter that I got, the Tribunal has a copy
- 23 of it.
- 24 Q. 802 Yes. Is that an acknowledgement letter?
- 15:13:09 25 A. I think it was, yeah.
- 26 Q. 803 19576, please.
- 27
- 28 CHAIRMAN: No. I think he said --
- 29 A. That was it. I signed that and left it back.
- 15:13:22 30 Q. 804 MR. MURPHY: Do you see the date of that letter, Mr. Burke?

15:13:24 1 A. Yes.

2 Q. 805 What is it?

3 A. 14th of December 2006.

4 Q. 806 Did you sign that at the time that you got the cheque?

15:13:32 5 A. I think so, yes.

6 Q. 807 Can you explain that?

7 A. What do you mean can I explain it? What do you mean to explain what?

8 Q. 808 Mr. Burke, the cheque is dated the 29th of September 2006?

9 A. Yes.

15:13:46 10 Q. 809 We know that it hits Mr. Ahern's account on I think the 13th of October and it

11 hits CARI's account?

12 A. Uh-huh.

13 Q. 810 Did you have to endorse that, did you endorse that cheque?

14 A. That's my signature there.

15:14:01 15 Q. 811 That's on this. All right. But how could you on the 29th of September or

16 thereabouts, be signing an acknowledgement dated the 14th of December?

17 A. The 29th of September.

18 Q. 812 Yes.

19 A. I didn't look at the date.

15:14:17 20 Q. 813 All right. Just for a second. I'm sorry we have to take this is slowly,

21 Mr. Burke.

22 A. Sure I have all day. I've cleared my desk.

23 Q. 814 Perhaps if your answers were a bit more clear-cut 2 wouldn't take so long?

24 A. With respect, Chairman. With respect, I am giving my answers as clear as I can

15:14:36 25 remember.

26

27 CHAIRMAN: That's all right. There is another letter. If you could put that

28 up on the screen?

29 Q. 815 MR. MURPHY: I could I just see 19550 for a second. This is the cheque. Do

15:14:53 30 you see the date on that 29th of September 2006?

- 15:14:57 1 A. Yes.
- 2 Q. 816 It's to you, Mr. Burke.
- 3 A. Yes.
- 4 Q. 817 Signed by Mr. Ahern.
- 15:15:00 5 A. Yes.
- 6 Q. 818 Now, if we can go back please to 19576. Now, the date of the acknowledgement
- 7 letter where you say Mr. Burke "I acknowledge with thanks cheque for 7,984 Euro
- 8 comprising that amount loan repayment and that amount interest on the loan
- 9 signed by you with your address".
- 15:15:25 10 A. Yes.
- 11 Q. 819 And Mr. Burke, do you see the address there Collins Avenue?
- 12 A. Yes.
- 13 Q. 820 Did you not tell me earlier that you had left Collins Avenue a few years ago?
- 14 A. Yes.
- 15:15:36 15 Q. 821 How is it that address is Collins Avenue?
- 16 A. Because all my mail or still some of it goes there.
- 17 Q. 822 So the address in St. Lukes would be for Collins Avenue?
- 18 A. Yes.
- 19 Q. 823 Now, I am just asking you to explain to the three Members of the Tribunal how
- 15:15:52 20 in September 1996, you can be signing an acknowledgement that is dated the 14th
- 21 of December 2006?
- 22 A. No, no. The cheque was made out as I said the 29th of September?
- 23 Q. 824 That's the date of the cheque, Mr. Burke.
- 24 A. It is possible that I was out of the country for most of October/November.
- 15:16:15 25 Q. 825 Mr. Burke, sorry, you have just said that when you got the cheque probably
- 26 possible from Sandra?
- 27 A. Yes.
- 28 Q. 826 The envelope?
- 29 A. Yes.
- 15:16:26 30 Q. 827 Enclosed in it was this acknowledgment letter?

15:16:29 1 A. Yes.

2 Q. 828 Which is dated the 14th of December 2006?

3 A. Uh-huh.

4 Q. 829 Now you think that maybe you didn't get it until December, is that it?

15:16:36 5 A. It's possible, yeah.

6 Q. 830 All right. If I could just please. Sorry Mr. Burke, just for one moment,

7 please.

8

9 JUDGE FAHERTY: Well I think, Mr. Murphy, the CARI receipt to Mr. Ahern which

15:17:02 10 is dated the 10th of December. That's in December.

11

12 MR. MURPHY: Thank you, Judge.

13

14 JUDGE FAHERTY: That's prior to this. Obviously the cheque had been endorsed

15:17:11 15 at some point prior to the 14th of December.

16

17 MR. MURPHY: Yes. Thank you, Judge.

18

19 JUDGE FAHERTY: Whether that's of assistance I don't know.

15:17:18 20

21 MR. MURPHY: 21744, please.

22

23 JUDGE FAHERTY: Of 10th of October I should say.

24

15:17:25 25 Q. 831 MR. MURPHY: Which went to Mr. Ahern. Then you all got individual receipts.

26 In fact you got an individual receipt that is dated the 13th of November 2006,

27 and we can put that up on the screen in a second but it actually came in to

28 CARI in or about the 10th of October 2006. You can see your name there at No.

29 6.

15:17:45 30 A. Yeah.

- 15:17:45 1 Q. 832 Isn't that right?
- 2 A. That's correct.
- 3 Q. 833 And I can put up the accounts that show that it was hitting the account on the
- 4 13th?
- 15:17:53 5 A. Absolutely.
- 6 Q. 834 All right. And if we could have 19551, please. Is that your endorsement of
- 7 the cheque?
- 8 A. Correct.
- 9 Q. 835 Which the cheque is dated 29th of September 2006?
- 15:18:08 10 A. Correct.
- 11 Q. 836 It's with CARI on or before the 10th of October?
- 12 A. Yes. The question you're asking me if I understand, is how come it's dated the
- 13 14th of December.
- 14 Q. 837 Yes.
- 15:18:19 15 A. 2006. I assume it's a typing error.
- 16 Q. 838 Well no you've just said a second ago, Mr. Burke, that maybe you were out of
- 17 the country?
- 18 A. Absolutely. In November of 2006, if I remember correctly I was in Indonesia
- 19 for some time.
- 15:18:36 20 Q. 839 Yes.
- 21 A. So if you are saying that the cheque and the letter was all done in December,
- 22 fine, you know, it's possible I was out of the country. If you're saying that
- 23 the cheque was issued in September was endorsed and cashed in to CARI's account
- 24 in October. The only conclusion I can come to it's a typing error.
- 15:18:54 25 Q. 840 All right so that there is a typing error in St. Luke's for the 14th of
- 26 December?
- 27 A. I said September.
- 28 Q. 841 Pardon?
- 29 A. Instead of September.
- 15:19:02 30 Q. 842 For each of those acknowledgement letters that went out to the donors that have

15:19:05 1                   been signed?

2           A.           Yes.

3           Q. 843       And nobody else drew attention to that?

4           A.           No.

15:19:20 5           Q. 844       Mr. Burke, is it possible that when you got the letter, when you got the cheque  
6                           from Sandra or whoever you got to the from, the cheque coming from Mr. Ahern.  
7                           That around that time there was a discussion and it was made clear that each of  
8                           the donors or most of the donors would be getting the cheques and the money,  
9                           the cheques would be endorsed to CARI?

15:19:43 10          A.           As I said, I never wanted the money back and I didn't give it as a loan and I  
11                           can't remember who told me but somebody had mentioned that some of the other  
12                           contributors were giving the money to CARI and I said great idea here give me  
13                           the back of that and I'll sign it, have that passed on to them.

14          Q. 845       Thank you, Mr. Burke.

15:20:21 15

16                           CHAIRMAN: All right. Mr. McGrath, do you want to ask Mr. Burke anything?

17                           McGrath: No questions.

18

19                           CHAIRMAN: All right. No. Thank you very much, Mr. Burke

15:20:35 20          A.           Thank you, Chairman.

21

22                           **THE WITNESS THEN WITHDREW**

23

24                           MR. O'NEILL: The next witness is Senator Tony Kett. Senator Kett, could you  
15:20:42 25                           come to the witness box, please.

26

27

28

29

30

15:20:44 1 **MR. TONY KETT HAVING BEEN SWORN, WAS QUESTIONED BY**

2 **MR. O'NEILL AS FOLLOWS:**

3

4 CHAIRMAN: Good afternoon, Senator Kett.

15:21:16 5 A. Good afternoon, Chairman.

6 Q. 846 MR. O'NEILL: Good afternoon, senator.

7 A. Good afternoon.

8 Q. 847 Would it be fair to describe you as a close personal friend of Mr. Bertie

9 Ahern's?

15:21:27 10 A. I think so, yes.

11 Q. 848 And perhaps you could tell us a little detail of how that friendship came

12 about?

13 A. We worked together in the Mater Hospital.

14 Q. 849 And when was that?

15:21:38 15 A. Back in the '70s.

16 Q. 850 Yes. And --

17 A. And we became friends then and remained friends ever since.

18 Q. 851 I see. Are you contemporaries age wise?

19 A. Pardon.

15:21:48 20 Q. 852 Are you of the same age?

21 A. Yes.

22 Q. 853 Are you contemporaries?

23 A. Yes.

24 Q. 854 And did you start work together in the Mater?

15:21:54 25 A. We did.

26 Q. 855 And what was your function there?

27 A. Well we were both in the accounts section.

28 Q. 856 I see. And you are a senator at this point in time?

29 A. I am, yes.

15:22:09 30 Q. 857 Are you a nominee of the Taoiseach?

- 15:22:11 1 A. No.
- 2 Q. 858 What panel are you?
- 3 A. Administrative.
- 4 Q. 859 From the administrative panel?
- 15:22:15 5 A. Uh-huh.
- 6 Q. 860 And when were you elected as a senator?
- 7 A. 1997.
- 8 Q. 861 '97. I see. And had you been involved in politics for a long time before
- 9 that?
- 15:22:26 10 A. I was a city councillor.
- 11 Q. 862 I see. And was that with the Fianna Fail party?
- 12 A. Yes.
- 13 Q. 863 And was that for the area in which Mr. Ahern was subsequently to be elected?
- 14 A. Yes.
- 15:22:36 15 Q. 864 TD.
- 16 A. I was co-opted to his position when he became junior minister.
- 17 Q. 865 I see. And what year was that?
- 18 A. 1987.
- 19 Q. 866 I see. And did you share or do you share a number of interests perhaps
- 15:22:49 20 sporting interests and others?
- 21 A. Yes, we do.
- 22 Q. 867 Yes. Amongst those interests I think are that you are both fans of Manchester
- 23 United, isn't that right?
- 24 A. Yes.
- 15:23:00 25 Q. 868 And I think that led to the circumstance in which most of your evidence will be
- 26 concerned today. And that is a visit which took place to Manchester in 1994.
- 27 Had you been travelling to Manchester for years prior to 1994, and I'm thinking
- 28 in particular of visits in which you were accompanied by or accompanied
- 29 Mr. Bertie Ahern?
- 15:23:23 30 A. We had travelled on and off. Not so much I think probably more so from '94 you

- 15:23:30 1 know, we travelled maybe five or six times a year. Well I travelled maybe five  
2 or six times a year. Others travelled more often than that.
- 3 Q. 869 I see. Do I gather from what you say that you were part of a small grouping of  
4 persons --
- 15:23:43 5 A. Yes.
- 6 Q. 870 -- who went there. Did you have season tickets or?
- 7 A. No.
- 8 Q. 871 No. When we get to 1994, can you say roughly for how many years prior to that  
9 had you been going to Manchester to football matches with Mr. Ahern?
- 15:24:01 10 A. I'd say on and off we probably had been going for ten or fifteen years.
- 11 Q. 872 I see. Throughout the season obviously?
- 12 A. Yes but it would have been to a lesser extent maybe than it was in '94 or in  
13 the '90's. We had more money then.
- 14 Q. 873 Right. And when we get to 1994, perhaps if we start with that football season.  
15:24:23 15 On how many occasions do you think you went to football matches in Manchester  
16 in that year?
- 17 A. I'd say five or six for me.
- 18 Q. 874 Right. Would you have gone to all of the home games?
- 19 A. Yes, there were always home games with me.
- 15:24:40 20 Q. 875 I see. They were always home games. I see. And can you distinguish when it  
21 was that the attendance took place at a dinner or a function or an outing in  
22 the Four Seasons Hotel?
- 23 A. Uh-huh.
- 24 Q. 876 Do you know which of the matches that was?
- 15:24:58 25 A. No.
- 26 Q. 877 Was it at the beginning of the season or at the end of the season?
- 27 A. Well for me it was always towards the end of the season because I never went at  
28 the beginning of the season. I went when the games got a little more exciting.  
29 So it would have been towards the end of the season.
- 15:25:13 30 Q. 878 Right and in football terms when is the end of the season?

15:25:16 1 A. End of April early May.

2 Q. 879 Right. You may know that you were identified as being a person who had been  
3 involved with this particular meeting to the Tribunal by Mr. Ahern and as a  
4 result of that you were communicated with in writing on the 29th of June 2006.  
15:25:40 5 You might recall that?

6 A. I do.

7 Q. 880 And we see that letter at page 17989 on screen. Where the Tribunal's solicitor  
8 wrote to you on the 29th of June in terms "The Tribunal has been informed that  
9 you may be in a position to assist the Tribunal in respect of the payment of  
10 monies to Mr. Bertie Ahern TD An Taoiseach, in Manchester in England in or  
11 about October 1994. The Tribunal seeks your assistance in reconciling receipt  
12 of funds to the account of Mr. Ahern during the period and requests you to  
13 provide the Tribunal with a narrative statement, setting out your knowledge of  
14 the circumstances in which Mr. Ahern came to be paid money at any official or  
15:26:17 15 unofficial fundraising events in Manchester in or about that time.  
16  
17 In providing this information the Tribunal would be grateful if you would:  
18 1. Identify the persons whom you believe to have been contributors of funds at  
19 such events.  
15:26:30 20 2. Indicate the amount of money raised and given to Mr. I Ahern at such an  
21 event.  
22 3. Identify the time, date and place and to your knowledge the identity of  
23 those present at such event.  
24 4. The amount of any contribution made by you at such an event, indicating the  
15:26:46 25 manner in which such payment was made and the source of the funds used to make  
26 such payment.  
27 5. Your knowledge of the amounts paid by others at such event and what has  
28 become of those funds."  
29  
15:26:57 30 and then you were enjoined against discussing that matter with others other

15:27:02 1 than your solicitor.  
2  
3 And I think that following a reminder you provided a response to the Tribunal  
4 which was received on the 18th I believe of July of -- sorry the 18th of August  
15:27:17 5 2006 and that's at page 19920, isn't that so? You might be familiar with that  
6 document. Page 17992, please.  
7 A. Yes.  
8 Q. 881 Your signature is at the end of that.  
9 A. Yes.  
15:27:34 10 Q. 882 Right. Before providing that you'd had some time to consider the request being  
11 made of you. I think you appreciated what was being asked of you, isn't that  
12 right?  
13 A. Yes.  
14 Q. 883 And when you'd received this letter did it bring to mind the function of which  
15:27:51 15 you had attended some years before with Mr. Ahern?  
16 A. Well it had to, in order for me to answer the letter.  
17 Q. 884 Yes.  
18 A. Yes.  
19 Q. 885 Was that something which had been discussed in the recent past before the  
15:28:05 20 Tribunal letter? In other words were you aware of the fact that Mr. Ahern had  
21 been queried about the function and had named you as a party who was in a  
22 position to be of assistance to the Tribunal in relation to it?  
23 A. Only when he told me that he had to, that he had named me as someone who had  
24 travelled with him.  
15:28:29 25 Q. 886 Very good. And when did he tell you that?  
26 A. Oh, some time I'm sure after ye had indicated to him that ye wished to know  
27 about it.  
28 Q. 887 Well the issue I'm trying to establish is whether or not you were aware ahead  
29 of receiving the Tribunal letter that it was likely that you would be written  
15:28:40 30 to?

15:28:42 1 A. Yes, I was.

2 Q. 888 You were?

3 A. Yes.

4 Q. 889 So it was no surprise to get the letter, isn't that right?

15:28:45 5 A. No, it wasn't.

6 Q. 890 And in your response here you say "Dear Ms. Gilvarry I refer to your letter

7 dated 29th of June and contents thereof. Please note for your information that

8 this communication arrived at my home Saturday 1st of July 9 p.m. and 12 p.m.

9 at night, seemingly having been opened and re-sealed with Sellotape.

15:29:08 10

11 In relation to the questions raised, I make the following comments.

12

13 I travelled to Manchester with Mr. Ahern on the occasion referred in your

14 letter to attend at football match as both of us are keen Manchester United

15:29:16 15 supporters. On the occasion Mr. Ahern met up and performed an official

16 function for the Irish community particularly the business community in

17 Manchester to which he invited me to come along. I wish it to be known that I

18 was there in no other capacity than a friend and travelling companion of

19 Mr. Ahern and my attendance at this function was incidental.

15:29:39 20

21 From my recollection of the events of that night Mr. Ahern used that occasions

22 to promote all that was good about Ireland. I assume on the basis of

23 encouraging the brains back home and the business people to invest. It

24 appeared to me as an observer that he was held in very high esteem by all

15:29:56 25 present and obviously had built up a relationship from previous contacts. He

26 spoke if my memory serves me correctly for 20 minutes to half an hour and

27 thereafter there was a question and answer session all of which took in total

28 approximately two hours.

29

15:30:11 30 With regard to your specific questions I make the following comments.

15:30:15 1 1. I have no knowledge of any of the names of the individuals present on that  
2 night as I believe it was my first and last time to encounter them.  
3 2. To my knowledge Mr. Ahern received an amount of in the region of 8,000  
4 sterling. I recall him expressing surprise at receiving a donation as he  
15:30:32 5 apparently had never received one in the past despite I believe having  
6 performed similar functions.  
7 3. I recall the time being the spring of 1994, as it was close to the end of  
8 the football season. I have no knowledge of the individuals present as to my  
9 mind I have never met them before or since. My primary reason for being in  
15:30:53 10 Manchester was to attend the football match.

11 4. I made no contribution whatsoever on the occasion.

12 5. I have no knowledge of who made contributions or of the amounts of these  
13 contributions.  
14

15:31:04 15 Yours sincerely, Tony Kett".

16

17 And that was your statement at the time, is that right?

18 A. Yes.

19 Q. 891 And obviously that was your best recollection as of August 2006, of the events  
15:31:14 20 which have been examined in greater detail since that time, is that so?

21 A. That's correct.

22 Q. 892 Before making this statement as you say you been contacted by Mr. Ahern and he  
23 had indicated to you that he wished to confirm what you knew of these events,  
24 is that so?

15:31:31 25 A. That's correct.

26 Q. 893 And when that contact took place did you tell him that what we see on the  
27 screen here is in essence what your best recollection of these events before?

28 A. Well I don't think prior to answering this that I discussed my answer with him  
29 at all.

15:31:46 30 Q. 894 Right?

- 15:31:47 1 A. Until afterwards when I would have indicated to him that I had replied to your  
2 correspondence.
- 3 Q. 895 Well what was it that he was in a position then to tell the Tribunal that you  
4 would confirm if you hadn't told him what it was that you were going to say  
15:32:01 5 about this occasion.
- 6 A. I don't know. I mean it was very easy for me to answer this because it was  
7 very straight forward.
- 8 Q. 896 Well what had been indicated to the Tribunal was that you were going to confirm  
9 a particular account of events. Without knowing what that account of events  
15:32:16 10 was how could you confirm it?
- 11 A. Well I don't know what he meant by. I don't know what Mr. Ahern meant I was  
12 going to confirm. I was going to confirm anyway what I knew of the events.
- 13 Q. 897 Well?
- 14 A. Irrespective of what he thought I might or might not confirm.
- 15:32:31 15 Q. 898 I appreciate that. But there is a difference as you will appreciate, Mr. Kett,  
16 between the confirming of somebody's account of events and being asked to give  
17 your own account of events, isn't that right?
- 18 A. Right. I couldn't confirm his account of events because I didn't know what his  
19 account of events were.
- 15:32:56 20 Q. 899 But could I suggest that you must have told him what your account of the events  
21 were and what his accounts were and he must have been in a position to know  
22 that that confirmed his own account?
- 23 A. No, I didn't discuss it with him.
- 24 Q. 900 If we look to page 19 -- 17986 we'll see that the Tribunal. Sorry. 17986.  
15:33:11 25 Sorry. Sorry, Mr. Kett, just a moment please until I get the page?
- 26 A. Okay.
- 27
- 28 JUDGE FAHERTY: '89 is it the letter, the Tribunal's letter.
- 29
- 15:33:30 30 MR. O'NEILL: Mr. Peelo's report. The page has slipped from my brief.

15:33:40 1 MR. O'NEILL: Page 17837. You will see that document on screen, Mr. Kett. It  
2 has been furnished to the to you in the course of the brief of documents you  
3 will probably be familiar with it.

4 A. Yes.

15:33:59 5 Q. 901 It's the initial response of Mr. Ahern to the Tribunal through Mr. Peelo on the  
6 20th of April of 2006, and the paragraph 18A is what deals with your  
7 involvement here. It says that "Mr. Ahern attended and spoke at a private  
8 dinner in Manchester circa this time. The dinner was organised by Manchester  
9 Irish businessmen and Mr. Ahern had attended similar dinners on previous  
10 occasions. The dinner was not organised as a fundraiser. At the end of the  
11 dinner unsolicited by Mr. Ahern he was presented with cash of circa sterling  
12 8,000 pounds made up by individual contributions for the attendance. There is  
13 no list of contributors in this regard. John Kennedy, one of the Manchester  
14 businessman involved and Senator Tony Kett who attended the dinner can confirm  
15 the foregoing".

16  
17 Now, could I suggest that that statement could only have been made if you had  
18 given an account of the events which accorded with this account of events, do  
19 you accept that?

15:34:57 20 A. Well I'm. That statement could be made on the basis that I was actually there.  
21 Mr. Ahern knew I was there.

22 Q. 902 Yes.

23 A. Obviously. And could confirm what he had stated happened in this regard which  
24 I can.

15:35:10 25 Q. 903 Well how would he know that I mean we are talking about an incident which had  
26 taken place which may have been totally insignificant from your point of view.  
27 It had taken place at a remove in time of some 12 years from the time that this  
28 recall took place and there is no inference or no obvious conclusion to be  
29 drawn from those facts that you necessarily could confirm this. Your response  
15:35:35 30 could well have been that of others who would say that they remember being in

- 15:35:39 1 Manchester at a particular time but they have no recollection of any of these  
2 events having taken place, isn't that so?
- 3 A. Yes but I mean I can because I was there. I mean if you are asking me can I  
4 confirm was I at a lunch.
- 15:35:51 5 Q. 904 Yes.
- 6 A. That these gentlemen were at, yes I was.
- 7 Q. 905 Yes.
- 8 A. Can I confirm that Mr. Ahern received money a collection I can because  
9 Mr. Ahern told me so.
- 15:36:02 10 Q. 906 At this point in time of course, Mr. Kett, we know from the account that you  
11 gave that you will confirm what has taken place here. My query is directed  
12 towards establishing if possible how it is that Mr. Ahern could say that you  
13 were going to confirm these events at a time when apparently you had not  
14 discussed your version of this account with him. Do you understand?
- 15:36:25 15 A. Well I assume from the time the events occurred that he knew I was there and he  
16 knew that I would have had knowledge. So he was happy to state that I could  
17 confirm them by virtue of the fact that I was there.
- 18 Q. 907 Right. You may well know that there are at least 20 other people who may well  
19 have been there but have no recollection whatsoever if either the events, the  
15:36:44 20 details or what have you, isn't that right?
- 21 A. Well I'm sure they could, I don't know.
- 22 Q. 908 You don't. In any event, in your statement you identify this particular  
23 function as being one which you say was an official function for the Irish  
24 community particularly the business community, is that your recollection of  
15:37:03 25 what took place?
- 26 A. Well there were businessmen in from where I was. These were individuals who  
27 had gone to England or had made it good. Some better than others. And I think  
28 that the whole idea of Bertie Ahern being there was that they wanted to pick  
29 his brains to see he was now the Minister for Finance and I'm sure they felt  
15:37:27 30 that he was in a position to tell them how the economy of this country was

15:37:32 1 going and particularly Dublin and I'm sure that they were looking for some  
2 solis if they were thinking of investing in the country. And I think that was  
3 the whole idea of the discussion. I do say it was an official discussion  
4 but -- or an official gathering. But it was official to me in the context of  
15:38:03 5 the weekend. I don't mean it was official in that he was representing anything  
6 other than his own point of view.

7 Q. 909 I am quoting, as you see, if we could put on page now 17992. Your description  
8 of what the function that you attended was. On the third paragraph down "on  
9 the occasion Mr. Ahern met up and performed an official function for the Irish  
15:38:19 10 community, particularly the business community in Manchester" that's your  
11 description of this event.

12 A. Yes.

13 Q. 910 Do you believe that that is what you attended? Is that your description of  
14 what it was that you attended on this day?

15:38:33 15 A. Yes. It was official in the context of the weekend.

16 Q. 911 Uh-huh.

17 A. In that if I was identified -- there are two kinds of official for me.  
18 Mr. Ahern attends official functions as a minister where he goes with the  
19 prepared script and he brings people from government buildings with him.  
15:38:51 20 That's official in the context of representing the government. Here it was  
21 official in the context of a crowd of guys over at a football match where he  
22 was breaking away to be serious for a couple of hours. I consider that he  
23 would be an official for those couple of hours.

24 Q. 912 You say that this was a function to which he invited you to come along?

15:39:12 25 A. He did, yes.

26 Q. 913 Yes. Suggesting that this was a function to which parties could only attend by  
27 invitation, is that right?

28 A. Well I mean he was the only one invited I assume, in that he was the man of the  
29 moment so to speak. He was the person that they wanted to listen to and hear.  
15:39:32 30 So he asked me to tag along and just. Well I assume that maybe he asked me to

- 15:39:38 1 go along because I was a Dublin city Councillor at the time and maybe if they  
2 were concerned about particular aspects of Dublin city developments or whatever  
3 that I might have been in a position to help. As it happened I wasn't asked  
4 anything, which suited me.
- 15:39:54 5 Q. 914 Yes. In your account of events you describe what took place on that evening in  
6 the next paragraph. Four. Where you say "he spoke if my memory serves me  
7 correctly for 20 minutes to half an hour and thereafter there was a question  
8 and answer session all of which took in -- took in total approximately two  
9 hours" is that still your best recollection of what took place?
- 15:40:17 10 A. To the best of my recollection, yes.
- 11 Q. 915 Yes. From that description of the events one would take it that a speech had  
12 been given by Mr. Ahern, is that right?
- 13 A. I wouldn't. Well I would consider it a talk more than a speech. He wasn't  
14 reading from notes. He just spoke in terms of, from my recollection, basically  
15 how the economy was going. How he saw it going and maybe plans for the future.
- 16 Q. 916 Well do you have a recollection of that taking place?
- 17 A. I have a recollection that that was the general tenure of the, of his  
18 conversation -- of his contribution.
- 19 Q. 917 Yes. His contribution being a soliloquy of sorts of 20 minutes or so?
- 15:41:06 20 A. So give or take.
- 21 Q. 918 Followed by a question and answer session?
- 22 A. Yes.
- 23 Q. 919 The entire thing take being two hours in total?
- 24 A. I would say the entire I dinner taking about two hours. I'm sure there was  
15:41:18 25 small talk in there as well towards the end of it from my recollection.
- 26 Q. 920 Could I suggest to you that that description of events seems at odds with the  
27 account of events which Mr. Ahern has given in response to queries put to him.  
28 Do you know what Mr. Ahern's evidence on this point will be?
- 29 A. I don't, no.
- 15:41:36 30 Q. 921 You don't?

15:41:37 1 A. I don't.

2 Q. 922 You weren't -- you didn't follow the evidence which he gave in relation to it?

3 A. I didn't, I'm afraid.

4 Q. 923 Well perhaps we can refresh the memory of the Tribunal to what took place by

15:41:55 5 reference to day 757, page 56, please. Day 757, page 56. If we start at line

6 six I'll read that out for you, Mr. Kett.

7

8 "This is question being put to Mr. Ahern and his responses in evidence on that

9 day.

15:42:38 10

11 "So I think you have been able to tell us so far that it probably took place in

12 the general restaurant of the hotel rather than in a specific room set aside

13 for the dinner, is that right?

14 A: Yes. And the reason for that I don't think that we ever had a separate

15:42:51 15 room not with that group.

16 Q: So there was no reserved function room for this it took place in a general

17 area?

18 A: Yes.

19 Q: And I think you've agreed with me that it probably involved a number of

15:43:02 20 tables of persons who had no connection whatsoever with Ireland or with you in

21 particular?

22 A: Yes.

23 Q: Isn't that right?

24 A: Yes, correct

15:43:16 25 Q: To that extent it was a very informal gathering, isn't that right?

26 A: Yes, yes

27 Q: There was no speechifying, in other words, immediately after at the

28 conclusion of it because there would be others present for whom your

29 information would have no relevance or bearing, isn't that right?

15:43:28 30 A: Yes, yeah."

15:43:30 1 If we can now go to page 60 and question 278 at line 11.  
2  
3 "I had gathered so far from your evidence that really this was an informal  
4 meeting in an restaurant joined by others. Are you suggesting that it was at  
15:43:57 5 that exchange at that meal that this information was passed?  
6 A: Yes, the talking. A social chat a social chat yeah.  
7 Q: At which these matters came up?  
8 A: It wasn't a stand up make a speech but you are talking to serious people.  
9 Everyone of these people are worth 50 million plus at the time".  
15:44:20 10  
11 That description of events senator Kett, but you are talking to serious people.  
12 Every one of these persons would be worth 50 million + at the time. That  
13 description of events, Senator Kett, would indicate the following I suggest.  
14 That this function took place in a public restaurant at which the public was in  
15:44:32 15 attendance. There were a number of tables in which persons attended to meet  
16 Mr. Ahern, perhaps 20 people in all. The balance of the restaurant in the Four  
17 Seasons Hotel was occupied by normal diners on a Friday night who had nothing  
18 to do with this at all, isn't that right?  
19 A. That's correct, yeah.  
15:44:52 20 Q. 924 There was no speech given by Mr. Ahern for 20 minutes to those assembled at  
21 that function isn't that right?  
22 A. Well my understanding and my recollection is that he spoke for a while prior to  
23 a question and answer. And I think it because I believe that it was the few  
24 words that he said at the start that would have prompted the questions in the  
15:45:14 25 first instance.  
26 Q. 925 Well could I suggest to you that the only question and answer that took place  
27 was questioning at the dinner table conversation between those parties who  
28 happened to be seated with Mr. Ahern at the time and subsequently when the meal  
29 had finished and the parties retired to the general bar, such questions and  
15:45:35 30 answers as may have taken place between individuals on that occasion. Would

- 15:45:39 1 you agree that that is what took place on this evening?
- 2 A. It I think is fair to say that there was some sitting at that table that were  
3 more equal than others. And I think that the people that would have been in  
4 closer proximity to the Taoiseach were the main players in essence who would  
15:45:56 5 have had more interest in what he had to say maybe than some of the lesser lads  
6 at the lower end of the time, yes. And the questions coming would have been  
7 coming from them in general to the best of my recollection.
- 8 Q. 926 To an observer who happened to be in that particular function room on that  
9 particular occasion, was there anything to distinguish one particular table  
10 from another? That is the table?
- 11 A. Other than the fact that a number of tables were pulled together I would say no  
12 and maybe the size of the number of people sitting would have distinguished  
13 because again from my recollection, I think the tables were tables of maybe  
14 four to six.
- 15:46:40 15 Q. 927 Yes.
- 16 A. Terms and this was a bigger table than that or a bigger combination of tables.
- 17 Q. 928 In effect what was taking place here was a dinner in a restaurant, Mr. Kett,  
18 isn't that so?
- 19 A. Basically you could say that, yes, with a little difference.
- 15:46:55 20 Q. 929 I find it difficult to understand how you can so describe that as being the  
21 performance of an official function for the Irish community particularly the  
22 business community in Manchester or indeed that you could go on to describe it  
23 as a circumstance where Mr. Ahern spoke for 20 minutes to half an hour and  
24 thereafter there was a question and answer series all of which took  
15:47:22 25 approximately two hours?
- 26 A. Uh-huh. I don't see anything wrong with that at all. The whole evening took  
27 approximately two hours. I mean if I sit down to dinner with you the chances  
28 are that we can take two hours over normal chitchat. I mean a two hour dinner  
29 to me doesn't seem abnormal at all.
- 15:47:42 30 Q. 930 No. But you wouldn't describe a two hour dinner if we were fortunate enough to

15:47:46 1 be sitting down having dinner together as being one in which I was making a  
2 speech for 20 minutes to you and that when you engaged me in conversation that  
3 I was engaged in a question and answer session with you, would you?  
4 A. No well I could sit down with my wife and listen to a speech for 20 minutes  
15:48:03 5 over dinner.  
6 Q. 931 I'm sure you can. You are unlikely to describe it and get away with it as  
7 being a question and answer series, which had taken place for over two hours or  
8 that it was an official function?  
9 A. Well I did try to explain to you at the outset what I meant by official. We  
15:48:19 10 were a group of guys over for a football match who would have been embarking on  
11 a few drinks. That was the tenure of the weekend as far as I was concerned.  
12 The Taoiseach or as he is now, had to break away for a couple of hours to  
13 perform what I would decree, was official in the context of what the weekend  
14 was all about. And that's what I mean by official. No more and no less.  
15:48:46 15 Q. 932 All right. When you went to this function you were accompanying Mr. Ahern,  
16 presumably you planned the weekend ahead of going over?  
17 A. Absolutely not. I was asked at the last minute would I tag along.  
18 Q. 933 All right. And can you recollect whether or not you were staying in that he  
19 hotel at the time?  
15:49:02 20 A. To my knowledge we were, yes.  
21 Q. 934 You were?  
22 A. Yes.  
23 Q. 935 Do you remember Mr. Michael Wall being present at the meeting?  
24 A. I do. I didn't at the time but I do since.  
15:49:14 25 Q. 936 Yes.  
26 A. He was just another face in the crowd for me on that occasion because I didn't  
27 know the man.  
28 Q. 937 Well he had been a regular attender apparently at the various constituency  
29 fundraising events which were organised on an annual basis for Mr. Ahern in  
15:49:30 30 Kilmainham at that time and subsequently, isn't that right?

15:49:33 1 A. He was, yes.

2 Q. 938 Right. Was he well known to you from that relationship?

3 A. I would say that he wasn't well known to me at all prior to '94.

4 Q. 939 I see. You were asked to recall who it was at this particular meeting and you

15:49:50 5 indicated in your response that you had no knowledge of any of the names of the

6 individuals present on that night, as you believed it was your first and last

7 time to encounter them?

8 A. Yes.

9 Q. 940 Insofar as that has any application to Mr. Wall, that's incorrect, isn't that

15:50:07 10 right?

11 A. In terms of had I known Mr. Wall prior to that, the answer is no, I hadn't.

12 Q. 941 Yes.

13 A. Yes.

14 Q. 942 But you go on to say that it was the first and last time to encounter them?

15:50:18 15 A. To the best of my knowledge, yes.

16 Q. 943 Oh, I see. Mr. Kennedy was also present there, did you, had you met, have you

17 met him since at various functions?

18 A. I met Mr. Kennedy I assume on the night. Had never met the man before and have

19 never met him since.

15:50:33 20 Q. 944 I see. At the function were any of the other members of the party who had come

21 over from Dublin for the weekend for the match present other than yourself and

22 Mr. Ahern?

23 A. No.

24 Q. 945 None. Are you certain of that?

15:50:51 25 A. Absolutely.

26 Q. 946 All right. Who were the other attendees that you've been recollect? I mean

27 the other weekend visitors to Manchester?

28 A. Well there were individual friends who travelled in a private capacity, I mean.

29 Q. 947 Yes.

15:51:06 30 A. I don't feel free to mention their names because I mean they were travelling in

15:51:10 1 a private capacity.

2 Q. 948 Well I'm asking you of any of the parties who have been witnesses so far in  
3 relation to any of the dig outs or fundraising activities on Mr. Ahern's behalf  
4 were part of that contingent?

15:51:22 5 A. There may have been.

6 Q. 949 Well do you know, Mr. Kett, whether there were or there weren't? I'm not  
7 concerned with whether there may have been?

8 A. There was one that I know of.

9 Q. 950 Who was that?

15:51:32 10 A. I am not prepared to mention them.

11 Q. 951 I'm afraid --

12 A. He may have been in Manchester unknown to his wife for all I know so.

13 Q. 952 That embarrassment if it is an embarrassment is one which that witness will  
14 have to bear with, Mr. Kett. You are being asked a question. The question is  
15:51:48 15 relevant.

16

17 CHAIRMAN: Well Senator Kett, you have to answer the question. I know you  
18 perhaps don't want to but it's important that.

19 A. Chairman, this is a gentleman who travelled to Manchester in a private capacity  
15:52:01 20 off his own bat. It's no concern of mine that he was there and I don't --

21

22 CHAIRMAN: I --

23 A. I don't see why I should confirm whether he was or whether he wasn't.

24

15:52:10 25 CHAIRMAN: Well it may be of concern to the Tribunal because it may be that  
26 that person can corroborate some of the information we already have.

27 A. Well maybe in the context of asking that man when he is in the witness stand  
28 maybe these questions should be posed to him then and not to me.

29

15:52:26 30 CHAIRMAN: Yes. All we're asking you is to identify the person in question

15:52:31 1 and we can then take up that matter with him if necessary.  
2  
3 MR. O'NEILL: It may be of assistance to write his name rather than to do it  
4 otherwise, Mr. Kett, if that's of any advantage to you. But you are obliged to  
15:52:53 5 answer the question.  
6 A. Mind you, I don't feel obliged with.  
7 Q. 953 MR. O'NEILL: Well in law you are.  
8  
9 CHAIRMAN: Would you prefer to write down?  
15:52:53 10 A. I will write his name, yes. I will not announce it.  
11  
12 CHAIRMAN: All right.  
13  
14 (witness writing down name)  
15:53:05 15  
16 Q. 954 Is it the case that your party was limited to three, Mr. Kett, or were there  
17 more of you than that at the party who had come from Dublin to Manchester for  
18 the weekend?  
19 A. No there was more there was 10 or 11 of us I think travelling.  
15:53:48 20 Q. 955 Okay. This is the only gentleman that you can recollect other than Mr. Ahern  
21 and yourself, is that correct?  
22 A. This is the only gentleman I think of any relevance.  
23 Q. 956 Well the relevance issue will be determined by the Tribunal Mr. Kett?  
24 A. And to be quite honest with you, these were a coterie of people who travelled  
15:54:07 25 at different times. I mean if you are asking me who came on a particular time.  
26 Q. 957 That is what I'm asking you?  
27 A. This time as distinct from others. I mean it could have been five or six  
28 different fellows on different occasions.  
29 Q. 958 Well all my questioning has been prefaced by the query being relevant to this  
15:54:25 30 particular?

15:54:26 1 A. Uh-huh.

2 Q. 959 Visit, Mr. Kett?

3 A. Uh-huh.

4 Q. 960 I am asking you now to recall who it was who came with you from Dublin on this

15:54:33 5 particular visit. That is the one upon which Mr. Ahern?

6 A. Mr. Ahern and myself and that gentleman were the only three that I could

7 actually put my hand on my heart and say actually travelled on this occasion.

8 Q. 961 All right. Now, when you attended this meeting obviously or this meal I

9 suppose would be a neutral term for it. You played no role as anything other

15:54:58 10 than a fellow guest, is that right?

11 A. That's right.

12 Q. 962 Were you at the same table as Mr. Ahern?

13 A. I was on the extension, yes.

14 Q. 963 Well are you saying that 10 were at one table?

15:55:10 15 A. No, we were all at the one table but I was sitting towards the end. I was away

16 from say the action if you want to put it that way.

17 Q. 964 There were apparently according to Mr. Ahern some 20 people at this function?

18 A. About that I'd say yes.

19 Q. 965 But he described there being a number of tables?

15:55:27 20 A. Yes.

21 Q. 966 And do you believe that that is so there were a number of tables?

22 A. I'd say that there were.

23 Q. 967 Four to six at each?

24 A. No, I'd say. To my knowledge to the best of my knowledge the tables were

15:55:39 25 pulled together.

26 Q. 968 So as to make one table?

27 A. Well -- Yes.

28 Q. 969 That's your recollection?

29 A. That's my recollection, yes.

15:55:45 30 Q. 970 You weren't within ear shot were you of Mr. Ahern?

- 15:55:48 1 A. I was if you had 10 or on either side you're not too far away at any given  
2 time.
- 3 Q. 971 I'm not saying that you were far away. I wanted to know the extent to which  
4 you were a participant in whichever conversation he was taking place in or to  
15:56:02 5 the extent to which you could hear what the subject matter of that?
- 6 A. I wouldn't have been as eager to hear it all maybe as others and I would  
7 probably have been engaging in lighter conversation with whoever I was sitting  
8 beside.
- 9 Q. 972 Very good?
- 15:56:15 10 A. Down the line.
- 11 Q. 973 Do you remember whether there was any meeting before the meal itself or did you  
12 join a table or what was the position?
- 13 A. I have no recollection of a meeting prior.
- 14 Q. 974 Okay. So you had your meal, the meal concluded. Do you agree that at the  
15:56:31 15 conclusion of the meal some of the party retired from the restaurant and went  
16 in to the bar?
- 17 A. Yes.
- 18 Q. 975 Were you one of them?
- 19 A. I was.
- 15:56:38 20 Q. 976 Right. And were you there for the evening?
- 21 A. Yes.
- 22 Q. 977 Right. While you were seated at the table did anybody on either side of you or  
23 in your observation make any contribution or whip-round or gathering of notes,  
24 letters, envelopes or anything of that nature?
- 15:56:59 25 A. No.
- 26 Q. 978 No. You didn't see any collection taking place?
- 27 A. None whatsoever.
- 28 Q. 979 And none of the party who were immediately adjacent to you discussed with you  
29 the fact that there would be a payment made to Mr. Ahern, is that right?
- 15:57:12 30 A. No.

- 15:57:12 1 Q. 980 Did you learn that a payment was made to Mr. Ahern that evening?
- 2 A. Not that evening, sometime after.
- 3 Q. 981 Okay. Can you indicate the circumstances in which you came to learn that a
- 4 payment had been made to Mr. Ahern that evening?
- 15:57:27 5 A. Mr. Ahern told me himself.
- 6 Q. 982 Yes. And when was that and in what circumstances?
- 7 A. I'm not quite sure. It was I'd say within a couple of days. It may even have
- 8 been the following day. But if you ask me to recollect absolutely I could not.
- 9 I'd say it could have been coming home on the plane. The only thing I can
- 15:57:45 10 recall from it is his expression of surprise to me at having received anything
- 11 at all.
- 12 Q. 983 Are we in agreement, Mr. Kett, that this dinner probably took place the night
- 13 before the match? In other words it was on Friday evening?
- 14 A. Yes.
- 15:58:07 15 Q. 984 The following day you attended the football match?
- 16 A. That's right.
- 17 Q. 985 And at some stage thereafter, either on the Saturday or the Sunday you would
- 18 have returned to Dublin, is that right?
- 19 A. On the Sunday, yes.
- 15:58:18 20 Q. 986 On the Sunday?
- 21 A. Uh-huh.
- 22 Q. 987 Right. Have you any recollection at all of whether it was the Saturday or the
- 23 Sunday that the question of there being a donation or contribution made to
- 24 Mr. Ahern was raised?
- 15:58:34 25 A. I would say it most definitely was probably not the Saturday because I'd say we
- 26 were preoccupied with other things.
- 27 Q. 988 Okay. Did you meet up together and go to the match?
- 28 A. Yes.
- 29 Q. 989 To share seats or whatever it might be?
- 15:58:47 30 A. Yes.

15:58:48 1 Q. 990 Right. Mr. Ahern believes that it wasn't until he got back to Dublin that he  
2 investigated what had taken place as regards a payment to him, is that  
3 possible?  
4 A. It is.

15:59:09 5 Q. 991 What did Mr. Ahern tell you as far as you're concerned on the Sunday on the way  
6 back?  
7 A. To the best of my recollection he stated that he was after receiving a  
8 contribution from the guys in Manchester.

9 Q. 992 Yes. Did he tell you how much it was?  
15:59:29 10 A. No, nor did I ask.

11 Q. 993 I see. And when did you learn then what it was?  
12 A. Oh, I think maybe sometime afterwards, I can't tell you for sure.

13 Q. 994 Well and in what circumstances --  
14 A. And to be honest with you I'm not -- pardon.

15:59:44 15 Q. 995 I interrupted you in your response. I was asking you when it was that you  
16 learned of what the amount was of the donation and I interjected?  
17 A. I think some weeks later he probably said to me you know that the amount was  
18 between 7 or 8,000.

19 Q. 996 Well when Mr. Ahern first raised the issue with you, do you believe it was on  
16:00:09 20 the way home on Sunday?  
21 A. It was either then or sometime later, maybe the following day, one or other.

22 Q. 997 The following day would be a Monday?  
23 A. Being a Monday, yes.

24 Q. 998 Is there any reason why you would be meeting him the following day?  
16:00:23 25 A. Yes, I'd often meet him on a Monday.

26 Q. 999 Right?  
27 A. I would be in and out of Luke's quite a lot, being a public representative as I  
28 was.

29 Q. 1000 All right. And what was remarkable, if anything, about the fact that there had  
16:00:36 30 been a contribution made to him?

- 16:00:38 1 A. Well nothing remarkable to me but it seemed to surprise him.
- 2 Q. 1001 Well what did you learn of it from him when he first indicated to you the  
3 contribution had been made?
- 4 A. Well he indicated that he was surprised that he had received anything because I  
16:00:53 5 think what he stated was that in the past he hadn't or maybe he had received a  
6 token gift or something like that. And the fact that he had received money on  
7 this occasion had taken him by surprise.
- 8 Q. 1002 All right. Could I suggest to you that that could only have occurred then on  
9 the Monday because it wasn't until Monday that Mr. Ahern tells us that he  
16:01:13 10 counted out what money he had received in Manchester on the previous Friday?
- 11 A. It's quite possible but I mean he didn't indicate to me an amount at that stage  
12 so ...
- 13 Q. 1003 He didn't?
- 14 A. No.
- 16:01:25 15 Q. 1004 He just said I received a financial contribution or donation from those people  
16 on Friday night without telling you what it was?
- 17 A. Words to that effect, yes.
- 18 Q. 1005 And how would that be in any way remarkable or worthy of being communicated to  
19 you without going on to tell you how much it was that was involved in that?
- 16:01:44 20 A. It may very well be that he didn't know at that stage. He may have come home,  
21 taken the money out of his pocket or wherever he had it and stuck it in the  
22 safe and did no more about it for the time.
- 23 Q. 1006 In which case there would be no point referring to it at all?
- 24 A. Well he only referred to in the context that he had received money, which he  
16:02:03 25 hadn't in the past. No more and no less. And he said it to me by virtue of  
26 the fact i suppose that I happened to be there with him.
- 27 Q. 1007 And you think possibly some weeks later the matter came up again at which time  
28 he indicated to you the amount?
- 29 A. It may have been the case that he said you know by the way the amount that  
16:02:21 30 those guys gave me was grand.

- 16:02:23 1 Q. 1008 And what was your reaction to that?
- 2 A. I had none really one way or the other.
- 3 Q. 1009 You weren't in the least surprised?
- 4 A. I wasn't in the least concerned one way or the other.
- 16:02:34 5 Q. 1010 Well you'd been an attendee at this function, Mr. Kett. It was a very limited  
6 group of persons who were there isn't that so?
- 7 A. That's so.
- 8 Q. 1011 Not more than 20. Maybe 22 if you include Mr. Ahern and yourself at a max  
9 isn't that right?
- 16:02:48 10 A. That's correct.
- 11 Q. 1012 You had enjoyed your evening. You had been there from start to finish. You  
12 had seen no whip-round. You had seen no collection for Mr. Ahern. You had not  
13 observed him receiving any money at all. And then some days after the event he  
14 told you by the way remember that dinner we were at the other night, I got paid  
16:03:06 15 eight grand at that?
- 16 A. Uh-huh.
- 17 Q. 1013 Was that not extraordinary?
- 18 A. No.
- 19 Q. 1014 Did it not strike you as unusual that nobody had mentioned to you while you  
16:03:17 20 were there that the attendants at this meeting were hugely grateful for  
21 Mr. Ahern's attendance and they intended to make a donation to him to mark his  
22 attendance and what he had done for them over time?
- 23 A. Well I don't know why somebody that didn't know me or whom I didn't know would  
24 come up to me and tell me and feel it necessary to tell me that.
- 16:03:35 25 Q. 1015 Well you were there?
- 26 A. I didn't know these people.
- 27 Q. 1016 You were there with the Minister. You were a person who was, I assume,  
28 identified by those who were present?
- 29 A. Uh-huh.
- 16:03:45 30 Q. 1017 Closely with Mr. Ahern. Surely you would be the person who they would be

- 16:03:51 1 discussing this with?
- 2 A. Well I can't imagine why they would discuss it with me. It was none of my
- 3 business.
- 4 Q. 1018 You are in attendance. You were invited to attend this function?
- 16:04:01 5 A. I hadn't been invited by them. I had been invited by the Taoiseach to come
- 6 with him.
- 7 Q. 1019 Even more so then. Surely he introduced you to those who had invited him as a
- 8 being a person who was a close friend of yours and who had been brought along
- 9 to the function?
- 16:04:17 10 A. Why would they feel it necessary Mr. O'Neill to tell me that they had given
- 11 money to the Taoiseach.
- 12 Q. 1020 Obviously this wasn't a spontaneous gesture. The collection didn't take place
- 13 in your presence?
- 14 A. No.
- 16:04:31 15 Q. 1021 Somebody had planned in advance of Mr. Ahern's attendance that he would be
- 16 presented with a sum of 8,000 Pounds Sterling which is a substantial amount. A
- 17 dinner had been arranged apparently. You were in attendance at it. You were
- 18 the only other Irish representative there with him at the time. Would that not
- 19 all indicate to you that if this was a presentation which was going to be made
- 16:04:59 20 at the time it was something that you would be made aware of?
- 21 A. Well I'm assuming that these individuals gave this money to the Taoiseach in a
- 22 private capacity and I don't think that they would be want to be telling other
- 23 people what they were doing for the Taoiseach.
- 24 Q. 1022 Well?
- 16:05:14 25 A. Or the Minister for Finance, as he was at the time.
- 26 Q. 1023 Well why do you think it would be a payment being made to him in a private
- 27 capacity?
- 28 A. A private capacity in that it was none of my business, that's what I mean by
- 29 that.
- 16:05:30 30 Q. 1024 I see. In his discussion with you some time after the event in which he

16:05:47 1 indicated to you that the amount that had been given to him was 8,000 Pounds in  
2 Sterling or thereabouts, did he tell you what he intended to do with it?

3 A. No.

4 Q. 1025 No?

16:05:56 5 A. There was no further discussion about it.

6 Q. 1026 Well do you know why he raised it? Why apparently some weeks after the event  
7 with you if he wasn't --

8 A. I think it was in passing he just says by the way or words to that effect  
9 that's the money that they gave me was 8,000 Sterling.

16:06:15 10 Q. 1027 Did he distinguish as to whether it was intended for him as a personal donation  
11 or as a political donation or as a contribution towards the party or ...

12 A. Not to me. I assumed that it was a personal donation to him. It was not a  
13 party donation.

14 Q. 1028 Do you know of any reason why he would include you in the knowledge that he had  
16:06:40 15 received 8,000 Pounds Sterling other than the fact that you had attended the  
16 dinner?

17 A. We were personal friends.

18 Q. 1029 I see. So?

19 A. Just in general chat.

16:06:49 20 Q. 1030 Okay. You would expect him to tell you something like that?

21 A. Well sometimes, maybe not always.

22 Q. 1031 Did he tell you about any of the other donations that he received that are of  
23 the subject of current examination by the Tribunal?

24 A. No.

16:07:04 25 Q. 1032 He didn't tell you that he had received 22,500 Pounds from a group of friends  
26 in December 1993?

27 A. No.

28 Q. 1033 Some months prior to this?

29 A. No.

16:07:18 30 Q. 1034 Did he tell you that he had received 16,500 Pounds?

16:07:27 1 A. No.

2 Q. 1035 Later that year?

3 A. No.

4 Q. 1036 No.

16:07:32 5 A. Well in fact I am wrong there.

6 Q. 1037 I see.

7 A. He told me in relation to the 16,500 that the guys had made a collection for

8 him, yes.

9 Q. 1038 I see.

16:07:40 10 A. Now, he didn't indicate to me how much it was and I think that it was in the

11 context in I think it was touched on earlier with Mr. Burke that I happened to

12 walk in to the pub on the night he received it.

13 Q. 1039 Yes. Do you drink in the Beaumont or did drink at this time yes?

14 A. I did, uh-huh.

16:08:02 15 Q. 1040 In Beaumont House, is that right?

16 A. Uh-huh.

17 Q. 1041 And can you assist us as best you can when it was that this donation was made

18 to Mr. Ahern of the 16,500 Pounds?

19 A. I can't but I listened to Mr. Burke's evidence and he seemed to suggest it as a

16:08:24 20 Saturday night. I wouldn't necessarily agree with that. I would say that it

21 was more a midweek night.

22 Q. 1042 Okay. Well what is your recollection of that particular night. Obviously this

23 is a location that you would visit regularly frequently. There is nothing

24 unusual about being there. The others, that is Mr. Burke and Mr. Ahern, also

16:08:41 25 frequent it, so there's nothing unusual about their being there, isn't that

26 right?

27 A. Uh-huh.

28 Q. 1043 So their presence and your presence is unremarkable in that location at that

29 time?

16:08:51 30 A. True.

- 16:08:52 1 Q. 1044 That year or any year since then, isn't that right?
- 2 A. True.
- 3 Q. 1045 Now, what is it that brings to mind the occasion upon which you believe that
- 4 Mr. Ahern was paid money by Mr. Carew?
- 16:09:06 5 A. Well not particularly by -- well in the context of the evidence that was given
- 6 and having listened and read, I do recall that on the night in question that I
- 7 walked in to the pub and I'm taking this on the basis of evidence given by
- 8 others that I did. And it would be nothing unusual for me to walk in to the
- 9 pub and to have a drink with the Taoiseach on a midweek night.
- 16:09:34 10 Q. 1046 Yes.
- 11 A. Not necessarily every week but on and off.
- 12 Q. 1047 Yes.
- 13 A. And I have. I have a recollection wrongly or otherwise, that on the night he
- 14 got the money, that I happened to walk in and he said it to me that the lads
- 16:09:48 15 had made a collection for him.
- 16 Q. 1048 Okay.
- 17 A. No more or no less.
- 18 Q. 1049 All right. And did he tell you how much the collection was?
- 19 A. No, he did not.
- 16:09:57 20 Q. 1050 Did he show you what the collection was?
- 21 A. No, he did not.
- 22 Q. 1051 Did you spend the evening having a drink or two with him?
- 23 A. I had a drink or two, yes.
- 24 Q. 1052 All right. Did you know that he had a parcel in front of him in which there
- 16:10:10 25 was 16,500 pounds in notes?
- 26 A. No, did I not.
- 27 Q. 1053 When he told you that the lads had had a whip-round for him did he show you the
- 28 package in which this whip-round was contained?
- 29 A. No.
- 16:10:24 30 Q. 1054 Well it was between you apparently under his coat at some stage?

- 16:10:28 1 A. It could very well have been but I didn't know that.
- 2 Q. 1055 But do you know why he wouldn't have shown it to you or told you what it was?
- 3 A. Well I can't imagine what would have been in it showing it to me one way or the
- 4 other. It was a donation that was given to him by friends whether he picked it
- 16:10:43 5 up and showed it to me are whether he put it in his inside pocket is
- 6 immaterial. As it happened he didn't.
- 7 Q. 1056 Did you consider being a contributor to that fund yourself, given that he had
- 8 identified to you that others had had a whip-round for him. You were a close
- 9 friend of his at the time. Was it a surprise to you firstly, to know that
- 16:11:03 10 there had been such a whip-round?
- 11 A. It didn't surprise me, no.
- 12 Q. 1057 Did you volunteer to contribute to it yourself?
- 13 A. I wasn't asked and I didn't volunteer. I think they probably knew or knew that
- 14 I was a hard pressed PAYE worker.
- 16:11:17 15 Q. 1058 Well without knowing what the whip-round is, it might have been well within
- 16 your range of contribution. I mean did you understand that it was in some way
- 17 a substantial whip-round running to thousands of pounds or did you understand
- 18 that it might have been merely hundreds?
- 19 A. I had no understanding good, bad or indifferent. I didn't know. I wasn't
- 16:11:37 20 asked. I didn't contribute.
- 21 Q. 1059 Did Mr. Ahern express any surprise to you that he had been selected to be given
- 22 this particular donation at that time?
- 23 A. He was taken aback I think, yes.
- 24 Q. 1060 Well did he explain to you why he was taken aback?
- 16:11:53 25 A. Well I think he probably didn't expect that individual friends were going to
- 26 contribute to him in this way.
- 27 Q. 1061 Yes. Well the usual reaction I suppose is that you'll return it unless you
- 28 needed, it isn't that right?
- 29 A. Yes, that's true.
- 16:12:09 30 Q. 1062 Did you know of any reason that Mr. Ahern had to keep this money?

- 16:12:12 1 A. Well I assume I didn't know exactly the dimension of Mr. Ahern's affairs but I  
2 mean he was in the throws of a marriage break up. He was I think probably had  
3 gone through the courts system at this stage, I'm not quite sure whether this  
4 is true or not, and would have been deemed that he now had to forfeit part of  
16:12:32 5 his salary to maintain his wife and young family and of course then he had to  
6 look after his own interests, he was running two households so to speak, had no  
7 home to live in. So I'm sure that that to me would be financially strapped.
- 8 Q. 1063 Uh-huh. Well as we know he was running one household only, isn't that right?
- 9 A. Well he was running a household and trying to. He had to maintain himself.
- 16:12:56 10 Q. 1064 Yes. And you knew that he had received 8,000 pounds in sterling some months  
11 before at most, isn't that right?
- 12 A. Yes.
- 13 Q. 1065 Right. So you had no reason to believe that he had any immediate financial  
14 requirement, isn't that right?
- 16:13:13 15 A. Well I would have known that he wouldn't have been as well off in a context as  
16 he had been by virtue of the fact that he was now separated from his wife.
- 17 Q. 1066 Do you know of any reason why he wouldn't tell you what the amount of this  
18 contribution was, given that he had disclosed to you the amount of the  
19 Manchester contribution? He now apparently had received 25,000 pounds within a  
16:13:34 20 period of months all in cash that you were now aware of. Sorry, you weren't  
21 aware of the amount of the second donation but obviously it was something that  
22 I suggest you were curious about at a minimum.
- 23 A. Not particularly. I mean, if individual friends are prepared to help a friend  
24 in need well I'm all for that.
- 16:13:56 25 Q. 1067 Yes.
- 26 A. And probably if I could afford it and was asked at the time I would have  
27 donated myself.
- 28 Q. 1068 If he made it known to you that such payment that a payment had been made to  
29 him by his friends, was there any reason for you not to inquire as to how much  
16:14:11 30 it was given that he had discussed with you his financial affairs earlier that

- 16:14:16 1 year at which he had received the 8,000 pounds?
- 2 A. Well he didn't discuss with me his financial affairs. And the only reason he
- 3 discussed the 8,000 is that I happened to be there at that particular event.
- 4 So it was by virtue of the fact that I was associated with the event I think,
- 16:14:31 5 that I was told about that particular individual amount.
- 6 Q. 1069 But you were sitting beside him within moments of him having got the second
- 7 amount. Is that not exactly the same consideration that would prompt him to
- 8 tell you that he had received that amount also?
- 9 A. No, because I had no part to play in that good, bad or indifferent, other than
- 16:14:49 10 the fact that I happened to walk into the pub at a particular time.
- 11 Q. 1070 But you had part to play in the Manchester function either, other than being a
- 12 guest sitting there --
- 13 A. Well I did.
- 14 Q. 1071 You contributed nothing to it. You didn't know of the fact that it had been
- 16:15:01 15 made. You first learned of it days later and when you learned of it, you were
- 16 told about the fact that it had happened initially and then some weeks later
- 17 you were told what the amount was. There didn't have to be any immediacy or
- 18 connection with the event itself in order for him to tell you what it was
- 19 about. This is a lot more immediate.
- 16:15:19 20 A. He didn't tell me. He told me about one he didn't tell me about the other.
- 21 Q. 1072 And you didn't ask?
- 22 A. And I didn't ask. It's none of my business.
- 23 Q. 1073 None of it I suppose was your business?
- 24 A. Absolutely. So I didn't ask 8,000 either he told me.
- 16:15:32 25 Q. 1074 Whilst it's not your business, you are a close friend of his.
- 26 A. Yes.
- 27 Q. 1075 You were present when others apparently have made one of two substantial cash
- 28 contributions to Mr. Ahern during this time from his friends, and you say that
- 29 you are unaware of the advance being given to you?
- 16:15:48 30 A. Absolutely.

16:15:50 1 Q. 1076 Thank you, Mr. Kett?

2 A. You are welcome.

3

4 CHAIRMAN: Mr, sorry, just before you, Senator Kett. When Mr. Ahern told you

16:15:58 5 of the 8,000 approximately that he got in Manchester, you think that was some

6 while after the event?

7 A. Yes.

8

9 CHAIRMAN: The actual --

16:16:07 10 A. Not very long but some while, yes.

11

12 CHAIRMAN: All right. And did you say in evidence that you didn't have any

13 particular reaction yourself, you weren't surprised or?

14 A. Well I wasn't because I didn't know the people. I hadn't encountered them

16:16:23 15 before, Chairman.

16

17 CHAIRMAN: Yes.

18 A. So I didn't.

19

16:16:25 20 CHAIRMAN: But did you not -- were you not amazed in the sense that. I'm not

21 suggesting that you saw it as being anything improper but amazed at his good

22 fortune and generosity of these people?

23 A. I suppose deep down I probably was, yes.

24

16:16:42 25 CHAIRMAN: Because you hadn't experienced anything like this before?

26 A. No.

27

28 CHAIRMAN: Even though you had accompanied him on previous occasions?

29 A. Yes. But I hadn't accompanied him in the same context. I hadn't gone to a

16:16:55 30 dinner with him on a previous occasion. This was a first for me.

16:16:58 1 CHAIRMAN: Yes. So this was -- something like this, namely, Mr. Ahern being  
2 given a large amount of money on a visit to Manchester or wherever was  
3 something that you had no experience of before?

4 A. No.

16:17:16 5  
6 CHAIRMAN: So to that extent, were you surprised?

7 A. I would have raised I suppose in terms of it being a bit of good fortune for  
8 him on the occasion that was in it and at the time, at the timing of it maybe.

9  
16:17:29 10 CHAIRMAN: All right.

11  
12 JUDGE FAHERTY: Just one thing, Senator. Mr. O'Neill asked you, whether or  
13 not you were aware that the collection was made or had any knowledge of it  
14 prior to Mr. Ahern telling you of it on the way back and you said no?

16:17:58 15 A. No, none whatsoever.

16  
17 JUDGE FAHERTY: As I understand it there was a group of approximately -- there  
18 was business people from Manchester, is that correct?

19 A. Yes.

16:17:58 20  
21 JUDGE FAHERTY: And do you know whether all of those people were known to  
22 Mr. Ahern?

23 A. On looking at it on the face of it, it appeared they were. Maybe some more so  
24 than others. Some may have encountered him on an occasion others were quite,  
16:18:10 25 very friendly with him. So I would say all in all he knew all of the people  
26 that were there. Some better than others.

27  
28 JUDGE FAHERTY: Right. And were you introduced to these people Senator?

29 A. I was, yeah.

16:18:21 30

16:18:21 1 JUDGE FAHERTY: And I think there is reference to Mr. Kennedy I think. Was he  
2 in attendance?

3 A. It appears he was. I had never -- I met Mr. Kennedy on that occasion, if I  
4 did. Never met him since. So I'm assuming that I was introduced to him on the  
16:18:35 5 night.

6  
7 JUDGE FAHERTY: I see. And do you recall the names of any of the people to  
8 whom you were introduced?

9 A. No other than the names basically that have cropped up in evidence, Mr. Kennedy  
16:18:45 10 has been one, Mr. Kilroe has been the other. And they are probably the only  
11 two names and they are the only two names I think that I've heard in evidence  
12 so. The names wouldn't have meant anything to me if I didn't hear them and you  
13 asked me did I know any of the people in attendance, I wouldn't have been able  
14 to give you those names either.

16:19:04 15  
16 JUDGE FAHERTY: All right. Thank you.

17  
18 CHAIRMAN: All right.

19 A. Thank you.

16:19:08 20  
21 CHAIRMAN: Thank you very much, Senator

22 A. Thank you, Chairman.

23  
24 **THE WITNESS THEN WITHDREW.**

16:19:12 25  
26 CHAIRMAN: We are sitting for a short while I think tomorrow at half ten.

27  
28 MR. O'NEILL: That's correct.

29  
16:19:17 30 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

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**FRIDAY, 14TH DECEMBER 2007, AT 10.30 A.M.**