

THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,

1ST NOVEMBER 2007, AT 10: 00 A.M:

09:52:20 1 MS. DILLON: Good morning, Sir.

10:18:10 5 CHAIRMAN: Good morning, Ms. Dillon.

7 MS. DILLON: I understand that the web page indicates that Mr. Dunlop will be
8 giving evidence this afternoon between two and three. And I understand that
9 the position now is, that Mr. Dunlop will conclude his evidence today at one
10 o'clock and going forward, his evidence will be from ten in the morning until
11 one o'clock.
12

13 CHAIRMAN: Very good.

14 10:18:30 15 MS. DILLON: Mr. Dunlop, please.

16
17
18 **MR. FRANK DUNLOP CONTINUED TO BE QUESTIONED BY MS. DILLON AS FOLLOWS:**

19
20 10:18:38 CHAIRMAN: Good morning, Mr. Dunlop

21 A. Good morning.

22
23 MS. DILLON: Good morning, Mr. Dunlop

24 A. Good morning, Ms. Dillon, yes. Sorry, yeah.

25 10:18:46 Q. 1 Yesterday we had concluded by dealing with the events concerning Mr. Gerry
26 Leahy and Mr. Peter Brady. And we had also looked at the information that you
27 had in relation to the payments made to Mr. Sean Gilbride. And turning to
28 August of 1992, now there's relatively little contact or meetings recorded
29 either in your diary or in your telephone messages and I presume that is
30 10:19:15 because it's a holiday period.

- 10:19:17 1 A. Yes, I think that's correct.
- 2 Q. 2 You do have meetings recorded with a Fr. Larry White who was one of the local
3 priests at the Quarryvale area, isn't that right?
- 4 A. That's correct.
- 10:19:27 5 Q. 3 And also with Mr. Colm McGrath, Mr. Fintan Gunne, Mr. O'Callaghan and Mr. Pat
6 Rabbitte.
- 7 A. Yes.
- 8 Q. 4 And I think that you have telephone messages from Fr. Larry White, Mr. Colm
9 McGrath, Mr. O'Callaghan, Mr. Fintan Gunne, Mr. Tom Hand, Mr. Liam Lawlor,
10:19:43 10 Mr. John O'Halloran, Mr. Ambrose Kelly, Mr. John Ahern, Mr. Jim Bolger,
11 Ms. Therese Ridge and Mr. Bertie Ahern's office.
- 12 A. Yes.
- 13 Q. 5 Now, within those there's only one in particular, one telephone message that I
14 want to draw to your attention which is one of the 24th of August '92, at 7914.
- 10:20:12 15 And this is the message at -- in the morning. And that records a telephone
16 call made from your office to Mr. O'Callaghan, is that correct?
- 17 A. Yes.
- 18 Q. 6 And told him "meeting to be arranged with Pat Rabbitte on Thursday or Friday.
19 Also Frank Dunlop's spoke to Trevor Sergent too early. David Healy looking
10:20:31 20 after meeting, will meet Frank Dunlop next week". What was all of that about,
21 Mr. Dunlop?
- 22 A. Obviously this is a note by my secretary on the telephone message list to say
23 that I was setting up meetings with Pat Rabbitte and/or Trevor Sergent. And
24 Trevor Sargeant for Mr. O'Callaghan and myself.
- 10:20:56 25 Q. 7 Yes but --
- 26 A. Could I just ask you again, as I did yesterday, Ms. Dillon, could I have the
27 1992 diary just to establish at what period I was absent from the country?
28 Thank you. Yes, sorry, Ms. Dillon.
- 29 Q. 8 Now, at that time, Mr. Dunlop, you may have been arranging meetings but I want
10:21:25 30 you to explain to the Tribunal in particular is the message first of all in

10:21:29 1 relation to Trevor Sargeant where the comment appears to be too early. Does
2 that suggest that Mr. Sargeant indicated it was too early to meet?

3 A. Yes, I would interpret with the benefit of looking at that now, I would
4 interpret that in that context, yes, it was too early to meet, yes.

10:21:51 5 Q. 9 And I am suggesting to you, Mr. Dunlop, that because you ring Mr. O'Callaghan
6 and give him this message these conversations with these three councillors
7 could only have been in connection with Quarryvale?

8 A. Oh, there's no doubt about that.

9 Q. 10 Right. And insofar as Mr. David Healy is concerned, the note there is "David
10 Healy looking after meeting". What does that mean?

11 A. That David Healy will be the person that we will make contact with in relation
12 to a meeting with the Green Party in Dublin County Council.

13 Q. 11 So that Mr. Healy is agreeing to set-up a meeting with the Green Party with
14 yourself and Mr. O'Callaghan, is that the position?

10:22:25 15 A. Yes, obviously I have spoken to David Healy, looking for a meeting and he is
16 going to look after or I have spoken, I beg your pardon, I have spoken to
17 Trevor Sargeant and he has said that David Healy will look after the
18 establishment of the meeting.

19 Q. 12 And if you look at your diary then at 7915, which is your diary for the week
10:22:50 20 beginning 24th of August 1992, and there's no reference within that diary to a
21 meeting with either Trevor Sargeant or David Healy but there is a reference on
22 the 28th of August 1992, to a meeting at 11 o'clock with Owen O'Callaghan and
23 then at 12 o'clock Pat R, which I suggest is Pat Rabbitte?

24 A. Correct, yes.

10:23:14 25 Q. 13 Now, did that meeting with Mr. Rabbitte take place?

26 A. I cannot, yes, if the, if it is in my diary and it is not deleted, a meeting
27 took place with Pat Rabbitte. I cannot say to you definitively that a meeting
28 was a tripartite one with Pat Rabbitte, Frank Dunlop and Owen O'Callaghan but
29 certainly a meeting would have taken place if the meeting is in my diary and is
10:23:36 30 not deleted.

- 10:23:36 1 Q. 14 Yes. And it would seem from if you take the telephone message and the diary
2 entry in context, is that your informing Mr. O'Callaghan that a meeting has
3 been set-up. Your diary records that you meet Mr. O'Callaghan first and then
4 you meet Mr. Rabbitte, isn't that right?
- 10:23:50 5 A. Yes.
- 6 Q. 15 And had Mr. O'Callaghan met Mr. Rabbitte prior to this?
- 7 A. Not to my knowledge.
- 8 Q. 16 So isn't it likely then, Mr. Dunlop, that you would have brought Mr.
9 O'Callaghan to meet Mr. Rabbitte?
- 10:24:02 10 A. It is quite likely, yes.
- 11 Q. 17 And Mr. Rabbitte at this stage, was he Chairman of Dublin County Council?
- 12 A. In 1992, yes, he was.
- 13 Q. 18 Yes. So he was a person of influence within the Council itself, isn't that
14 right?
- 10:24:14 15 A. Yes.
- 16 Q. 19 And in particular would he have been a person of influence in the organisation
17 of the dates within which Quarryvale might be taken or the meetings?
- 18 A. He, well he would be instrumental in organising it with the officials,
19 organising the schedule with the officials. But both of them, the officials
10:24:34 20 and Mr. Rabbitte, would be dependent on the process or the progress of matters
21 in relation to other proposals and other maps. So whatever Pat Rabbitte might
22 suggest in any particular instance in relation to when an item might be taken,
23 could not be taken as guaranteed.
- 24 Q. 20 Yes. I'm only asking you the question in the context of the letter that we
10:24:57 25 looked at yesterday.
- 26 A. Yes.
- 27 Q. 21 Where Mr. O'Callaghan is recorded as expressing a desire that Quarryvale would
28 not be dealt with prior to September and you were unable to assist the
29 Tribunal, isn't that right, Mr. Dunlop?
- 10:25:07 30 A. Correct, yes.

- 10:25:08 1 Q. 22 As to why Mr. O'Callaghan might have held the view at that time, isn't that
2 right?
- 3 A. Correct, yes.
- 4 Q. 23 Now, I think now just in view of the fact that Mr. Rabbitte would have been a
10:25:16 5 person of influence in scheduling meetings. Do you think that it's likely that
6 one of the matters that might have been discussed between Mr. O'Callaghan
7 yourself and Mr. Rabbitte at this meeting on the 28th of August 1992, was the
8 likely date when the Quarryvale matter would come before the Council?
- 9 A. Oh, well if I may answer that in two formats. One is, I think it is likely
10:25:36 10 that a discussion took place as to the likely date when the Quarryvale issue
11 would arise in the schedule of special meetings. But the second part would be
12 that I have no recollection whatsoever of either Mr. O'Callaghan and myself
13 requesting Mr. Rabbitte to either fast forward or delay.
- 14 Q. 24 And also Mr. Rabbitte, independent of his position as Chairman of Dublin County
10:26:04 15 Council was also a senior figure in the Labour Party at that time, isn't that
16 right, in the Democratic Left sorry?
- 17 A. Democratic Left. I think that's what they were called at the time, yes.
- 18 Q. 25 And I think there were two or three members of Democratic Left who were members
19 of Dublin County Council at this time, isn't that right?
- 10:26:20 20 A. Yes, there were.
- 21 Q. 26 And would the meeting also have encompassed an attempt by yourself and Mr.
22 O'Callaghan to seek the Democratic Left support for the Quarryvale project?
- 23 A. Oh, yes, any meeting that took place with any Councillor at this particular
24 time, that involved Mr. O'Callaghan, if Mr. O'Callaghan attended this
10:26:39 25 particular meeting, I cannot say that I specifically recall. But I do recall a
26 meeting with Mr. Pat Rabbitte and Mr. O'Callaghan and myself at one juncture,
27 at a juncture during the course of the process but the purpose of the --
- 28 Q. 27 The just for clarity, Mr. Dunlop, the meeting that you recollect with
29 Mr. Rabbitte and Mr. O'Callaghan.
- 10:26:57 30 A. Yes.

- 10:26:57 1 Q. 28 Does that take place coming up to the meeting in December 1992?
- 2 A. Yes, I believe it does.
- 3 Q. 29 Well then it's nothing to do with this meeting, isn't that right?
- 4 A. No.
- 10:27:05 5 Q. 30 So if we just stay with the meeting in August at the moment then and what is
6 likely to have been discussed at that meeting, Mr. Dunlop?
- 7 A. I think what is likely to have been discussed at that meeting given the
8 position that Mr. Rabbitte held both as a Chairman and an as an elected
9 representative of Dublin County Council, was to seek his and possibly his
10 colleagues support in Democratic Left for the proposal.
- 11 Q. 31 It would be fair to say and in fairness to Mr. Rabbitte, that Mr. Rabbitte was
12 not a supporter of the view that you and Mr. O'Callaghan held for Quarryvale,
13 isn't that the position?
- 14 A. Yes, that is correct.
- 10:27:38 15 Q. 32 Okay.
- 16 A. I think there would be some variations in that particular view of
17 Mr. Rabbitte's. He did believe that something ought be done but he wasn't
18 quite sure where it should be done and how it should be done.
- 19 Q. 33 And certainly insofar as his vote is recorded in December of 1992, Mr. Dunlop.
20 His vote was not a pro Owen O'Callaghan vote in Quarryvale, isn't that correct?
- 21 A. That's correct, yes.
- 22 Q. 34 Now, I mean, it is the position that you did meet with Mr. Rabbitte in November
23 of 1992, isn't that correct?
- 24 A. That's correct.
- 10:28:08 25 Q. 35 And we'll come to deal with that in a particular sequence. But at this stage
26 when you meet with Mr. Rabbitte you cannot recollect what you discussed, is
27 that correct?
- 28 A. At this remove I cannot specifically say to you what was discussed other than
29 the purpose of the meeting with Mr. Rabbitte was related to Quarryvale.
- 10:28:31 30 Q. 36 And it could have related to two matters. One was the scheduling of the

- 10:28:37 1 Quarryvale hearing or the maps in relation to Quarryvale and the likely date
2 within which they would be heard and the second matter would be whatever
3 support you could get from the Democratic Left Party for Quarryvale?
- 4 A. Yes.
- 10:28:49 5 Q. 37 Isn't that right? Now, what was your view of the likelihood of obtaining
6 support from Democratic Left for the Quarryvale proposal that Mr. O'Callaghan
7 had?
- 8 A. Yes, well you did say some moments ago that there were three members or two or
9 three members.
- 10:29:06 10 Q. 38 No I didn't say any number, Mr. Dunlop.
- 11 A. Well there was a number of Democratic Left members of Dublin County Council at
12 that particular time. Offhand I can think of three immediately and possibly
13 four. But the likelihood of the Democratic Left support was slim to nil.
- 14 Q. 39 The stated position of the Labour Party at that time was that it would in
10:29:38 15 general prefer to support the manager's proposals or the manager's
16 recommendations, isn't that correct?
- 17 A. That's the.
- 18 Q. 40 In general that's the Labour Party, Mr. Dunlop?
- 19 A. Yes, that's correct.
- 10:29:48 20 Q. 41 Did Democratic Left have a similar position?
- 21 A. Yes, I think in broad terms they would have, yes.
- 22 Q. 42 Now, Mr. O'Halloran was at that time a member of the Labour Party, isn't that
23 correct?
- 24 A. That's correct.
- 10:29:58 25 Q. 43 And I think he subsequently left the Labour Party?
- 26 A. Yeah, I think he was ejected.
- 27 Q. 44 From the Labour Party?
- 28 A. Yeah.
- 29 Q. 45 But in general both insofar as Democratic Left is concerned and the Labour
10:30:09 30 Party, as a general proposition with some minor exceptions the general approach

- 10:30:14 1 of both of those political parties was to follow the manager's recommendations?
- 2 A. Yes, that developed as a type of mantra that was indulged in by certain
- 3 politicians in Dublin County Council at the time. Notwithstanding the fact
- 4 that privately they may well have, as they did on some occasions, tell me that
- 10:30:34 5 they didn't quite agree with what the manager was proposing but it was
- 6 politically preferable for them from a public point of view to be seen to be
- 7 following what the manager suggested.
- 8 Q. 46 Are you attempting to tell the Tribunal there, Mr. Dunlop, that it was
- 9 expedient on occasion for members of the Labour Party or Democratic Left to
- 10:30:54 10 hold one view publicly and another view privately?
- 11 A. I'm not attempting to tell you that. I am telling you that.
- 12 Q. 47 But insofar as the votes of either Democratic Left or the Labour Party were
- 13 concerned in general their votes went with the manager's recommendation?
- 14 A. That is correct and for the avoidance of doubt on anybody involved in the
- 10:31:13 15 Tribunal, I would not like my remark in relation to what I've said to apply
- 16 solely to the Labour Party or to Democratic Left. It applied to all
- 17 politicians in Dublin County Council who on occasion might well have sought
- 18 solice in the Manager's Report if they didn't want it to support a particular
- 19 project.
- 10:31:34 20 Q. 48 But it would also be fair to say that insofar as the two major political
- 21 parties were concerned, Fine Gael and Fianna Fail, they did not have a position
- 22 of in general supporting the manager's recommendation, isn't that right?
- 23 A. In general, yes. I think that is a fair assessment in general.
- 24 Q. 49 And while the individual councillor's vote could do to a degree depend upon
- 10:32:01 25 their personal circumstances locally such as you've instant, Ms. Marian
- 26 McGennis for example, who you have told the Tribunal was a promoter in public
- 27 of the Blanchardstown town centre but in private was a member effectively of
- 28 the Quarryvale team and attended meetings in your office, isn't that right?
- 29 A. That's correct, yes.
- 10:32:18 30 Q. 50 So that was an example, for example, where a very clear example, if you are

- 10:32:23 1 correct in what you tell the Tribunal, where a councillor held publicly one
2 position but privately another, isn't that right?
- 3 A. Correct, yes.
- 4 Q. 51 Now, in August of 1992, Mr. Dunlop, Mr. O'Callaghan went to see Mr. John
10:32:37 5 Fitzgerald, 7856. And you will see there in your diary on the 12th of August
6 1992, there is a meeting at 11.15 "Gresham, Owen" which I suggest is a meeting
7 or meeting up with Mr. O'Callaghan in the Gresham, followed at 11.30 by John
8 Fitzgerald, Owen O'C etc. Who was John Fitzgerald?
- 9 A. John Fitzgerald was, I may not get his proper designation now but in broad
10:33:10 10 terms and I will be subject to correction to his exact title, but John
11 Fitzgerald was the manager.
- 12 Q. 52 The manager of which?
- 13 A. Of Dublin County Council.
- 14 Q. 53 Was John Fitzgerald the manager of Dublin County Council or South Dublin County
10:33:22 15 Council?
- 16 A. Sorry, I beg your pardon, this is 1992.
- 17 Q. 54 This is 1992.
- 18 A. Yes, John Fitzgerald has been promoted out of the, as a result of the
19 reorganization of Dublin County Council into various councils, John Fitzgerald
10:33:38 20 has been promoted to be manager of Dublin south.
- 21 Q. 55 Yes, at this stage in 1992, Mr. Dunlop, the legal position was that Dublin
22 County Council with the 78 members still pertained.
- 23 A. Correct.
- 24 Q. 56 But it was known that by January of 1994, the councils were going to split into
10:33:54 25 three, isn't that correct?
- 26 A. Correct, yes.
- 27 Q. 57 The Quarryvale lands would be situated within the functional area of South
28 Dublin County Council, isn't that right?
- 29 A. Yes.
- 10:34:01 30 Q. 58 And within Dublin County Council in 1992 and 1993, there were three local

- 10:34:08 1 authority committees, isn't that right?
- 2 A. Correct.
- 3 Q. 59 Dun Laoghaire-Rathdown County Council committee, Fingal County Council
4 committee and South Dublin County Council committee, isn't that right?
- 10:34:17 5 A. Correct, yes.
- 6 Q. 60 And the manager designate, if I can call it that, of South Dublin County
7 Council was Mr. John Fitzgerald, isn't that the actual position?
- 8 A. That is the actual position. As to his title, I cannot help you, he was
9 assistant manager under the global Dublin County Council but until such time as
10:34:35 10 1994, he took up his job he was still situated in the offices in either the
11 Irish Life Mall or in O'Connell Street.
- 12 Q. 61 As indeed were all of the officials --
- 13 A. Yes.
- 14 Q. 62 -- who were going to go to the various functional areas be it Dun Laoghaire,
10:34:50 15 Rathdown, Fingal or south Dublin?
- 16 A. That's correct, yes.
- 17 Q. 63 Now, why was Mr. O'Callaghan going to meet with Mr. Fitzgerald in August of
18 1992?
- 19 A. Yes, as I recall matters, I did not attend this meeting. I, as I have pointed
10:35:04 20 out in the diary, I was present when Mr. O'Callaghan in the Gresham Hotel. Mr.
21 O'Callaghan knew Mr. Fitzgerald from a previous manifestation. I think
22 Mr. Fitzgerald had been either an assistant manager or he had been involved in
23 some other project that Mr. O'Callaghan had been involved in but they knew
24 one -- Mr. O'Callaghan knew him and Mr. O'Callaghan told me that he was going
10:35:31 25 to see John Fitzgerald. As to the substance of what took place, I can only
26 speculate which I would not like to do but I think it wouldn't defy anybody's
27 intelligence to suggest that Mr. O'Callaghan was going to talk to John
28 Fitzgerald about Quarryvale.
- 29 Q. 64 And at 7829, Mr. Dunlop, which is a telephone message, the first message
10:35:53 30 received there on the 5th of August '92, is apparently from Mr. O'Callaghan.

- 10:35:59 1 And apparently you are being informed that "he is contacting John Fitzgerald
2 county planner on Monday".
- 3 A. Yes.
- 4 Q. 65 "to arrange a meeting next week with regard to the Stadium".
- 10:36:06 5 A. Correct.
- 6 Q. 66 "And there was no need for you to ring Mr. O'Callaghan." And at 7844, on the
7 10th of August, Mr. O'Callaghan rings at 4.40. And informs you "his meetings
8 on Thursday 10 to 11 a.m. with Derek Brady and Wednesday at 11.30 with John
9 Fitzgerald".
- 10:36:25 10 A. That's correct.
- 11 Q. 67 May the Tribunal take it from that then, Mr. Dunlop, that while Mr. O'Callaghan
12 needed your services to set-up meetings with councillors of whom he was unaware
13 and whom he didn't know, that he was able to set-up meetings with the officials
14 of Dublin County Council himself without intervention from you?
- 10:36:43 15 A. Yes.
- 16 Q. 68 Right. And do you know whether or not Mr. O'Callaghan had known Mr. Brady
17 prior to this?
- 18 A. In, I cannot say that in relation to Mr. Brady.
- 19 Q. 69 Yes.
- 10:36:55 20 A. I don't know much about Mr. Brady at all.
- 21 Q. 70 Did you ever set-up any meetings with Mr. Brady for Mr. O'Callaghan?
- 22 A. I'm, I cannot say that I recall. I may have done. I do recall setting up a
23 meeting with Al Smyth.
- 24 Q. 71 Yes. I didn't ask you about that and I'm going to come to ask you about that.
10:37:11 25 Just stay with Mr. Brady for a moment.
- 26 A. In an endeavour to assist the Tribunal I think, perhaps if we wait before we
27 reply. I cannot recall now that I set up a meeting with Derek Brady I may have
28 done.
- 29 Q. 72 In your diary for the following day which we've just had on screen at 7856.
10:37:29 30 You have noted at 10.30 "Owen O C meets D Brady".

10:37:34 1 A. Yes.

2 Q. 73 You see that? And that appears to be a note that is made in your diary

3 following the telephone call from Mr. O'Callaghan where he tells you he has

4 set-up these meetings?

10:37:46 5 A. With Mr. Brady, yes.

6 Q. 74 It doesn't suggest that you are going to the meeting, isn't that right?

7 A. No.

8 Q. 75 And do you recollect whether or not in fact you did go to the meeting?

9 A. No I don't think -- I have never attended a meeting with Mr. O'Callaghan and

10:37:57 10 Mr. Brady. I did attend a meeting on my own. Sorry, with others with

11 Mr. Brady about a completely different matter years later but I did not attend

12 a meeting with Mr. O'Callaghan with Mr. Brady.

13 Q. 76 So that insofar as the substance of Mr. O'Callaghan's contact with the

14 officials of Dublin County Council was, these were matters that he dealt with

10:38:19 15 himself?

16 A. Yes.

17 Q. 77 Yes. But he informed you of the fact that they were going to take place?

18 A. Yes, and for completeness I should say I think I've said this already in

19 another context but that Mr. O'Callaghan would come to my offices in Dublin for

10:38:36 20 two or three days and that he himself would either have meetings in Dublin that

21 I wasn't a participant in and they could well be with Allied Irish Bank or as

22 an instance in this particular instance with officials of Dublin County

23 Council. I in the main organised meetings with councillors and politicians for

24 him.

10:38:59 25 Q. 78 Right. And you did set-up a meeting which I will come to deal with Mr. Al

26 Smyth?

27 A. Yeah.

28 Q. 79 For Mr. O'Callaghan, isn't that right?

29 A. Yes.

10:39:07 30 Q. 80 But you knew Mr. Smyth and had dealt with him yourself on a one-to-one basis?

10:39:12 1 A. Yes, I had been introduced to Mr. Smyth by Councillor Marian McGennis.

2 Q. 81 And in fact I think we dealt in a previous module with information being

3 telephoned in to your office by Ms. McGennis in relation to a meeting that she

4 had set-up with you with Mr. Smyth, isn't that right?

10:39:27 5 A. That's correct, yes.

6 Q. 82 I think that you also had meetings with Mr. Smyth in relation to Baldoyle?

7 A. That's correct, yes.

8 Q. 83 I will come to deal with the Quarryvale meetings with Mr. Smyth later, but in

9 general with the exception of Mr. Smyth, insofar as Mr. O'Callaghan had

10:39:40 10 meetings with the officials of the Council, they were in general arranged by

11 himself?

12 A. Yes.

13 Q. 84 Now, in August of 1992, Mr. Dunlop, there were a number of financial

14 transactions on your accounts. The first of which deals with the payment by

10:39:54 15 cheque of 2,500 pounds from David Hickey properties. 7833 please and this is a

16 letter to your solicitors of the 14th of June 2004, and the third item on that

17 table deals with a cheque to Shefran for 2,500 pounds. And I think the

18 position is and I have given evidence, Mr. Dunlop, that that was an invoice

19 that you issued, 7835 -- to Newlands Industrial Park in relation to Citywest.

10:40:30 20 A. Yes.

21 Q. 85 Which was paid by Citywest on the 6th of August 1992.

22 A. Yes.

23 Q. 86 7836. That's a copy of the cheque.

24 A. Yeah.

10:40:52 25 Q. 87 You will remember when Mr. O'Neill was asking you questions about this you

26 explained the re-issuing of the invoice to the correct person or the correct

27 name. Do you remember that?

28 A. Yes, I do.

29 Q. 88 Now, what I want to ask you about, Mr. Dunlop, is when you got that cheque

10:41:05 30 which is made out to Shefran what you did with it?

- 10:41:08 1 A. I either cashed it or lodged it into one of the accounts.
- 2 Q. 89 There is nothing to suggest that in or around the 6th of August 1992, you
- 3 lodged a sum of 2,500 pounds to any of your accounts, Mr. Dunlop?
- 4 A. Yes.
- 10:41:28 5 Q. 90 Now, is it likely therefore that what you did was you cashed the cheque?
- 6 A. Yes.
- 7 Q. 91 Right. And on the 10th of August, Mr. Dunlop, at 7845, there is a lodgement of
- 8 cash of 1500 pounds to your INBS account and there is then following that on
- 9 the 11th of August, a cash lodgement to your INBS account of 1,700 pounds, do
- 10:41:55 10 you see that?
- 11 A. Yes.
- 12 Q. 92 So you are lodging 3,200 pounds in cash within two days.
- 13 A. Yes.
- 14 Q. 93 Now, I just want to put a few propositions to you. I want to suggest to you
- 10:42:05 15 first of all that if on the 10th of August, you'd had the second sum you'd have
- 16 made a bigger lodgement. Do you understand?
- 17 A. Yes, I do.
- 18 Q. 94 You make two lodgements to the INBS one day after the other, isn't that right?
- 19 A. Yes.
- 10:42:18 20 Q. 95 And what I am sucking to you is if on the 10th of August 92, you had available
- 21 to you the fund from which you took the 1,700 pounds on the 11th August, you
- 22 would in all likelihood have lodged both sums together.
- 23 A. Yes, that would sound logical.
- 24 Q. 96 You have previously told the Tribunal that it was your practice when you
- 10:42:36 25 received cash to lodge or you received payment to lodge a portion of the
- 26 payment and to retain funds in cash, isn't that right?
- 27 A. Correct.
- 28 Q. 97 And you have told the Tribunal here in the last two weeks that you kept sums
- 29 ranges between 25 and 100,000 on occasion in your briefcase, isn't that right?
- 10:42:52 30 A. Correct.

- 10:42:52 1 Q. 98 Now, on these two dates on the 10th and the following day the 11th, you lodge a
2 total of 3,200 pounds in cash to INBS, isn't that right?
- 3 A. Yes.
- 4 Q. 99 Now the INBS 910 account was one of your war chest accounts, isn't that's
10:43:07 5 correct?
- 6 A. That is correct.
- 7 Q. 100 And this is one of the accounts that was used to fund the activities that
8 you've described to the Tribunal, isn't that the position?
- 9 A. Correct.
- 10:43:17 10 Q. 101 And in accordance to what you have previously told the Tribunal that is it
11 likely that the fund out of which you made the two lodgements totalling 3,200
12 pounds on the 10th and 11th of August '92, was greater?
- 13 A. It is likely.
- 14 Q. 102 There wasn't any necessity I suggest to you looking at that bank statement, Mr.
10:43:33 15 Dunlop, for you to make a lodgement to the Irish Nationwide, isn't that right?
- 16 A. No, because the balance was in credit.
- 17 Q. 103 This is the deposit account in any event, isn't that correct?
- 18 A. Correct.
- 19 Q. 104 And therefore there is no question of an overdraft or anything such as that
10:43:48 20 sort?
- 21 A. No.
- 22 Q. 105 So it was a matter of selection or choice on your part that you lodged the
23 money there, isn't that right?
- 24 A. Yes.
- 10:43:52 25 Q. 106 You go to the bother of making two separate lodgements on two separate days,
26 isn't that right?
- 27 A. Correct.
- 28 Q. 107 That would suggest that you had funds greater than that available to you at
29 that time?
- 10:44:02 30 A. Yes, I think that would be consistent in what I've said to the Tribunal.

- 10:44:06 1 Q. 108 Yes. You had on deposit at that stage approximately 11,000 pounds with the
2 Irish Nationwide, isn't that right?
- 3 A. Um.
- 4 Q. 109 After these lodgements?
- 10:44:20 5 A. After these lodgements, yes.
- 6 Q. 110 So you had at the end of June approximately 10,000 pounds. Then you make a
7 withdrawal and the sum dips, but with these lodgements it's back up to 11,000
8 pounds, isn't that right?
- 9 A. Correct.
- 10:44:34 10 Q. 111 Which in 1992 would have been a very considerable sum of money, isn't that
11 right?
- 12 A. Yes, I don't know what the transfer rate would be but certainly, yes, it would
13 have been considerable.
- 14 Q. 112 Well I suggest to you it would have been very considerable because it is around
10:44:47 15 this time, Mr. Dunlop, that you are entering into an arrangement with Mr. Tunny
16 about the option, isn't that right?
- 17 A. That's correct.
- 18 Q. 113 Now, in relation to that option, how many acres of land were involved?
- 19 A. Oh, gosh at this remove I cannot absolutely recall. I think it's documented in
10:45:08 20 the, in documents that are available. But I mean I cannot immediately recall.
- 21 Q. 114 At 7901, you tell Mr. Ahern your bank manager --
- 22 A. Yeah.
- 23 Q. 115 -- that you are, you want an option on 37 acres of lands beside Airmotive on
24 the Naas Road, is that the Tunny option?
- 10:45:29 25 A. That's the Tunny option, yes.
- 26 Q. 116 And how long was the option to last, Mr. Dunlop?
- 27 A. Again, with, I cannot absolutely say to you. I would say two to three years.
- 28 Q. 117 But it's 37 acres, isn't that right?
- 29 A. Well that's what Mr. Ahern has put down as a result of a meeting with me.
- 10:45:54 30 Q. 118 Yes. So assuming that you didn't tell something untrue or incorrect to

- 10:45:59 1 Mr. Ahern, the Tribunal may take it that the amount of land involved was 37
2 acres?
- 3 A. Yes.
- 4 Q. 119 And the option was to last for a year or two, is that correct?
- 10:46:08 5 A. That is correct. Reviewable I think my recollection is that it was to last for
6 a specified period with a review clause.
- 7 Q. 120 And the option as options generally go, would have given you an opportunity to
8 buy the land at a certain price per acre within the period of the option, is
9 that right?
- 10:46:23 10 A. Correct, yes.
- 11 Q. 121 Now, how much per acre was it?
- 12 A. At this remove I cannot tell you. I know it is documented somewhere but I
13 cannot tell you.
- 14 Q. 122 In the earlier documentation that we looked at when you were seeking to borrow
10:46:37 15 money from the bank, you remember that, in early 1992?
- 16 A. Yes.
- 17 Q. 123 In relation to an investment in Citywest?
- 18 A. Yes.
- 19 Q. 124 There was reference to 25,000 pounds an acre and also reference to 40,000
10:46:50 20 pounds an acre?
- 21 A. Correct.
- 22 Q. 125 Can you remember whether the price for this land that you'd agreed was of the
23 order of 25,000 pounds an acre?
- 24 A. Yes, I would, without being able to tell you specifically I would say yes it
10:47:03 25 was of that order.
- 26 Q. 126 So if one is paying 25,000 pounds for an acre of land beside Citywest
27 effectively because this land was joining or leading into Citywest, is that the
28 position?
- 29 A. No, no, no that's not correct.
- 10:47:16 30 Q. 127 This was out on the Naas Road?

- 10:47:17 1 A. This is as I think that document makes clear there. It is now a business park
2 but it was beside the then Airmotive factory on the right-hand side as you left
3 Dublin after passing the Green Isle Hotel. Yes, after passing the Green Isle.
- 4 Q. 128 If you had agreed a price with Mr. Tunny of 25,000 pounds an acre, that meant
10:47:38 5 that the cost of commercial land approximately in 1992 was of the order of
6 25,000 pounds an acre, is that right?
- 7 A. Yeah well in general terms I would say yes. But I mean, subject to a review of
8 what the then indicators of land price were in that area, I'm just talking in
9 general terms.
- 10:47:57 10 Q. 129 There is an entry in this document for in the fourth line down that the lands
11 were zoned for commercial development?
- 12 A. Yes.
- 13 Q. 130 And then further down it says at some six or seven lines down "agreed" I think
14 it's "purchase price at 27.5K per acre".
- 10:48:16 15 A. Yes.
- 16 Q. 131 Now, that may be 37.5K per acre because I can't make it out, Mr. Dunlop.
- 17 A. Well as it appears to me on screen it would look to me like 27 but again I
18 think it's a subject matter to --
- 19 Q. 132 Well if commercially zoned land was being purchased for of the order of between
10:48:37 20 25 and 30,000 pounds an acre.
- 21 A. Uh-huh.
- 22 Q. 133 That means that the 10,000 pounds for example that you had on deposit with the
23 Irish Nationwide would have bought you a third of an acre of commercially zoned
24 lands, isn't that correct?
- 10:48:50 25 A. Yes.
- 26 Q. 134 So that in fact in 1992, 10,000 pounds was a very significant amount of money,
27 isn't that right?
- 28 A. Yes.
- 29 Q. 135 And 25,000 pounds would have bought you close to an acre of commercially zoned
10:48:59 30 land in or around Dublin?

- 10:49:00 1 A. Yes.
- 2 Q. 136 At that time. Now, you borrowed the, you didn't borrow the money. You sought
3 to borrow the money from the bank at 7882. Or you sought to borrow a sum of
4 30,000 pounds from the bank, isn't that correct?
- 10:49:16 5 A. Yes.
- 6 Q. 137 But ultimately you paid for the Tunny option out of what account, Mr. Dunlop?
- 7 A. I paid for it out of the account -- I paid for it out of a cheque that I
8 received from Riga made payable to Shefran.
- 9 Q. 138 Yes. At 7906, this is the account of Shefran Limited at AIB, c/o Mr. John
10 Ahern and it was in to this account that you had lodged the 28,000 pounds
11 received from Riga in June of 1992, isn't that right?
- 12 A. Correct.
- 13 Q. 139 Right. And then you debit 30,000 Pounds in August of 1992.
- 14 A. Correct.
- 10:50:00 15 Q. 140 Right. How did you organise that debit, that withdrawal, Mr. Dunlop?
- 16 A. I organised it with John Ahern.
- 17 Q. 141 Well did you organise it through Mr. Hugh McGowan?
- 18 A. Yes, Hugh McGowan was involved, as my accountant. I cannot specifically say
19 whether he went to John Ahern or not but certainly I know that Hugh McGowan was
20 involved in the discussions in relation to the purchase of the option.
- 10:50:29 21 Q. 142 At 7902, Mr. Dunlop. You see a letter of the 19th of August 1992.
- 22 A. Yeah.
- 23 Q. 143 From Mr. Hugh McGowan of Coyle & Coyle on behalf of Shefran Limited to John
24 Ahern referring to the telephone conversation which must have taken place
25 between them "would be obliged if you would issue a draft of 30,000 pounds made
26 payable to Edward Tunny and debit the above account accordingly" which is the
27 account of she have ran?
- 10:50:54 28 A. Correct.
- 29 Q. 144 Now, why was Mr. McGowan the person who was writing to Mr. Ahern to ask him for
30 30,000 pounds out of your bank account?
- 10:51:13

- 10:51:13 1 A. At this remove I can't tell you specifically, other than obviously I had a
2 discussion with Hugh McGowan either as to the appropriateness or otherwise of
3 making this investment or not. But there is no doubt as I said to you earlier,
4 that I had discussions with Hugh McGowan about it and that Mr. McGowan
10:51:35 5 obviously undertook to have the draft issued.
- 6 Q. 145 Yes. At that time the account was in the name of Shefran Limited, isn't that
7 right?
- 8 A. That's correct, yes.
- 9 Q. 146 Did you appear anywhere in the bank, in the records of Shefran as either a
10:51:47 10 director or a shareholder in Shefran?
- 11 A. No, but either Mr. McGowan or employees of Mr. McGowan did.
- 12 Q. 147 Yes. And isn't that the reason why Mr. McGowan is the person who writes in
13 looking for the cheque?
- 14 A. Yes.
- 10:51:59 15 Q. 148 All right. So why didn't you tell the Tribunal that, Mr. Dunlop, when you knew
16 you didn't appear on the documentation in relation to Shefran anywhere. That
17 in order to requisition the bank draft to pay for the Tunny option from
18 Shefran, the authorised signatories on the company was not yourself, isn't that
19 right?
- 10:52:17 20 A. It wasn't myself.
- 21 Q. 149 Yes.
- 22 A. And it's palpably obvious it wasn't myself from any documentation that is made
23 available, question have made available to the Tribunal. It has always been
24 the case that the directors of Shefran have been nominees of either Coyle &
10:52:35 25 Coyle or others.
- 26 Q. 150 Yes. But there is nothing in the publicly available documentation in relation
27 to Shefran Limited to identify you as a person associated with that company?
- 28 A. Well that is correct, yes.
- 29 Q. 151 At this time, isn't that right? The position did change later, isn't that
10:52:49 30 right?

- 10:52:49 1 A. Subsequently, yes.
- 2 Q. 152 But at this time there was nothing that would allow anyone connect Frank Dunlop
- 3 to Shefran?
- 4 A. That is correct.
- 10:52:56 5 Q. 153 And in the conversation that you had at 7901 with Mr. John Ahern. You were
- 6 alert to that danger, Mr. Dunlop?
- 7 A. Uh-huh.
- 8 Q. 154 Because at the very bottom of that document it says "Hugh McGowan to
- 9 requisition draft in favour of Edward Tunny for 30K as a down payment" and
- 10:53:17 10 that's a down payment on the lands, isn't that right?
- 11 A. That's correct.
- 12 Q. 155 But when you have your conversation with Mr. Ahern and you know you are taking
- 13 the money from Shefran, you are alive to the fact that that requisition must go
- 14 through Mr. Hugh McGowan, isn't that right?
- 10:53:32 15 A. Yes, because I'm not a director.
- 16 Q. 156 Yes. And because you know that there is nothing that would connect you to
- 17 Shefran, isn't that right?
- 18 A. Correct.
- 19 Q. 157 Right. So you have to put in place a procedure whereby this bank draft can be
- 10:53:43 20 drawn by Shefran in favour of Edward Tunny?
- 21 A. Yes.
- 22 Q. 158 And therefore you have to ask Mr. McGowan to ring Mr. Ahern and get him to
- 23 organise the money, isn't that the position?
- 24 A. Yes.
- 10:53:55 25 Q. 159 And at 7902, such a conversation must have taken place because Mr. McGowan
- 26 refers to his conversation in the first line with Mr. Ahern?
- 27 A. Yes.
- 28 Q. 160 So Mr. McGowan must have spoken to Mr. Ahern?
- 29 A. Yes.
- 10:54:08 30 Q. 161 And he could only have done that, Mr. Dunlop, after you had spoken to

10:54:13 1 Mr. McGowan?

2 A. That is logical.

3 Q. 162 And what you want there is a traceable document. In other words, you want the

4 bank draft or the bank documentation to record that the requisition for this

10:54:25 5 bank draft comes through Mr. McGowan, isn't that right?

6 A. Correct.

7 Q. 163 Unlike other transactions you've done for Shefran, isn't that the position?

8 A. Yeah.

9 Q. 164 But this is a land transaction, isn't that right, and you're buying land with

10:54:37 10 this money?

11 A. Correct.

12 Q. 165 So I suggest to you that you would have been anxious in those circumstances to

13 have a paper trail?

14 A. Yes and that matters would be dealt with properly and in accordance with the

10:54:46 15 usual procedures.

16 Q. 166 Yes. If this was 30,000 pounds in cash, Mr. Dunlop, that you were going to

17 take out of Shefran and put it into your bank account, I suggest to you that

18 nothing of this sort would have happened, isn't that right?

19 A. You would be correct.

10:55:01 20 Q. 167 So that in fact what's different about this Shefran transaction or the other

21 cash Shefran transactions is because it involves a payment that is recordable,

22 namely a bank draft to Mr. Edward Tunny. You put in place, quite meticulously

23 the proper procedures for dealing with the Shefran account, isn't that right?

24 A. Correct. Based on the fact that I am not a director of Shefran, my name is not

10:55:30 25 attached in any way to the company and that if I am going to purchase an option

26 for 30,000 pounds I need the proper procedures to be gone through.

27 Q. 168 Yes. So what this demonstrates to the Tribunal, Mr. Dunlop, is that when you

28 needed to record the purpose of a transaction, such as the 30,000 pounds paid

29 to Mr. Tunny, you were perfectly capable of putting the correct procedures in

10:55:56 30 place, isn't that right?

- 10:55:57 1 A. Yes.
- 2 Q. 169 To the extent that you can tell Mr. Ahern when you have your meeting with
3 Mr. Ahern about this transaction, that Mr. McGowan will requisition the draft,
4 isn't that right?
- 10:56:08 5 A. Correct.
- 6 Q. 170 But if you yourself had wanted to take that 30,000 pounds in cash in your
7 briefcase out of the bank, Mr. Ahern would have given it to you, isn't that
8 right?
- 9 A. Because of the arrangement that I already told the Tribunal that I had with
10 Mr. Ahern.
- 11 Q. 171 So this change in that procedure takes a deliberate decision on your part,
12 isn't that right?
- 13 A. Yes.
- 14 Q. 172 And because you are not dealing in cash here, isn't that the position, Mr.
15 Dunlop?
- 10:56:29 16 A. No, I'm dealing with a third party buying an option.
- 17 Q. 173 And therefore what you are setting in place is the correct paper trail so that
18 anybody looking at this transaction would see Mr. McGowan writing in to the
19 bank asking for a bank draft drawn on this account and that then would be
20 backed up by an actual bank draft in favour of Mr. Tunny, isn't that right?
- 10:56:45 21 A. Correct.
- 22 Q. 174 And that requisition at 7905 can be seen for the bank draft, which presumably
23 is done in the bank on the authorisation of Mr. Ahern, isn't that right?
- 24 A. Yes, and that is not my handwriting.
- 10:57:02 25 Q. 175 No but it's done within Allied Irish Bank, isn't that right?
- 26 A. Yes.
- 27 Q. 176 And what that's doing is that is requisitioning within the bank, the bank draft
28 that you have already organised, isn't that right?
- 29 A. Correct.
- 10:57:13 30 Q. 177 Through Mr. McGowan?

- 10:57:14 1 A. Yes.
- 2 Q. 178 So the Tribunal may take it then, Mr. Dunlop, that when it came to the
3 operation of the Shefran accounts that you were alert in 1992, that when it was
4 a bona fide transaction to the necessity of having a paper trail?
- 10:57:39 5 A. Yes.
- 6 Q. 179 Is that right? And that where it was not a bona fide transaction, what you did
7 was you dealt in cash completely?
- 8 A. Yes.
- 9 Q. 180 Right. So that had this been an activity that you didn't want anyone to know
10 about, you'd have gone in and taken out the 30,000 pounds in cash and you'd
11 have talk walked out of the bank?
- 12 A. Yes.
- 13 Q. 181 But that wasn't this type of activity. This was an activity where you were
14 buying a large piece of land or hoping to buy a large piece of land from
10:58:07 15 Mr. Tunny. There were solicitors involved. You got your accountant involved.
16 And you were able to tell Mr. Ahern that Mr. McGowan would requisition the bank
17 draft, isn't that right?
- 18 A. Yes, there were solicitors involved on both sides.
- 19 Q. 182 Yes. So the Tribunal may take from that then that in each case in which you
10:58:23 20 went in and took out cash from the bank, you did so with a particular purpose
21 in mind?
- 22 A. Obviously, yes.
- 23 Q. 183 Yes. You may now be in a position or may say that you don't recollect what
24 that particular purpose was at that particular time, isn't that right?
- 10:58:39 25 A. On each individual case, yes.
- 26 Q. 184 Yes. But that it must have been the case that on each occasion in which you
27 involved yourself in these cash transactions, be they large or small, they were
28 for a particular purpose?
- 29 A. Yes.
- 10:58:51 30 Q. 185 And in this case, which is the Tunny option, the, it is different because here

10:58:57 1 you are meticulously putting in place a paper trail, isn't that right?

2 A. Correct.

3 Q. 186 Albeit a paper trail that wouldn't disclose your involvement in Shefran to

4 anybody looking at the transaction, isn't that right?

10:59:07 5 A. Without the benefit of Mr. Ahern's document.

6 Q. 187 Yes. And if somebody within AIB for example was looking at Shefran, if they

7 didn't speak to Mr. Ahern, there would be nothing within AIB to indicate

8 insofar as this transaction is concerned that that company and that bank

9 account had anything to do with Frank Dunlop?

10:59:24 10 A. No.

11 Q. 188 Right. So that it wasn't just a case that you were keeping Shefran a secret

12 from the world at large you were keeping it a secret within AIB from everybody

13 except Mr. Ahern?

14 A. As per the arrangement with Mr. Ahern.

10:59:37 15 Q. 189 Which was therefore an arrangement that you had with him that you could deal in

16 cash on these bank accounts, whether they were in the name of Shefran or your

17 own name in Rathfarnham by your special arrangement with Mr. Ahern?

18 A. Correct.

19 Q. 190 Isn't that right? But that when you needed to put in place something where you

10:59:55 20 would be able to call up the documentation to support your transaction, you

21 were alive to the necessity for that and perfectly able to. Are you all right,

22 Mr. Dunlop?

23 A. Yes, yes grand.

24 Q. 191 Do you want a break?

11:00:04 25 A. No, no, I'm fine thanks, Ms. Dillon.

26 Q. 192 You were perfectly alive to the necessity of doing that in the particular

27 circumstances?

28 A. Yes.

29 Q. 193 Now, I think in August of 1992, Mr. Dunlop, can I ask you? Did you know

11:00:17 30 whether or not Mr. Eddie Kay left his position in Bank Centre?

- 11:00:23 1 A. Well, I certainly knew Mr. Eddie Kay left his position at a particular time.
- 2 Q. 194 Uh-huh.
- 3 A. And I was alerted to that fact by Mr. O'Callaghan. I couldn't say to you when
- 4 exactly Mr. Kay left his position but I was made aware at a specific time
- 11:00:44 5 obviously subsequent to the May, June, the May vote in 1991 because as I've
- 6 given evidence to the Tribunal previously, Mr. Kay was present after the vote
- 7 in the upper room in the Royal Dublin Hotel. So between that period I don't
- 8 believe that I saw Mr. Kay involved in any way in relation to the Quarryvale
- 9 project per se. I may well have met Mr. Kay in other capacities but I
- 11:01:17 10 certainly did not know of Mr. Kay's involvement between, after the May/June
- 11 vote of 1991 and the December vote of '92. So I cannot say specifically what
- 12 date he retired.
- 13 Q. 195 You did meet, Mr. Dunlop, because we dealt with it last week.
- 14 A. Yes.
- 11:01:31 15 Q. 196 With Mr. Eddie Kay in relation to borrowing money in connection with Citywest?
- 16 A. Correct.
- 17 Q. 197 And you will recollect the document at that that say JB needs 400,000.
- 18 A. Yes.
- 19 Q. 198 And you disagreed with me that you were seeking to borrow money from
- 11:01:45 20 Mr. Bolger, do you remember that?
- 21 A. Yes.
- 22 Q. 199 But you had face-to-face meetings at that time with Mr. Eddie Kay in relation
- 23 to that transaction, isn't that right?
- 24 A. Correct.
- 11:01:53 25 Q. 200 And you wrote to Mr. Kay following those transactions and you urged upon him
- 26 the confidentiality of the information that you've given to him, isn't that
- 27 correct?
- 28 A. Yes.
- 29 Q. 201 Now, you were ultimately unsuccessful in your application with Mr. Kay, isn't
- 11:02:05 30 that correct?

- 11:02:06 1 A. Correct.
- 2 Q. 202 But in 1992, when Mr. Kay moved did you ever have any discussions with Mr.
- 3 O'Callaghan as to why he was moved?
- 4 A. Not that I recall other than being alerted to the fact that he was no longer,
- 11:02:23 5 if I may use the phrase, on the Barkhill/Quarryvale account. He was not.
- 6 There was some other gentleman that Mr. O'Callaghan was going to see whose name
- 7 I will remember now in a moment. But and this arose out of conversations with
- 8 Mr. O'Callaghan on the basis of him coming to Dublin and going to AIB during
- 9 the period that he would spend in my office and he was going to see various
- 11:02:52 10 people in AIB.
- 11
- 12 He had been in the habit of mentioning who he would go to see, who he was going
- 13 to see. That's the context in which Eddie Kay's name arose, a new name entered
- 14 the frame, Michael ... just if you give me a moment I'll think of it but not
- 11:03:17 15 that it, anything rides on his particular name. The fact of the matter is that
- 16 in answer to the question that you're asking is that yes, I was made aware that
- 17 Mr. Kay had moved, as to the reason why Mr. Kay had moved, I don't believe I
- 18 was ever told that.
- 19 Q. 203 The names that you are searching for could they be Mr. Michael O'Farrell or
- 11:03:41 20 Mr. David McGrath?
- 21 A. Yes, well certainly Mr. Michael O'Farrell.
- 22 Q. 204 Did you ever meet David McGrath?
- 23 A. I don't believe I every met David McGrath. I certainly met Mr. Michael
- 24 O'Farrell.
- 11:03:53 25 Q. 205 Did you ever?
- 26 A. On a social occasion.
- 27 Q. 206 Did you ever have any knowledge or understanding that Mr. McGrath, for example,
- 28 replaced Mr. Eddie Kay or that Mr. Eddie Kay might have been removed from his
- 29 position?
- 11:04:05 30 A. Yes, I think ultimately as matters moved forward and as I say new names entered

11:04:12 1 the frame and the only facility that I had of knowing who these people were,
2 was via Mr. O'Callaghan because these were the people he was mentioning and
3 yes, I would have said that Michael Farrell, Mr. Michael O'Farrell was a name
4 that I heard frequently but yes I did hear the name David McGrath as well.

11:04:31 5 Q. 207 Yes. Did you have any knowledge or understanding from Mr. O'Callaghan or
6 otherwise as to why Mr. Eddie Kay was moved?
7 A. No, the answer is no.

8 Q. 208 Can I show you an extract from one of the private interviews with the --
9 actually I can't show you it to you because it's not in the brief, Mr. Dunlop.
11:04:54 10 It may be in the brief but I don't have the page reference for it so I'm just
11 going to leave that and get the correct page reference for it. And I will come
12 back just to deal with that issue. I can quote from what you said in fact
13 while I. I can have that page added.
14

11:05:08 15 You were discussing in this, in this exchange with Mr. Hanratty, initially the
16 meeting in May of 1991 and the presence of Mr. Eddie Kay at the meeting. And
17 Mr. Hanratty says
18 A. This is post the vote?
19 Q. 209 Yes. This is post the vote?

11:05:25 20 A. Yes.
21 Q. 210 Initially?
22 A. In the hotel, yes.
23 Q. 211 Yes. You say "When I arrived back after the vote there was about 20 people in
24 the room including Eddie key from AIB who apparently was the originator of the
11:05:39 25 arrangement with Tom Gilmartin and then you say I never met him before or
26 since" which is incorrect I suggest to you. And then you say "McGrath some of
27 O'Callaghan's team from Cork. McGrath, Dave McGrath or Colm McGrath and you
28 reply" I never met Dave McGrath. I think Dave McGrath became involved
29 subsequently resulting in Eddie Kay being removed or being moved elsewhere.
11:06:04 30 This sounds paranoid but I'm sorry to keep mentioning it" and then you go on to

11:06:09 1 talk about Mr. Liam Lawlor and I suggest the reference to paranoia deals with
2 the subsequent conversation to deal with Mr. Lawlor.
3
4 Now, what I wanted to ask you specifically. "I think Dave McGrath became
11:06:22 5 involved subsequently resulting in Eddie Kay being removed or being moved
6 elsewhere"
7 A. Yes.
8 Q. 212 Now, was it your understanding that Mr. Kay was in fact moved somewhere?
9 A. Yes, my understanding was that Mr. Kay was either moved within Bank Centre or
11:06:38 10 out of Bank Centre.
11 Q. 213 And was that as a result of Mr. Kay's involved involvement with Mr. Gilmartin
12 in the Quarryvale project. In other words, the lending of the money to Mr.
13 Gilmartin and to Barkhill initially and all that flowed from that?
14 A. Well I couldn't possibly give a definitive statement on that issue because --
11:06:55 15 Q. 214 I'm not asking you?
16 A. I have no knowledge. But what I can say to you in all of my endeavours to
17 assist the Tribunal, I can say to you that I had the view from conversations
18 that I had, that took place subsequently that Mr. Kay was moved within bank,
19 within AIB because of some adverse consequences of his involvement with the
11:07:25 20 Quarryvale project as a whole.
21 Q. 215 Yes. When you say adverse consequences, are you talking about the adverse
22 financial consequentials to AIB as a result of the money that they had lent to
23 Barkhill and the inability of that money to be repaid within the time
24 stipulated?
11:07:39 25 A. Correct, yes.
26 Q. 216 So that following on that commercial decision, as it were, by AIB to invest the
27 money and the failure of that to come good within the appropriate time, it was
28 your understanding that Mr. Kay was moved within the bank, is that right?
29 A. Yes, in broad terms, yes. And I cannot specifically say to you that in any
11:07:57 30 given conversation that that was ever explained to me in those terms.

- 11:08:01 1 Q. 217 Uh-huh.
- 2 A. But one lives in the real world and one can put two and two and get a very
- 3 credible four.
- 4 Q. 218 And was the person whom you had these discussions, was that confined to
- 11:08:13 5 discussing it with Mr. O'Callaghan or did you cut discuss it with anybody else?
- 6 A. No, I think that was a matter that arose not deliberately but arose as a matter
- 7 of conversation on an ongoing basis with people, for example, like Liam Lawlor,
- 8 Ambrose Kelly, Owen O'Callaghan, myself. I don't think there was anybody else
- 9 outside that circle that would have any reason to discuss that matter. For
- 11:08:47 10 example, no councillor would probably have ever heard of Eddie Kay and the only
- 11 politician that I can recollect that ever participated in a conversation in
- 12 relation to Eddie Kay's position was Liam Lawlor.
- 13 Q. 219 So within the core team of Quarryvale, if I can call it that, which was
- 14 Mr. Ambrose Kelly, Mr. O'Callaghan, Mr. Liam Lawlor, and yourself. This was a
- 11:09:10 15 matter of comment and chitchat discussion, is that right?
- 16 A. Yes. And would have arisen out of -- the genesis of it would have been that
- 17 and I speak solely in my own regard, and that is that I would have been told
- 18 this by Mr. O'Callaghan. I couldn't have been told it by anybody else.
- 19 Q. 220 And was it your understanding that the move was a good career move or not a
- 11:09:40 20 good career move for Mr. Kay?
- 21 A. Oh, not a good career move.
- 22 Q. 221 It was a sideways move, if I can call it that?
- 23 A. I think that would be polite.
- 24 Q. 222 Yes. Well how would you describe it, Mr. Dunlop then?
- 11:09:46 25 A. Well I would say that in terms. Again, and I preface this by saying that this
- 26 is speculation on my part which I have taken a vow not to do but here I am now
- 27 doing it. But I would have said that Mr. Kay had been moved from his position
- 28 in AIB as a result of his involvement with the "project" without specifying any
- 29 names, with the project, that had, had all the potential and looked for a
- 11:10:19 30 particular period as having the real potential of going belly up. And AIB

11:10:25 1 having quite an amount of ... an amount of difficulty in explaining how it had
2 lent and the figures mentioned from time to time were of the order of 8 to 12
3 million to an individual to develop a project in west County Dublin. That's
4 how I would describe it. But that I hasten to add is nothing that was ever
11:10:52 5 outlined to me in those specific circumstances.

6 Q. 223 Was it your understanding from your conversations that took place that there
7 was a concern within Allied Irish Bank that this was a high risk project by the
8 time you became involved in it?

9 A. Oh, yes.

11:11:05 10 Q. 224 And thereafter?

11 A. Yes, I think that would be a fair comment.

12 Q. 225 And for example you have described I think to the Tribunal, that at the meeting
13 in May of 1991 Mr. Eddie Kay was present in, afterwards, isn't that right?

14 A. Oh, after the vote.

11:11:21 15 Q. 226 After the vote?

16 A. Yes, he was, yes.

17 Q. 227 I'm not saying that he was present in the chamber?

18 A. No.

19 Q. 228 But that he was present in the room in the hotel, isn't that right?

11:11:28 20 A. No, he certainly was not present in the chamber, I can absolutely attest to
21 that. He was present in the upper room in the Royal Dublin Hotel with Mr.
22 Gilmartin and others, some of whom I've named.

23 Q. 229 And in all of the projects that you were involved with, Mr. Dunlop, many but
24 not all of which you have given evidence about to this Tribunal, can you
11:11:49 25 remember any other circumstances in which a senior official from a lending
26 institution involved in the transaction in question attended at a particular
27 vote in Dublin County Council?

28 A. No.

29 Q. 230 So that this would have been a unique, in your experience, matter where a
11:12:08 30 senior official of the bank attended at a particular vote that was in May of

11:12:12 1 1991?

2 A. Yes. Well just.

3 Q. 231 Not the vote.

4 A. Not the vote, I don't want to be semantical but they didn't attend at the vote.

11:12:21 5 But certainly was participant in, a participant in the, in the celebrations

6 afterwards.

7 Q. 232 Yes. But that I suggest would show a high level of interest on the part of

8 Allied Irish Bank in what was happening in Dublin County Council on the 16th of

9 May 1991?

11:12:40 10 A. Prima facie, yes.

11 Q. 233 And was it your understanding from your own discussions with the other people

12 who were heavily involved in the Quarryvale development, namely Mr. Ambrose

13 Kelly, Mr. Liam Lawlor, Mr. O'Callaghan, that there was concern at a very high

14 level within Allied Irish Bank about the level of the bank's exposure on the

11:13:01 15 Barkhill project?

16 A. Yes. Ms. Dillon, I would just like to preface this by saying that there is a

17 grave danger that you know hindsight and 20/20 vision as to what people did or

18 did not know at a particular time. I know a considerable amount now, some of

19 which I did not know then. But let me put it to you in broad terms. Yes, I

11:13:31 20 would say that the orientation and body language of people who were involved

21 were such that you could in no doubt that the bank was concerned about it's

22 "investment" in this particular project.

23 Q. 234 And did you ever have any discussion with anybody or any information given to

24 you about the circumstances in which Mr. O'Callaghan came to be involved in the

11:14:02 25 Barkhill project?

26 A. Yes, that includes Mr. O'Callaghan.

27 Q. 235 Himself?

28 A. Yes.

29 Q. 236 And what was that?

11:14:09 30 A. That, again, in broad terms and bearing in mind what I've said as a preface to

11:14:17 1 my remarks a moment ago. At that time my understanding was that Mr.
2 O'Callaghan had been invited by AIB into this project in circumstances where
3 AIB was concerned about the level of investment that it had made and the
4 possibilities of failure.

11:14:42 5 Q. 237 And was it a concern within the bank from your discussions with the parties
6 involved that failure would be a disastrous consequence for the bank?
7 A. Yes, given what both the chairman and yourself have done in relation to amounts
8 like 60,000 and 30,000 and the value of the money that it would be in today's
9 context, one could imagine a great deal of concern about an investment of 8 to
11:15:09 10 12 million in 1991/'92 what that would mean in 2007 terms.

11 Q. 238 And I think that by September 1992, Mr. Dunlop, from the information provided
12 from your diaries and from your telephone attendances, the amount of contact,
13 political contact that is recorded in your diaries has increased significantly,
14 isn't that right, in September 1992?

11:15:33 15 A. Yes.

16 Q. 239 Yes. And indeed your diaries record meetings in 1992 with Mr. O'Callaghan,
17 Mr. Ned Ryan, Mr. John Hannon, Mr. Michael Kennedy, Jack Larkin, Breda Kelly,
18 Sean Ardagh, Ann Ormonde, Sean Gilbride, Don Lydon, Albert Reynolds, Bertie
19 Ahern, through Mr. Ahern's office, Colm McGrath, Gerry Leahy, Eithne
11:15:57 20 Fitzgerald, John O'Halloran, Sean Connolly who was a member of the FAI, is that
21 right, he telephoned your office I think?
22 A. Yes, yes, Sean Connolly was the then Chief Executive of the FAI and a former
23 colleague of mine in the public service.

24 Q. 240 And Mr. John O'Halloran, Mr. Gus O'Connell, Mr. Liam Aylward, who was Minister
11:16:19 25 for Sport at the time, isn't that right, Minister for Sport?
26 A. Yes, he was junior minister in Department of Education with responsibility for
27 sport.

28 Q. 241 Mr. Tony Fox, Mr. Peter Brady, Mr. Pat Upton, Mr. Seamus Brock, Margaret
29 Farrell, Richard Green, Donal Marren, Tom Morrissey, Eamonn Gilmore, Trevor
11:16:35 30 Matthews, Don Lydon, Tom Hand, Marian McGennis, and Donal Marren?

- 11:16:43 1 A. Yes.
- 2 Q. 242 So they were meetings alone that took place in September of 1992 that are
3 recorded?
- 4 A. Yes. Oh, sorry, that's the point I just wanted to make, Ms. Dillon.
- 11:16:53 5 Q. 243 Yes.
- 6 A. That list that you are reading is diary recorded meetings or telephone call
7 contact?
- 8 Q. 244 I think they are diary recorded meetings, Mr. Dunlop, but I can check that a
9 second time if you like and come back to that?
- 11:17:05 10 A. Yes.
- 11 Q. 245 In addition to that there are a lot of telephone records from mainly the same
12 people, isn't that right?
- 13 A. Yes, yes.
- 14 Q. 246 Now, it wouldn't, from the evidence you have given to the Tribunal in other
11:17:15 15 modules, Mr. Dunlop, at this stage coming in to late 1993, you had a number of
16 matters that were coming. 1992. Thank you. There were a number of matters
17 coming up before the Council not limited to Quarryvale, isn't that right?
- 18 A. Yes.
- 19 Q. 247 For example Ballycullen was coming up and there were other matters coming
11:17:32 20 before the council in relation to other modules, isn't that right?
- 21 A. Yes, and I think I alluded to that when I wrote to Mr. O'Callaghan at the time
22 in relation to the schedule.
- 23 Q. 248 Yes. I mean, you had anticipated that there would be difficulties about a
24 number of matters because you yourself were involved in them, isn't that
11:17:47 25 correct?
- 26 A. Yes.
- 27 Q. 249 There is only one or two very small matters that I want to draw to your
28 specific attention, could I have page 7951, please. It's not necessarily a big
29 thing, Mr. Dunlop, but at 3.45 Ms. Ridge rings.
- 11:18:01 30 Now, you gave evidence yesterday about Ms. Ridge informing yourself and Mr.

11:18:06 1 O'Callaghan that they should, you should go and talk to Mr. Gerry Leahy about
2 Mr. Peter Brady, isn't that correct?
3 A. That's correct, yes.
4 Q. 250 This is a telephone call from Ms. Ridge where she asked you to call her and she
11:18:18 5 says a close friend of John O'Halloran, is in custody re a large arms find in
6 his house in Quarryvale?
7 A. Yes.
8 Q. 251 What conceivable assistance could you have rendered to anybody arising from
9 that telephone call?
11:18:29 10 A. Well I hadn't even begun to study law at that stage so anybody thought I might
11 have been of some legal assistance to them, I don't know, Ms. Dillon.
12 Obviously my relationship with Therese Ridge was such that she provided and I
13 don't mean this in any way offensive, she provided information some of which
14 was trite, some of which was valuable, but the relationship was such that she
11:18:56 15 was obviously leaving a message for me here to tell me that one of John
16 O'Halloran's pals had been caught in questionable circumstances. But I don't
17 think she was ringing or leaving a message for me to give her any assistance in
18 relation to the matter.
19 Q. 252 Well let me put this to you, Mr. Dunlop.
11:19:16 20 A. Yep.
21 Q. 253 Two things.
22 A. Uh-huh.
23 Q. 254 The first of which John O'Halloran was a known supporter of the Quarryvale
24 project.
11:19:22 25 A. Correct.
26 Q. 255 If this message is correct Denis O'Donnacha is a close friend of John
27 O'Halloran's?
28 A. Yes.
29 Q. 256 Therefore a close friend of Mr O'Halloran has being arrested for a large arms
11:19:37 30 find could react or could be viewed as -- in a negative way in relation to

- 11:19:38 1 Mr. O'Halloran which in turn could have a negative impact on Quarryvale because
2 of his association with it?
- 3 A. I am prepared to enter into an intellectual discussion with you, Ms. Dillon,
4 but I think you are stretching matters a little bit.
- 11:19:54 5 Q. 257 From a public relations point of view, Mr. Dunlop, would it have been of
6 advantage to the Quarryvale development that one of its most vocal local
7 supporters was known to be a close friend to a person who have been arrest in
8 the connection with a large arms find or not?
- 9 A. Well, at this remove and put in those bald terms, I would have said, yes, it
10 probably wouldn't have been of a great deal of help if anybody knew about it.
- 11:20:15 10 Q. 258 It would have been a great deal of help to Quarryvale project to know, for the
11 public to know that one of its supporters, namely John O'Halloran, was a close
12 friend to a person who was arrested for possession of arms. That would have
13 been an advantage to your project in Quarryvale?
14
- 11:20:33 15 A. Oh, well it would have been, it would have been an advantage I suggest to you
16 that it would have been an advantage on a gossip basis. I mean who Denis
17 O'Donnacha happens to be' at this remove if I ever knew I couldn't even
18 possibly begin to even suggest. Obviously what Theresa is Ridge is doing is
19 passing on a piece of gossip that might be of assistance.
- 11:20:57 20 Q. 259 I would suggest to you now, Mr. Dunlop, that it is more than a piece of gossip,
21 because what she's telling you, if it's not true is gross libel in the first
22 instance. And if it is true it's quite serious because it means a particular
23 person is in custody and therefore has been arrested in connection with a large
24 arms find in his house in Quarryvale, isn't that right?
- 11:21:14 25 A. This is something that Ms. Ridge as a local representative hags either found
26 out or been told by a third party.
- 27 Q. 260 Uh-huh.
- 28 A. And is true and/or she has been told by a third party and it is untrue. I am
29 taking it from the basis of the telephone call message left in my office on
11:21:31 30 Thursday the 3rd of September 1992, that Therese Ridge has rung to tell me that

- 11:21:36 1 a friend of John O'Halloran's is in custody as a result of an arms find.
- 2 Q. 261 And you say you can't think of any reason as to why she would give you this
- 3 information, isn't that right?
- 4 A. Offhand, no.
- 11:21:48 5 Q. 262 No.
- 6 A. Other than to, to locate it in the relationship that I had with Therese Ridge
- 7 and that is that she was passing on this piece of information that she thought
- 8 or may have thought, be very careful, may have thought may have been some value
- 9 to me.
- 11:22:05 10 Q. 263 Some value to you in relation to the job that you were doing in connection with
- 11 Quarryvale?
- 12 A. Exactly. She may well have been ringing me on the basis of my known
- 13 involvement in some other development. But I would suggest to you, as you have
- 14 said, that it can possibly only be in relation to Quarryvale because of John
- 11:22:21 15 O'Halloran's support for Quarryvale.
- 16 Q. 264 And also because of the fact that the arms find takes place in Quarryvale,
- 17 isn't that right?
- 18 A. Yes.
- 19 Q. 265 So she asks you to ring her. It's not just a question that she is passing on
- 11:22:32 20 information, Mr. Dunlop, she is expecting a response, isn't that right?
- 21 A. Uh-huh.
- 22 Q. 266 And she is telling you about the factor in which she expects you to ring her,
- 23 isn't that right?
- 24 A. Yes she's asking me to call her and she has left either information that's
- 11:22:45 25 correctly related to the call or an additional piece of information. Yes, she
- 26 is certainly she is asking me to call her, yes.
- 27 Q. 267 Now, I had suggested to you that one of the reasons that she might have rung
- 28 you, because this might have had a negative impact on your campaign for
- 29 Quarryvale that Mr. O'Halloran was friendly with her or an associated with a
- 11:23:04 30 person who was arrested in connection with an arms find. You don't agree with

11:23:08 1 that and as I understand your evidence, you don't agree that could have had a
2 negative impact in relation to the Quarryvale development?

3 A. Yes, no, let's be quite precise. Therese Ridge rang me about this particular
4 matter. I have absolutely no recall in relation to the matter other than
11:23:24 5 seeing it on the screen now in relation to a telephone call that was made to my
6 office on that particular date in that particular year. What the motivation of
7 Therese Ridge was in telling me I can only speculate about. And I have done so
8 in the context of my relationship with her. And if it became known. If it did
9 become known that a close friend, yes, close friend, of John O'Halloran had
11:23:46 10 been arrested or was in custody in relation to an arms find. That certainly?
11 The first instance wouldn't have done John O'Halloran any good and his
12 political opponents may well have been making use of it in his particular
13 bailiwick. And secondly, if it did become known and his political opponents
14 were making use of it, it could have negative effects in relation to the
11:24:08 15 Quarryvale project.

16 Q. 268 Is it possible that you might have been provided with that information for some
17 other purpose? I mean, what conceivably could you have done about this
18 incident?

19 A. Well certainly at this remove I can say to you absolutely that I cannot see
11:24:25 20 anything that I could have done in relation to John O'Halloran's friend. And
21 as I say, this is a matter that as I just look at it on the screen now, is
22 something that I obviously had completely totally forgotten about. Its
23 importance at the particular time, I don't see. You see, I think. You see, I
24 have a -- again, I'm loathe to get into this type of language. I have a
11:24:59 25 suspicion or I think because as soon as I say that somebody will start
26 cross-examining me and examining me on as to the basis of why I think this. I
27 think that Ms. Ridge came on this information from a legal source.

28 Q. 269 I don't understand the point of that comment, Mr. Dunlop.

29 A. Well, you're asking me why Ms. Ridge rang me. And what conceivably I could
11:25:30 30 have done in the circumstances. At this remove, and I sincerely believe at

11:25:37 1 that time too, this piece of information was to all intents and purposes a
2 valuable piece of information but other than that I could have done absolutely
3 nothing.

4 Q. 270 Well, for example, if we just look at the information in its global sense.

11:25:53 5 Denis now Donnacha is in custody so he's been arrested about a large arms find
6 in his house in Quarryvale. A large arms find in 1992 anywhere in this country
7 probably involved the IRA, isn't that correct?

8 A. That's correct, yeah.

9 Q. 271 Particularly if it's someone Denis now Donnacha, isn't that right? Isn't that
11:26:08 10 the reality of it, Mr. Dunlop? So what you are being told about here by Ms.
11 Ridge is that a close friend of John O'Halloran's who might have some
12 connection to the IRA and who has been arrested for a large arms find at his
13 house in Quarryvale, isn't that right?

14 A. That is correct.

11:26:21 15 Q. 272 Okay. So now can you think of any reason as to why Ms. Ridge first of all
16 thought you were a person who could use this information. Sorry, Ms. Ridge can
17 answer for that herself?

18 A. The point I was just about to make to you.

19 Q. 273 That's all right, Mr. Dunlop. Can I ask you now looking back on it, if you had
11:26:38 20 been told as apparently you were on the 3rd of September 1992, that a close
21 friend of John O'Halloran's probably in some way connected to a then illegal
22 organisation, had been arrested in connection with a large arms find in
23 Quarryvale, what steps could you have taken in relation to that information?
24 With would you have done?

11:26:59 25 A. What would I have done? Certainly I can't envisage any steps that I could have
26 taken that would either alleviate the problem, solve the problem, or I might
27 well have put it in the back of my mind and kept it until such time as the next
28 time I met John O'Halloran and I might have mentioned it to him.

29 Q. 274 And would you have tried for example to find out who Denis now Donnacha is,
11:27:26 30 was?

- 11:27:27 1 A. I probably would. In the circumstances of ringing Therese Ridge back and
2 saying who the hell is Denis.
- 3 Q. 275 I mean if for example it had transpired, Mr. Dunlop, that Denis now Donnacha
4 let's say was one of the people who were involved in the supporting of the
11:27:42 5 Quarryvale in the coaches that you had paid for?
- 6 A. Yes.
- 7 Q. 276 That could have a fairly serious negative impact, isn't that right?
- 8 A. Oh, yes.
- 9 Q. 277 If it transpired that Denis now Donnacha was a supporter of the Quarryvale
11:27:54 10 development and had been arrested in connection with large arms find, that was
11 something that could have a negative impact from a public relations point of
12 view on Quarryvale, isn't that right?
- 13 A. Are we off in, are we off in another continent here, Ms. Dillon?
- 14 Q. 278 No, I'm just asking you, Mr. Dunlop, looking at the matter as a public
11:28:13 15 relations expert. If it transpired that Denis Donnacha was one of the people
16 who was an active supporter of Quarryvale and it transpired that he had been
17 arrested in connection with a large arms find, if that became publicly
18 available information, it could have a negative impact on Quarryvale?
- 19 A. The simple answer to that is yes.
- 11:28:32 20 Q. 279 Yes. And therefore I suggest to you, Mr. Dunlop, that the first thing you
21 would have done when you got this phone call was you would have tried to find
22 out who Denis now Donnacha was, isn't that right?
- 23 A. I said to you two minutes ago in the conversation of the returned call to
24 Therese Ridge, I probably said who the hell is Donnacha.
- 11:28:56 25 Q. 280 Exactly. Because if Donnacha was a person who was closely associated with
26 Quarryvale and had been a supporter of Quarryvale, the fact that he'd been
27 arrested in connection with a large arms find was something that could impact
28 negatively on the project, isn't that right?
- 29 A. In specific terms as you put the question the answer is yes.
- 11:29:08 30 Q. 281 And as an experienced public relations person, Mr. Dunlop, when you got the

11:29:13 1 message from Ms. Therese Ridge the first thing I suggest to you that would have
2 come into your head is how is this going to effect my project and the only way
3 you could answer that question was finding out who Donnacha was?

4 A. Well I have already said to you twice, that probably the first question I put
11:29:27 5 to Therese Ridge when I called her back, if I did call her back and if I ever
6 had a conversation with her on this subject at any time ever subsequently, I
7 would have said who the hell is Donnacha.

8 Q. 282 So when I asked you several minutes ago, Mr. Dunlop, about this entry which you
9 regarded as insignificant and about which you seem to have no view at the time
11:29:45 10 when we analyse it a little more. We see that within that message was the
11 potential for harm?

12 A. Oh, well now.

13 Q. 283 Just if you let me finish now, Mr. Dunlop?

14 A. Hold on now.

11:29:58 15 Q. 284 We see that within that information that is supplied to you by Ms. Ridge in its
16 partial form, the possible potential for harm, isn't that right?

17 A. Yes, let's not build a very large mountain out of a very small mole hill for
18 whatever purpose. I have no conceivable notion of what relevance any of this
19 has in relation to what I was doing in relation to Dublin County Council and
11:30:23 20 councillors vis-a-vis Quarryvale. This is Therese Ridge, a close friend of
21 mine, a member of Fine Gael, ringing, leaving a message in my office about a
22 particular event.

23
24 It is undoubted, undoubted as you outline in a clinical format what might have
11:30:42 25 been in my mind in relation to that matter. That is conceivably possible that
26 I might have been concerned about what effect this might have if this so-called
27 person Donnacha was a supporter of the Quarryvale project and had been in
28 receipt of bus transport from me to Dublin County Council to protest outside
29 Dublin County Council's offices, that that might adversely effect the PR in the
11:31:06 30 context of what we were doing in Quarryvale. All of that is true.

- 11:31:09 1 Q. 285 Yes. This Ms. Ridge is the same Ms. Ridge who advised you to go and see
2 Mr. Gerry Leahy about securing the support of Mr. Peter Brady and when she gave
3 you that advice you implemented and went to see Mr. Brady, isn't that right?
4 A. That's correct, yes.
- 11:31:23 5 Q. 286 This is the same Ms. Ridge who asked you to make, you say, a political donation
6 to Olivia Mitchel and following than on that request you made it, isn't that's
7 correct?
8 A. Correct.
- 11:31:34 9 Q. 287 This Ms. Ridge is somebody whom you placed in the chamber beside Mr. Peter
10 Brady as you described yesterday, so that if Mr. Brady wasn't prompt enough in
11 his response she would give him as you said the dig, and that in fact
12 transpired in December 1992, isn't that right?
13 A. Well let's be careful about our language now. Placing Ms. Ridge in the chamber
14 --
- 11:31:50 15 Q. 288 "Orchestrated" is the word?
16 A. Rather odd phrase. Therese Ridge and I had a discussion in which it was agreed
17 that Therese Ridge would sit close to Peter Brady and keep an eye on him.
- 18 Q. 289 I believe yesterday, Mr. Dunlop, I read you the extract from the private
19 interviews in which you said "we orchestrated". Isn't that right?
20 A. Yes. And that's exactly what I am saying now. Therese Ridge and I had a
21 discussion in relation to the matter at which she undertook to sit close to
22 Peter Brady to give him the dig.
- 11:32:07 23 Q. 290 Yes. And therefore Ms. Ridge I suggest to you, is a person who when she
24 provides you with information or she comes to you in connection with Quarryvale
25 from the evidence you have already given to the Tribunal, is a person to whom
26 you pay attention?
27 A. Oh, absolutely yes.
- 28 Q. 291 And I suggest to you that when you got this message from Ms. Ridge whatever
29 Ms. Ridge's purpose was in telling you about it and she will tell the Tribunal
11:32:37 30 that herself, is that it was not something you would have dismissed lightly,

11:32:42 1 Mr. Dunlop?

2 A. Oh, I would put it this way to you. If Therese Ridge rang and I'm not present
3 and left a message, invariably I will call fairly shortly thereafter in
4 relation to a subject matter of the conversation a letter that she's left or a
11:32:58 5 message that she's left or she may want me to call her about something that she
6 hasn't specified. But certainly I would have called her back.

7 Q. 292 Okay. And it's likely that in that message what would have been of importance
8 to you, Mr. Dunlop, was the fact that the person in question was a friend of
9 Mr. O'Halloran's because that's what she tells you, isn't that right?

11:33:26 10 A. Yes, obviously, obviously, a person that Ms. Ridge either knew that I knew of
11 or alternatively that I did not know by she was telling me that he was a friend
12 of John O'Halloran.

13 Q. 293 Right. Would you have been in any position yourself to make any personal
14 inquiries with any party with anybody as to what was the position in relation
11:33:45 15 to Denis or Donnacha. Could you have made any inquiries yourself?

16 A. With whom?

17 Q. 294 For example, the police?

18 A. No.

19 Q. 295 No, you wouldn't have done that. Was there anybody else that you could have
11:33:56 20 spoken to about this incident?

21 A. About this incident. No, I don't think so.

22 Q. 296 No.

23 A. Sorry?

24 Q. 297 Would you have spoken about it to Mr. O'Callaghan do you think?

11:34:08 25 A. It's possible, yes, it's possible that I told Mr. O'Callaghan, yes.

26 Q. 298 It's half eleven, Sir.

27

28 CHAIRMAN: All right. We'll take a 15 minute break. We'll sit again at a
29 quarter to twelve.

11:34:22 30

11:34:22 1 MS. DILLON: May it please you, Sir.

2

3 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

4 **AND RESUMED AS FOLLOWS:**

11:54:07 5

6 Q. 299 MS. DILLON: If could I just take you back to that entry in relation to
7 Ms. Ridge?

8 A. Yes, Ms. Dillon.

9 Q. 300 In case that there might be a, in case I was ambiguous in the question that I
11:54:17 10 asked you. I did ask you did you, it is it likely that you would have spoken
11 to Mr. O'Callaghan about the information given to you by Ms. Ridge? And that
12 would have been in the context of passing on any information to Mr. O'Callaghan
13 that would have impacted or could have impacted upon the Quarryvale
14 development?

11:54:36 15 A. Yes and I think I said to you it is likely. I don't have any recollection but
16 it is likely that I did. If I considered it of any import at all that I would
17 have mentioned it to him.

18 Q. 301 And in the same way as you would have passed on any other piece of information
19 that came your way that might be relevant to Quarryvale, such as the
11:54:53 20 information from Ms. Ridge that going to Mr. Leahy might be of assistance in
21 relation to Mr. Brady, for example?

22 A. Correct, yes.

23 Q. 302 And any other piece of information that came in to your office that could have
24 impacted on Quarryvale, you would similarly in all likelihood have discussed
11:55:08 25 that with Mr. O'Callaghan?

26 A. Yes, in any debate or any discussion that we had on an ongoing basis in
27 relation to matters relating Quarryvale, that might or might not impact.

28 Q. 303 Yes. And in September 1992, Mr. Dunlop, I think a number of things happened.
29 One of the first things that happened was that in early September 1992, there
11:55:29 30 was a public launch of the National Stadium event. The proposed development in

- 11:55:36 1 on the Balgaddy lands, isn't that right?
- 2 A. That's correct, yes.
- 3 Q. 304 Now, I am as I said to you going to deal with the National Stadium on its own
4 basis but simply to put that into context, at 8021, please. This is a record
11:55:55 5 in the Irish Times of the September 11th 1992. Dealing with the national
6 purpose, the national multi purpose stadium unveiled the previous day the 10th
7 of September 1992.
- 8 A. Correct.
- 9 Q. 305 And would it have been the position that you were likely to have been the
11:56:11 10 person who would have organised that information giving job for the media in
11 other words the press launch of the National Stadium?
- 12 A. Yes, correct.
- 13 Q. 306 Right. Now, the day previous to that, which was the day of the 10th of
14 September, is the day of the launch but on the day previous to that, at 7989,
11:56:38 15 you issue another invoice in the sum of 11,490 pounds to Riga Limited. And
16 this is a Frank Dunlop & Associates invoice and it's in, it's for ongoing costs
17 re Quarryvale.
- 18 A. Yes.
- 19 Q. 307 Now, and is this again the same situation as the other invoices we had seen in
11:57:02 20 relation to ongoing costs re Quarryvale, that there is no breakdown given on
21 the invoice as to what the component parts of it?
- 22 A. That's correct, yes.
- 23 Q. 308 That in the main it would relate to expenses it you had incurred in connection
24 with the promotion of Quarryvale and fees you had agreed in advance with Mr.
11:57:18 25 O'Callaghan?
- 26 A. Correct.
- 27 Q. 309 And that there would have been built-in to that figure of 11,490 some element
28 of profit?
- 29 A. A mark up fee, yes.
- 11:57:27 30 Q. 310 A mark up fee as you have previously described it, is that the position?

- 11:57:31 1 A. Correct.
- 2 Q. 311 Now, I think that at 7992, on the 2nd of November 1992, Allied Irish Bank send
3 a letter to your offices:
4
- 11:57:46 5 "Dear Sirs. We enclose draft for 11,490 at the request of Riga Limited in
6 settlement of invoice No. 726 a copy of which is attached."
7 Do you see that letter?
- 8 A. Yes.
- 9 Q. 312 Now, in the first instance, Mr. Dunlop, you haven't discovered any such letter
10 to the Tribunal?
- 11 A. Correct.
- 12 Q. 313 All right. This is the first instance of Allied Irish Bank making a direct
13 payment to you, isn't that right?
- 14 A. Correct.
- 11:58:13 15 Q. 314 There hasn't been, it would appear, in all of the previous invoices that you
16 have been paid the money has been given -- either has been given to you by Mr.
17 O'Callaghan, isn't that right?
- 18 A. That is correct, yes.
- 19 Q. 315 And we have seen where you have made arrangements to attend at Allied Irish
11:58:27 20 Bank to meet Mr. O'Callaghan in relation to the collection of the invoices,
21 isn't that the position?
- 22 A. In relation to the collection of cheques or drafts, yes.
- 23 Q. 316 Isn't that correct?
- 24 A. Correct.
- 11:58:37 25 Q. 317 Now, this is the first occasion within the documentation provided to the
26 Tribunal where Allied Irish Bank themselves forward a bank draft to you
27 directly?
- 28 A. That is correct, yes.
- 29 Q. 318 Right. Now, the bank draft in fact I think was drawn on the account of
11:58:54 30 Barkhill. Would you have known that, Mr. Dunlop?

11:58:56 1 A. Probably not.

2 Q. 319 Okay. Did you have any conversation or discussion with Mr. O'Callaghan that

3 led up to this invoice being paid?

4 A. Being paid by AIB?

11:59:11 5 Q. 320 Yes.

6 A. Yes, I do believe I did.

7 Q. 321 And what was that?

8 A. Again, at this remove, what I can tell you is what I recollect. Is that there

9 was some difficulty in relation to this particular payment. I am not

11:59:28 10 absolutely certain of whether I could say with certitude that the cheque was

11 lost or not found but certainly there was a discussion between Mr. O'Callaghan

12 and myself about the payment of the invoice and that he told me that the matter

13 would be dealt with in the fashion that it has been dealt with and that I would

14 get payment from AIB and mentioned the name that is a signature or that is

12:00:00 15 appended on to that particular document.

16

17 I think there was only one occasion that I can recollect in which anything of

18 this nature occurred and I do believe that I, Mr. O'Callaghan either spoke to

19 Mary Basquille or I spoke to her but certainly as I recollect matters, it was

12:00:23 20 something to do with Mr. O'Callaghan telling me that he had sent the cheque or

21 that the cheque had gone missing and that a new cheque or a draft would be

22 issued. I may not be absolutely accurate in the particular context in this

23 particular payment but I do recall an instance in which such a discussion took

24 place in which this lady's name entered the frame.

12:00:48 25 Q. 322 Yes, I'm going to come back to that, Mr. Dunlop, because subject to correction

26 I don't believe that that's the invoice for which a duplicate bank draft was

27 issued although from recollection there is such a duplicate?

28 A. Yes.

29 Q. 323 A bank draft within the documentation. But I'll come back to deal with that

12:01:04 30 aspect of it?

- 12:01:05 1 A. Yes, I certainly. Forgive me, Ms. Dillon. I certainly don't want to in any
2 way mislead you. When you put that on the screen the name Mary Basquille is a
3 name that I associate with a particular instance where there was a difficulty
4 about a payment and that the payment was orchestrated through this particular
12:01:23 5 payment in AIB.
6 Q. 324 In any event, you received the sum of 11,490 and while it's not recorded in
7 your cash receipts book, 7996, it is recorded in the bank account, 7997, of
8 Frank Dunlop & Associates the '067 account. You will see there the third
9 credit.
12:01:47 10 A. Yes.
11 Q. 325 Of 11,490. Which is referable to the receipt of the monies in November from
12 Barkhill in fact, although the invoice was made out to Riga?
13 A. And that reference is the correct bank reference number?
14 Q. 326 Yes.
12:02:04 15 A. Yeah, okay sorry.
16 Q. 327 Yes, that is the money was apparently lodged on the 10th of November to Frank
17 Dunlop & Associates, and your auditors when they pick up the fact under sundry
18 lodgements they realise that it's not in the cash receipts book but they find
19 it in the bank statements and they make the appropriate adjustment and you will
12:02:23 20 find that in the documentation also at around page 8,000 and 8001, Mr. Dunlop.
21 A. Thank you.
22 Q. 328 But you make may take it that even though it's not recorded in your cash
23 receipts book it was recorded in your bank statement and your auditors picked
24 up on it and made the necessary adjustment?
12:02:39 25 A. Thank you.
26 Q. 329 So that again it is properly recorded, Mr. Dunlop, in Frank Dunlop & Associates
27 when received. Right. Now, I want to show you at 8048, Mr. Dunlop. This is a
28 lodgement of 2,200 pounds on the 16th of September, to the account of Frank and
29 Sheila Dunlop '006 and you have not been able to provide any information to the
12:03:05 30 Tribunal in relation to the source of that lodgement, is that still the

- 12:03:08 1 position?
- 2 A. That is still the position.
- 3 Q. 330 Now, I think that at 8031, I just want you to look here, Mr. Dunlop --
- 4 A. Uh-huh.
- 12:03:24 5 Q. 331 -- at this extract from your diary of September 1992. And you will see there
6 on the 17th of September, the date of which is blacked out but I think that
7 piece of blacking out is a photocopying problem and beneath that it says
8 "letters, brochures to all councillors and consult with OOC".
- 9 A. Yes.
- 12:03:46 10 Q. 332 So that would suggest that at that time you were involved in getting ready for
11 a mail shot to all councillors in September 1992, isn't that right?
- 12 A. Correct, yes.
- 13 Q. 333 Now, what I want to ask you about, Mr. Dunlop, is the over writing or the
14 obliterations that has taken place. And first of all, maybe you could tell the
12:04:08 15 Tribunal when the obliteration took place?
- 16 A. Well I, the only answer I can give there. I think it must have taken place
17 contemporaneously or at some stage shortly thereafter. I just don't recollect.
18 It is heavily deleted.
- 19 Q. 334 Do you think, Mr. Dunlop, that it's likely that that obliteration was in place
12:04:49 20 when you did your redactions for the providing the Tribunal with the first
21 information in your diaries in connection with Quarryvale?
- 22 A. Yes, I think so. I would have said so, yes.
- 23 Q. 335 At 8032. You will see this is the relevant extract and it just focussing for a
24 moment on the date of the 17th and the information beneath that
12:05:13 25 letters/brochures to all councillors re Quarryvale and consult with Owen
26 O'Callaghan. And then the rest of the page is blank because obviously a post
27 it or something has been put over it?
- 28 A. Yes, yes, that's correct.
- 29 Q. 336 And if we could just increase for a moment the, around the 17th and immediately
12:05:31 30 beneath it. Yes. And you will see there, Mr. Dunlop, a suggestion of

12:05:42 1 something that is in fact written, isn't that right?

2 A. Yes.

3 Q. 337 Yes. Whereas if you look at your diary that you have in your hand and the copy

4 of it that's on page at 8031 now, please. And if we highlight the same area.

12:06:00 5

6 CHAIRMAN: Could we put them both up together?

7

8 Q. 338 MS. DILLON: Yes. Could we put both together in as large a size as possible.

9 While they are at that, Mr. Dunlop, I don't know whether it's technically ...

12:06:43 10

11 CHAIRMAN: We need the page.

12

13 MS. DILLON: If we could both pages up.

14

12:06:48 15 JUDGE FAHERTY: 8032.

16

17 Q. 339 MS. DILLON: 8032 and 8031. Now, what I want to draw to your attention, Mr.

18 Dunlop, is that in the redacted version of your diary, which is what you first

19 furnished to the Tribunal. There appears to be material written as opposed to

12:07:18 20 obliterated under the heading of the 17th. Do you see that on page 8032?

21 A. Yes.

22 Q. 340 And then when you look at what you ultimately provided to the Tribunal when you

23 provided your complete version of your diaries. What is beneath the words

24 "consult with OOC" does not appear to be writing but merely obliteration do you

12:07:41 25 understand?

26 A. Yes, I do.

27 Q. 341 That would suggest, Mr. Dunlop, if that is correct, that the obliteration of

28 your diaries took place after you had examined them in relation to providing

29 the first piece of Quarryvale information to the Tribunal but prior to you

12:07:53 30 providing the original diaries, isn't that right?

12:07:55 1 A. I see the point you're making, yes.

2 Q. 342 Is that right?

3 A. No, I don't think so.

4 Q. 343 All right. So do you say then that when you provided the redacted diary to the

12:08:05 5 Tribunal there was no writing beneath the words "consult with OOC" on the 17th

6 of September 1992?

7 A. Yeah, I would imagine so, yes. All I can tell you is that when I was asked for

8 the redacted diaries, we gave the information.

9 Q. 344 That's not the point I'm making as you well know, Mr. Dunlop. What I'm trying

12:08:29 10 to find out from now is whether or not the obliteration that is on the diary

11 was something you did when you were asked to provide your original diary to the

12 Tribunal?

13 A. No, no.

14 Q. 345 Do you understand?

12:08:41 15 A. No, no, no, no, no.

16 Q. 346 Now, what I want you to look at is the entries that you have because this is

17 something that's going to come up again, Mr. Dunlop. And there are a few of

18 these entries. Right. This is the first of them.

19

12:08:56 20 CHAIRMAN: Could we see the original diary?

21

22 MS. DILLON: Ms. Gribbin will give you the original. Mr. Dunlop has the

23 original.

24

12:09:22 25 CHAIRMAN: Yes.

26

27 CHAIRMAN: Sorry, Ms. Dillon.

28

29 MS. DILLON: Yes, Sir.

12:09:59 30 Q. 347 Now, what I want to try and establish from you, Mr. Dunlop, looking first at

12:10:05 1 the entry on the redacted version which is a at page 8032 in the brief. I am
2 suggesting to you that looking at that it appears that at the time that you
3 redacted the diaries there was no obliteration and that what was there was
4 written in, do you understand the point I'm making?

12:10:24 5 A. Yes, I do.

6 Q. 348 Is that it would appear from the small piece of the line of the next line of
7 script that's available is that there is a sentence or something written in?

8 A. Well there's, yes, I don't know what word is the proper word there.

9 Q. 349 Yes.

12:10:38 10 A. There would appear to be something there either over written on a post it or
11 there was something there, I just don't know.

12 Q. 350 But if there was something there, Mr. Dunlop, when you furnished the first
13 diaries to the, the first copy of your diaries to the Tribunal it means that
14 the over writing took place subsequent to that, isn't that right?

12:10:57 15 A. Yes.

16 Q. 351 Yes. And that would mean that when you reviewed the diaries there were certain
17 matters that you decided you wouldn't disclose to the Tribunal and you
18 obliterated them, isn't that right?

19 A. Well I see the point that you're making but that is not true.

12:11:11 20 Q. 352 Yes.

21
22 CHAIRMAN: But why, Mr. Dunlop, would you, we've seen other instances in your
23 diary where you cross out something.

12:11:17 25 JUDGE FAHERTY: I think it's at the top of the page.

26
27 CHAIRMAN: And I think it's at the top.

28
29 JUDGE FAHERTY: 8031.

12:11:26 30

12:11:26 1 CHAIRMAN: Where.
2
3 JUDGE FAHERTY: Just look at the 16th.
4

12:11:31 5 CHAIRMAN: Yes. For example, on the 16th there where the purpose the
6 attention is to cross out something and it's done perfectly adequately there
7 but it's still possible to identify with some difficulty what has been crossed
8 out. Whereas in this instance on the 17th and 18th there seems to be as if it
9 was nearly painted out.

12:12:02 10 A. Yes.
11

12 CHAIRMAN: I mean, that would be not the usual way of crossing something out
13 in a diary, unless the intention was to conceal it from any third party.

14 A. I would accept that, Chairman. In the context that whenever this was done it
12:12:24 15 was done for a purpose that I wanted to forget about it or that I didn't want
16 anyone else to know about it, whatever it is.
17

18 CHAIRMAN: It does appear from the piece we see on the 17th there when it was
19 redacted by you --

12:12:41 20 A. Uh-huh.
21

22 CHAIRMAN: That there was at that time, at the time it was redacted there were
23 words there which on the right have been completely obliterated.

24 A. Uh-huh.

12:12:53 25

26 CHAIRMAN: Which would suggest that at the time the redacted version was
27 prepared there was writing there.

28 A. Well I can see again, as I said to Ms. Dillon, Chairman, I can see the point
29 that has been made. But I cannot say to you when this was done as I've said
12:13:09 30 just at the, immediately after the break when Ms. Dillon brought this up. It

12:13:15 1 was either done at the time or shortly thereafter. I have no recollection of
2 doing it.

3

4

CHAIRMAN: All right.

12:13:22 5

6

JUDGE FAHERTY: Could I just ask you one other thing on that, Mr. Dunlop. If
7 you pull up the full page of 8031, please. If you look at that, Mr. Dunlop,
8 and you see the heavy obliteration on the right-hand side?

9

A. Sorry, Judge, do you see the heading of which?

12:13:42 10

11

JUDGE FAHERTY: If you look at the heavy obliteration.

12

A. Yes, yes.

13

14

JUDGE FAHERTY: That you've already been asked about by the Chairman. And if
15 you look at that, there would appear to be, if you look around the perimeter of
16 that obliteration. That whatever was obliterated and this is only something
17 that occurs to me looking at it, Mr. Dunlop, that was contained in a square.

12:13:49 15

16

17

18

Do you see that, there is a line across and down. If you look at the
19 right-hand side. You see an almost straight line and you see the same almost
20 at the bottom. Do you see what I'm saying?

12:14:14 20

21

A. Yes, I do, yes, yes.

22

23

JUDGE FAHERTY: And could I ask you, whatever was contained in that would
24 appear to be perhaps connected to what you had obliterated on the left-hand
25 side as if it was a continuation of what you were putting down there.

12:14:30 25

26

A. Yes.

27

28

JUDGE FAHERTY: Do you see the point I'm making?

29

A. I do, yes, yes.

12:14:42 30

JUDGE FAHERTY: Yes. It was captioned, if you like, you had put something

12:14:46 1 around it. I mean, we see other examples of that where you circle things or
2 whatever
3 A. Yes, correct.
4

12:14:53 5 JUDGE FAHERTY: It would appear. Certainly that line on the right-hand side
6 and on the very bottom and I would suggest on the top it's visible, that that
7 was done at the time you put the entry in, that you were referring that to what
8 is obliterated on the left-hand side
9 A. Yes. Could I have the dairy back? It's a bit. I would prefer to follow what
12:15:15 10 you are saying, Judge, if I look at my diary.
11
12 JUDGE FAHERTY: Yes.
13 A. Right okay. Yes, I see the point you're making, yes.
14

12:15:24 15 JUDGE FAHERTY: And just about the Chairman, we have seen other instances and
16 there are plenty of times and you yourself earlier this week or last week if
17 memory serves me or whenever you were last here, in other occasions where we
18 see something obliterated in your diary you have been on certainly one or two
19 occasions if I recall, able to decipher what you wrote in and indeed you can
12:15:48 20 see an example up on the top right-hand side.
21 A. Yes. Well that's I would suggest in a different category that's the
22 cancellation of meeting.
23
24 JUDGE FAHERTY: Yes, that's the whole point.
12:16:00 25 A. Yes.
26
27 JUDGE FAHERTY: But this obliteration was in a completely different category
28 to had you you dealt with cancelled meetings or things that weren't going to
29 happen for one reason or another. Would that be --
12:16:11 30 A. Yes, I think that's a fair point. I think that's a reasonable point. In the

- 12:16:17 1 context of what we're looking at on that particular page, yes.
2
- 3 Q. 353 MS. DILLON: Just on that point, Mr. Dunlop. If in the first instance can I
4 take the redacted diary which is the one on the screen with no over writing on
12:16:34 5 it. And can you go down beneath the words "consult with OOC" and increase that
6 area for me, please.
7
- 8 Now, looking at it now, Mr. Dunlop, in its increased version. I suggest to you
9 that it is markedly different to what's in the diary in your hand because it
12:16:59 10 appears to be an extract of a sentence which still was extant when you redacted
11 the diary, isn't that right?
12 A. Well I can't, I cannot say that.
- 13 Q. 354 Well if you look at the diary in your hand?
14 A. I am looking at the diary in my hand as per your request, yes. There is
12:17:17 15 something written under "and consult with OOC" and is deleted as per Judge
16 Faherty's point which seems to be continued over on to the insert for the
17 following day.
- 18 Q. 355 No, Mr. Dunlop. If you just concentrate now on the question that I'm asking
19 you. Right. If you look at what's on screen which is the redacted diary that
12:17:39 20 you provided to the Tribunal?
21 A. Yes.
- 22 Q. 356 And what I am suggesting to you is that when you redacted that diary there was
23 then in existence a sentence written beneath the words "consult with OOC" which
24 you had partially covered over with a post it, do you understand that?
12:17:58 25 A. I follow completely the point I'm making.
- 26 Q. 357 Do you understand the point that I am making to you?
27 A. I do, yes.
- 28 Q. 358 I am saying that what can presently be seen on screen which is an increased
29 version of the page in the brief at page 8032, shows indentations that are
12:18:12 30 consistent with a sentence or a number of words?

- 12:18:14 1 A. Yes, I see what you're pointing to.
- 2 Q. 359 And if I could have now put up on screen the same part from page 8031 and
3 increased to the same level as the previous one was increased and again,
4 please. I just want this increased on its own. You see there?
- 12:18:35 5 A. Yes.
- 6 Q. 360 That there is no suggestion of the tops of words or sentences that were obvious
7 in the previous increased version of the redacted diary. Do you understand?
- 8 A. I see the point you're making, yes.
- 9 Q. 361 And the point I am making to you, Mr. Dunlop, is that if you accept that in the
12:18:52 10 first diary redacted which you furnished to the Tribunal in the year 2000, in
11 April on the 17th of April 2000, when you furnished your redacted diary to the
12 Tribunal there was then extant beneath the entry "consult with OOC" a sentence
13 or information that had not been then obliterated, do you understand?
- 14 A. Yes, I follow.
- 12:19:31 15 Q. 362 Yes. And therefore when you provided your diaries in their complete form to
16 the Tribunal in, at a later period when you provided it, the obliteration took
17 place between the 17th of April 2000 when you provided the redacted version and
18 when you finally provided the full version on the 13th of October 2001. Do you
19 understand?
- 12:19:45 20 A. Yes, I see the point, yes.
- 21 Q. 363 And I am saying that when one looks at the increased version of both versions
22 of the diary, that the redacted version is consistent with a sentence or words
23 still be being in place, do you understand?
- 24 A. Yes.
- 12:20:01 25 Q. 364 And do you agree with that?
- 26 A. No, I have other than what I have said to you.
- 27 Q. 365 Uh-huh.
- 28 A. First of all, I do not know what the obliterated matters refer to.
- 29 Q. 366 I am going to come to deal with that, Mr. Dunlop. I just want you to deal now
12:20:16 30 about the simple issue of when the obliterations took place?

- 12:20:20 1 A. I do not. I do not recollect obliterating anything in the period that you have
2 said in relation to the submission of the first diary, the redacted diaries and
3 the full diaries.
- 4 Q. 367 All right. And did you obliterate anything in your diary, Mr. Dunlop, at all
12:20:38 5 or make any alteration in your diaries at all between the date that you first
6 provided your redacted diaries to the Tribunal in April 2000 and when you
7 provided the full original diaries in 2001?
- 8 A. No, I don't believe I did.
- 9 Q. 368 All right. So the position then is if the Tribunal were to find or indeed you
12:20:56 10 were to agree over the coming days that you had in fact made such an
11 alteration, that automatically could have an effect on your belief?
- 12 A. Yes.
- 13 Q. 369 That you didn't obliterate the present piece of material?
- 14 A. Yes.
- 12:21:08 15 Q. 370 All right. Now, if we could just have the full version of page 8031 on screen.
16 I am going to suggest to you, Mr. Dunlop, that it's likely that the matter you
17 obliterated had something to do with the earlier entry of Mr. O'Callaghan?
- 18 A. Yes, that is possible, I would agree. Can I just ask you, Ms. Dillon.
- 19 Q. 371 Yes.
- 12:21:32 20 A. There is on the screen there is representation of my diary and I have my diary
21 in front of me here. And there seems to be an obliteration over the 17th and
22 it doesn't, it's not.
- 23 Q. 372 I had already said to you at the beginning of this exercise, Mr. Dunlop, that
24 that was a photocopying problem and was not replicated in the original diary?
- 12:21:53 25 A. I beg your pardon, I'm sorry.
- 26 Q. 373 What I am asking you now, Mr. Dunlop, is it likely in view of the positioning
27 of the information that what is obliterated in your diary for the 17th of
28 September 1992, in all likelihood, had something to do with Mr. O'Callaghan?
- 29 A. Yes, I think that's possible.
- 12:22:12 30 Q. 374 And just in relation to your diary, Mr. Dunlop, can I, if you look at 8063.

- 12:22:22 1 Which is the 24th of September, and again you see the photocopying mark in the
2 centre?
- 3 A. Yes.
- 4 Q. 375 Which is the same as the previous one which is not in your diary. And I just
12:22:36 5 want to ask you about a matter there on the 24th of September 1992. Do you see
6 there "FF function Killarney".
- 7 A. Yes, I do, yes.
- 8 Q. 376 Yes. What was that about?
- 9 A. Well I, just for to explain it. You will see in the previous entry it's a
12:22:58 10 flight to Farranfore. So, I mean, as I recollect matters there was a Fianna
11 Fail function in Killarney that I attended on that particular night.
- 12 Q. 377 And who attended it, Mr. Dunlop, can you remember?
- 13 A. Oh, dear. I certainly attended it. I cannot -- I cannot be absolutely certain
14 that Mr. O'Callaghan attended. I just offhand I cannot say. Obviously it's in
12:23:32 15 the diary and it's a Fianna Fail fundraising function of some sort. I think
16 it's something to do with a golf classic and that I either was invited or made
17 a subscription to attend.
- 18 Q. 378 And is this something that you would have attended on a regular, is this an
19 annual event?
- 12:23:54 20 A. Well I'm not so sure it's an annual event. Certainly there was quite a few of
21 three events at a particular time in various parts of the country and I would
22 have attended some of them, yes.
- 23 Q. 379 In what capacity, Mr. Dunlop?
- 24 A. As a lobbyist.
- 12:24:08 25 Q. 380 But are you a supporter, are you taking tables, what are you doing, what's your
26 purpose in going to this?
- 27 A. Well my purpose is one of two. One is either that I'm a guest of somebody else
28 or else that I am taking a table or taking a number of places at a table.
- 29 Q. 381 You are supporting the function in other words?
- 12:24:25 30 A. Yes.

12:24:25 1 Q. 382 Are you there for the purpose of raising funds for Fianna Fail from other
2 people?
3 A. No.
4

12:24:34 5 JUDGE FAHERTY: Ms. Dillon, just could I ask. At the very top there, maybe
6 you are going to deal with it. The very first entry on the 24th.
7

8 Q. 383 MS. DILLON: Yes I'm going to deal with that. Yes.
9 A. It's the function.
10

11 MS. DILLON: Yes.
12

13 JUDGE FAHERTY: Yes. Is that Fianna Fail Munster golf classic?
14

12:24:46 15 MS. DILLON: Munster golf classic, yes.
16

17 JUDGE FAHERTY: Is that the function.
18 A. Yes.
19 Q. 384 And when it says MSD arrangements beneath that? Is that connected?
20

12:24:59 20 A. Yes. Do you want me to mention the name?
21 Q. 385 Is that Merck Sharpe & Dohme?
22 A. Yes that's Merck Sharpe & Dohme.
23 Q. 386 Is that connected to FF Munster golf classic?
24 A. Merck Sharpe & Dohme for whom I acted on an ongoing basis over a long number of
12:25:14 25 years as I recollect, took a table or were involved in the golf classic and I
26 was invited by my immediate contact in Merck Sharpe & Dohme to attend the
27 dinner. That's why I paused when you asked me had I attended the dinner with
28 somebody in particular. I can now tell you who that person was.
29 Q. 387 And who was it?
12:25:35 30 A. John Condon.

- 12:25:37 1 Q. 388 And was Mr. O'Callaghan there?
- 2 A. That I cannot say to you. I have a vague residual recollection that he was.
- 3 But certainly he was not in my company or he was not in the company of the
- 4 table host.
- 12:25:55 5 Q. 389 Yes.
- 6 A. Namely Merck Sharpe & Dohme.
- 7 Q. 390 Yes. And who else attended it from Fianna Fail. I don't mean who else, who
- 8 attended it from Fianna Fail that you would have known?
- 9 A. Well I probably knew everybody who attended it from Fianna Fail. I cannot
- 12:26:09 10 recollect whether it was the Taoiseach was present or --
- 11 Q. 391 Who would have been Mr. Albert Reynolds?
- 12 A. Albert Reynolds, yes. Or senior ministers, obviously, there were some. It's a
- 13 Munster golf classic so you can take it as definite that there were senior
- 14 figures from Fianna Fail and the practice was when these fundraising functions
- 12:26:28 15 were organised, they were organised on the basis that whatever happened on the
- 16 golf course there would be a dinner which would be attended by a senior figure
- 17 and in most instances that would mean the Taoiseach or the leader in the given
- 18 circumstances.
- 19 Q. 392 Or indeed the Minister for Finance, Mr. Ahern?
- 12:26:47 20 A. Correct.
- 21 Q. 393 And indeed I think Mr. Ahern's diary showed that he was indeed at that
- 22 function. Can I show you page 8084, please. Which is dated an extract from
- 23 your telephone records dated the 24th of September 1992. At 5:15 "Mick Reidy
- 24 Department of Finance will call you tomorrow" and then beneath that "rang Mick
- 12:27:11 25 Butler left message FD and OOC in Great Southern Hotel, FD room 352 and OOC
- 26 344".
- 27 A. Yes.
- 28 Q. 394 Is that the Great Southern in Killarney?
- 29 A. Yes.
- 12:27:22 30 Q. 395 That would suggest that both yourself and Mr. O'Callaghan were in Killarney and

- 12:27:26 1 that you were together as it were?
- 2 A. Yes, we were at the same function, yes. But I can absolutely assure you,
3 Ms. Dillon, I was at the function as a guest of Merck Sharpe & Dohme not of Mr.
4 O'Callaghan.
- 12:27:38 5 Q. 396 But Mr. O'Callaghan is also at the same function?
- 6 A. Oh, yes.
- 7 Q. 397 And whatever this telephone message is about, Mick Butler is being informed
8 that both you and Mr. O'Callaghan are in the Great Southern Hotel in Killarney
9 and the room numbers are given, isn't that right?
- 12:27:54 10 A. Yes, correct.
- 11 Q. 398 And in fact.
12
13 CHAIRMAN: Who is Mr. Mick Butler?
14
- 12:28:01 15 MS. DILLON: I don't know.
- 16 A. I certainly know who 5.15 Mick Reidy is. I certainly know who that is. He was
17 an officer in the Department of Finance working with the then Minister Bertie
18 Ahern. I am not absolutely certain that Mick Butler was an official of the
19 Department of. I just offhand I cannot say specifically now but.
- 12:28:30 20 Q. 399 He is from Ambrose Kelly's group. Do you see at 5.10?
- 21 A. Yes. He worked with Ambrose Kelly. I can't remember in which capacity but he
22 worked in some capacity with Ambrose Kelly.
- 23 Q. 400 You were attending this function as a lobbyist, is that right, that's what you
24 said?
- 12:28:50 25 A. No, no, I certainly I was there as a lobbyist in the context of my relationship
26 with Merck Sharpe & Dohme. But I was attending the function as I recall
27 matters at the invitation of Merck Sharpe & Dohme who had been, who had either
28 taken a table or had made a contribution to the golf classic probably at my
29 recommendation or at, on my advice having been requested for my advice.
- 12:29:23 30 Q. 401 Well in your diary at 8063, Mr. Dunlop, it says "MSD arrangements?" Do you see

- 12:29:33 1 that?
- 2 A. Yes, correct.
- 3 Q. 402 And then at the bottom of the page it says "FF function Killarney".
- 4 A. Yes.
- 12:29:38 5 Q. 403 And we know that both yourself and Mr. O'Callaghan were in the Great Southern
6 Hotel, isn't that right?
- 7 A. Correct.
- 8 Q. 404 So it would be fair to say that you had two clients at a minimum at the
9 Ki8llarney function, isn't that right?
- 12:29:48 10 A. Correct.
- 11 Q. 405 Merck Sharpe & Dohme if they were there?
- 12 A. Well John Condon was I can absolutely assure you he was there.
- 13 Q. 406 Yes. And then I have Mr. Owen O'Callaghan, isn't that right?
- 14 A. Yes.
- 12:29:57 15 Q. 407 And this is within three or four weeks of the launch of the National Stadium,
16 isn't that right?
- 17 A. Yes.
- 18 Q. 408 Yes. And in the whole presentation and preparation of the National Stadium was
19 there an interest or concern in getting Government funding for the National
12:30:11 20 Stadium?
- 21 A. Yeah. Certainly there was an interest in getting Government support. I don't
22 think that was ever quantified per se but certainly there was an interest in
23 getting Government support.
- 24 Q. 409 And the following day, Mr. Dunlop, if you look at your diary, on the following
12:30:35 25 morning in September the 25th 1992, there is an entry "opening Mahon Cork".
- 26 A. Yes.
- 27 Q. 410 Now, what was that all about?
- 28 A. That's the Central Statistics Office opening an office in Mahon in Cork, which
29 I do not believe I attended but I do believe an officer of my office attended.
- 12:30:55 30 Q. 411 Well I am going to suggest to you now that you are wrong about that now Mr.

- 12:30:59 1 Dunlop and I am going to show you at page 8074, which is an extract from your
2 telephone records. And if you look at the first extract "rang Liam Colleran"
3 number given "pick up car at Farranfore Thursday approximately. FD on Dublin
4 flight at 4 o'clock. FD will leave car in Cork Airport on Friday 9 o'clock".
- 12:31:19 5 A. Yes.
- 6 Q. 412 Well that puts you in Cork on the following day, isn't that right, Mr. Dunlop?
- 7 A. Yes.
- 8 Q. 413 And if you go to the bottom of that page at 11.50, you are provided with
9 details of your flight to Kerry on Thursday the 24th at 4 p.m. and then your
10 flight at 8075 from Cork the following day, isn't that correct?
- 11 A. Correct.
- 12 Q. 414 So at least at a minimum it puts you in Cork the following day, isn't that
13 right?
- 14 A. Yes, I have no recollection of being in Cork the following day.
- 12:31:45 15 Q. 415 But it is clear that you were at the Fianna Fail fundraiser or the function in
16 Killarney and that you were for some stage of the evening in the company of Mr.
17 O'Callaghan who apparently was at the same function, is that right?
- 18 A. Yes, I would have spent most of the function in the presence of my host at
19 that, in that particular. But it is likely that I was in the presence of Mr.
12:32:05 20 O'Callaghan at various periods during the evening, yes.
- 21 Q. 416 Yes. And can you remember did you speak to anybody, any government minister,
22 either on behalf of the interests of Merck Sharpe & Dohme or on behalf of Mr.
23 O'Callaghan's interests?
- 24 A. Well I'm not so sure that I spoke to anybody in relation to Merck Sharpe &
12:32:25 25 Dohme. We had a specific lobbying schedule in relation to any items or matters
26 of concern to Merck Sharpe & Dohme which we strictly adhered to. So I think it
27 is unlikely that I spoke to anybody in relation to issues in relation to Merck
28 Sharpe & Dohme. It is possible that I did speak to government representatives
29 or government deputies in relation to items on Mr. O'Callaghan's agenda.
- 12:32:56 30 Q. 417 Uh-huh. And can I ask you about an entry, you may not be able to help the

12:33:00 1 Tribunal with this, Mr. Dunlop, at 15263. This is a copy of an extract from
2 the bank account of Ms. Hazel Lawlor. And at the bottom of the page you will
3 see written the words "F Dunlop" and in fact it would appear that that is
4 indicating that a lodgement of 1,200 pounds, that's made in fact on the 2nd of
12:33:29 5 October, is being written in there for the purpose of calculating the state of
6 the account, do you see that?

7 A. Yes.

8 Q. 418 Right. And the sum of 1,200 pounds is a cash lodgement?

9 A. Yes.

12:33:39 10 Q. 419 And you will see that cash lodgement at 8182. On the 2nd of October, do you
11 see there on the same that there is a lodgement of 1,200 pounds, it's the first
12 entry?

13 A. Yes.

14 Q. 420 And this then if you go back to 15263. And just increase the bottom of that.

12:33:59 15 And the exercise that's being carried out here is an exercise to see the
16 current state of the bank account, do you see that?

17 A. Yes.

18 Q. 421 That's what appears to have been carried out. And what appears to have
19 happened is the lodgement that's referred to there of 1200 is being added on
12:34:15 20 for the purposes of coming to the final figure on the account, do you see that?

21 A. Yes.

22 Q. 422 And what I'm drawing to your attention is this document which was provided to
23 the Tribunal by the late Mr. Liam Lawlor, suggests that you were the source of
24 the sum of 1,200 pounds that's lodged to that account?

12:34:29 25 A. Yes, I don't recognise the handwriting but I would accept what you are saying
26 that given that my name is there that it is possible that I am the source, yes.

27 Q. 423 That's not information you provided, is that correct, Mr. Dunlop?

28 A. That's correct, yes.

29 Q. 424 That's information that was provided to the Tribunal by the late Mr. Liam
12:34:48 30 Lawlor in explaining Ms. Hazel Lawlor's bank accounts?

- 12:34:52 1 A. Yes.
- 2 Q. 425 Right. Now, in October 1992, Mr. Dunlop, there are, there is another diary
3 entry. 8101, please, that I want to draw to your attention. Now, and first
4 can I show you, Mr. Dunlop, 8108102 which is the -- 8102, please. This is
12:35:31 5 another redacted diary, Mr. Dunlop, and what I want to draw to your attention
6 is the entry on the 1st of October. Do you see that?
- 7 A. Yes.
- 8 Q. 426 And you will see there that what's being disclosed to the Tribunal on the 1st
9 of October are entries that are relevant to Quarryvale, isn't that right?
- 12:35:51 10 A. Correct, yes.
- 11 Q. 427 All right. Now, can I have on screen page 8101, please? And I want the two of
12 them together. Now, I want you to look first at the redacted diary, Mr.
13 Dunlop, and I want you to look at the matter that's over written on the
14 redacted diary. Do you see that? At the very bottom "7.30 Q vale cheque" do
12:36:38 15 you see that?
- 16 A. Yes.
- 17 Q. 428 And do you see what's obliterated?
- 18 A. Yes.
- 19 Q. 429 Right. And that's obliterated by you, isn't that right?
- 12:36:45 20 A. Yes.
- 21 Q. 430 Okay. And then if you look at the next one, which is the original diary?
- 22 A. Yes.
- 23 Q. 431 You see there's no obliteration or there's only a partial obliteration, you see
24 it says "Q vale cheque with"
- 12:36:59 25 A. Yeah.
- 26 Q. 432 But the word "with" and the name beneath it was obliterated by you when you
27 were preparing your redacted diaries, isn't that right?
- 28 A. Well I have no recollection of it but I mean if you are looking at the redacted
29 diary and the present diary, yes, I am looking at my own diary.
- 12:37:16 30 Q. 433 Well let me give you the actual document that you sent in to the Tribunal, Mr.

12:37:20 1 Dunlop?

2 A. Yeah.

3 Q. 434 Okay. That is the original that you furnished to the Tribunal on the 17th of

4 April 2000.

12:37:28 5 A. Yes.

6 Q. 435 And that has completely obliterated the words "with" and somebody's name, isn't

7 that right?

8 A. Yes.

9 Q. 436 And when you provide then your redacted diaries, your unredacted diaries to the

12:37:41 10 Tribunal on the 30th of October 2001 the word "with" has not been obliterated,

11 isn't that correct?

12 A. That's correct.

13 Q. 437 But there is a partial but different obliteration on the name, isn't that

14 right?

12:37:53 15 A. Yes.

16 Q. 438 Now, do you want to explain that to the Tribunal?

17 A. Well I'm afraid that I can't and I'm looking at my original diary, my actual

18 diary and it says 7.30 Quarryvale cheque with and then there is a partial

19 obliteration of a name in red.

12:38:09 20

21 CHAIRMAN: What's the name that's obliterated?

22 A. Liam.

23

24 MS. DILLON: Well that would mean, first of all, at a minimum, Mr. Dunlop,

12:38:24 25 that when you were asked to provide your redacted diaries in relation to

26 Quarryvale, isn't that what you were asked to provide the Tribunal with?

27 A. Yes, correct.

28 Q. 439 Is that you obliterated material that was relevant to the Tribunal's request,

29 isn't that right?

12:38:37 30 A. No, because it says 7.30 Quarryvale and when the redacted diary says 7.30

- 12:38:43 1 Quarryvale cheque.
- 2 Q. 440 No, you misunderstand me, Mr. Dunlop, and I am suggesting deliberately.
- 3 A. No, no, I'm not deliberately misunderstanding anything.
- 4 Q. 441 What you redacted from the original diary when you sent it in to the Tribunal
- 12:38:56 5 first were the words "with Liam" isn't that right?
- 6 A. Well it's obliterated yes.
- 7 Q. 442 And it's obliterated by you?
- 8 A. Yes, I would suggest that.
- 9 Q. 443 And you were asked by the Tribunal to provide all of your diary entries
- 12:39:08 10 relevant to Quarryvale?
- 11 A. Yes.
- 12 Q. 444 Isn't that right?
- 13 A. Correct, yes.
- 14 Q. 445 But you obliterate the words "with Liam" if it is with Liam that's written
- 12:39:20 15 there, isn't that right?
- 16 A. If it is, yes.
- 17 Q. 446 Yes. Is it possible that what you obliterated were the words "with Flynn"?
- 18 A. Let's have a look at this.
- 19 Q. 447 Why don't you look at your original diary, Mr. Dunlop?
- 12:39:35 20 A. I have it here in front of me.
- 21 Q. 448 And does that say with Liam or with Flynn?
- 22 A. It says "Quarryvale. Cheque with Liam" and the first three letters of Liam LIA
- 23 are over written with a red pen that's all it's not obliterated.
- 24 Q. 449 All right. When you provided the information to the Tribunal and you were
- 12:39:53 25 providing at that stage Quarryvale relevant information, you obliterated the
- 26 words with Liam, isn't that right?
- 27 A. I don't recall doing so but I mean they are obliterated.
- 28 Q. 450 Well they are obliterated by you, isn't it that right, Mr. Dunlop?
- 29 A. Yes.
- 12:40:06 30 Q. 451 Nobody else obliterated anything in these dairies except for yourself?

12:40:10 1 A. Not to my knowledge.

2 Q. 452 When you were providing the original redacted diaries to the Tribunal to

3 obliterate the words "with Liam" isn't that right?

4 A. Apparently so but I have no recollection of doing so.

12:40:21 5

6 JUDGE FAHERTY: Ms. Dillon, can I ask you. Is it the case that the redacted

7 version that we got which was 2000, is that correct?

8

9 MS. DILLON: Yes.

12:40:28 10

11 JUDGE FAHERTY: There is complete, well obliteration of two with Liam.

12

13 MS. DILLON: Yes.

14

12:40:33 15 JUDGE FAHERTY: Well with whatever it is.

16

17 MS. DILLON: Yes.

18

19 JUDGE FAHERTY: And in the photocopy of the full diary then obviously there is

12:40:41 20 just the second of those words.

21

22 MS. DILLON: And in the original of the diary which Mr. Dunlop has the words

23 "with" are not obliterated.

24

12:40:49 25 JUDGE FAHERTY: Yes. Do I take it then that the, for Mr. Dunlop to have

26 provided the redacted diary in 2000, maybe this is a question for. You didn't

27 obliterate the total original obviously, you had to have made a copy, is that

28 correct, Mr. Dunlop, first?

29 A. Well I apologise.

12:41:13 30

12:41:13 1 JUDGE FAHERTY: Because if you had obliterated.

2 A. I apologise to both you and Ms. Dillon, particularly in the context of where

3 Ms. Dillon was accusing me of misleading. I have my original diary here.

4 Which says "7.30 Quarryvale. Cheque with Liam" and Liam is only partial

12:41:30 5 obliterated and is readily readable.

6

7 JUDGE FAHERTY: Yes but --

8 A. And in the redacted version "with Liam". Well as it is on screen, is

9 completely obliterated.

12:41:42 10

11 JUDGE FAHERTY: Yes.

12 A. And the full diary is at 80 -- 8101 which doesn't show "with" obliterated but

13 just shows partially Liam obliterated. And in answer to Ms. Dillon's question

14 the word is certainly not Flynn. I hadn't said that to her but it's certainly

12:42:02 15 not Liam.

16

17 CHAIRMAN: Could we see the original?

18 A. Sorry.

19

12:42:09 20 MS. DILLON: What you did Mr. Dunlop, was you photocopied your diary, is that

21 right

22 A. I have photocopies of my diary, yes.

23 Q. 453 If we just go back to the exercise you carried out when the Tribunal wrote to

24 you and asked you to provide all of the information relevant to Quarryvale from

12:42:23 25 your diary?

26 A. Yes.

27 Q. 454 So the first thing that you did was that you photocopied your diary, is that

28 right?

29 A. As I sit here I can't recollect what I did. The main purpose and the main

12:42:33 30 objective was having been asked by the Tribunal to send in information in

12:42:38 1 relation to Quarryvale, that's what we did.

2 Q. 455 No, no, no, no there's no we about this Mr. Dunlop. You are the person who had

3 the diary and the only person who could have identified material that was

4 Quarryvale related or non-Quarryvale. I suggest that you abandon the word we

12:42:56 5 and I because this is your evidence?

6 A. Well can I just correct you on that. I did not physically photocopy the diary

7 myself.

8 Q. 456 Fine. But you did physically redact it?

9 A. Yes, I did. And physical copies of the photocopies of the diary.

12:43:07 10 Q. 457 When you were given the photocopies now, Mr. Dunlop. We will just deal now

11 nice and simply one stage after another, with the entry on screen 7.30 that has

12 the words "Quarryvale cheque" and the next two words are obliterated.

13 A. Yes.

14 Q. 458 That obliteration is on a photocopy, isn't that right?

12:43:25 15 A. I'm taking your word for it, yeah because it's not on the original diary.

16 Q. 459 Well the photocopy that you handed in to the Tribunal?

17 A. I have it here.

18 Q. 460 You have been handed it, isn't that right?

19 A. Yes.

12:43:33 20 Q. 461 And it is a photocopy, is that right?

21 A. That is a photocopy, yes.

22 Q. 462 And that is a photocopy that you went through and you made certain

23 obliterations on, isn't that right?

24 A. Well I cannot recollect that I did that but, I mean, it is obliterated on the

12:43:49 25 photocopy, yes.

26 Q. 463 Who else would have done it, Mr. Dunlop?

27 A. I'm not suggesting anyone else did it.

28 Q. 464 If nobody else would have done it, Mr. Dunlop, that you are the only person who

29 could have done it or else instructed somebody else to do it?

12:44:01 30 A. One or the other, yes.

- 12:44:02 1 Q. 465 Now I want to show you while we're on this topic to see if this would assist
2 clarifying anything. An entry in your diary of October 1992, page 8179. Now,
3 I want to draw to your attention there an entry on the 7th of October 1992.
4 And you see there?
- 12:44:24 5 A. Yes.
- 6 Q. 466 In your original diary at "5.30 PFLY (OOC)"
7 A. Yes.
- 8 Q. 467 You see that?
9 A. Yes.
- 12:44:33 10 Q. 468 First and foremost there is only one OOC that you're dealing with, Mr. Dunlop,
11 and that's Owen O'Callaghan, is that right?
12 A. Correct.
- 13 Q. 469 And PFLY is probably, I suggest subject to anything you want to say yourself, a
14 reference to Pdraig Flynn?
12:44:46 15 A. I would accept that. I don't have any reason to suspect that it's anybody
16 else.
- 17 Q. 470 Would you regard Mr. Owen O'Callaghan or entries relevant to Mr. Owen
18 O'Callaghan matters that you should have disclosed in your redacted diaries?
19 A. Yes.
- 12:44:59 20 Q. 471 All right. Now we look at the redacted diary that you provided to the
21 Tribunal, 8180, please. And on the entry for the 7th of October, you will
22 notice there is no reference at all to any meeting between Mr. O'Callaghan and
23 Mr. Flynn?
24 A. Yes.
- 12:45:14 25 Q. 472 All right. Now, may the Tribunal take it that the deletion of the reference to
26 a meeting between Mr. O'Callaghan and Mr. Pdraig Flynn on the 7th of October
27 1992, was done either by you or on your instructions prior to the information
28 being sent in to the Tribunal?
29 A. Yes, I will accept that.
- 12:45:30 30 Q. 473 Now, what reason would you have for concealing from the Tribunal a meeting

- 12:45:34 1 between Mr. Padraig Flynn and Mr. Owen O'Callaghan that's recorded in your
2 diary?
- 3 A. None that I can think of.
- 4 Q. 474 Well try hard now, Mr. Dunlop, because you must have had a reason for deleting
12:45:45 5 it?
- 6 A. Well I cannot say to you that any meeting that Owen O'Callaghan had with P
7 Flynn notwithstanding the fact that it was Owen O'Callaghan, it wasn't Joe
8 Bloggs. A meeting that I never attended, I wasn't at any meeting with Padraig
9 Flynn in relation to Quarryvale with Owen O'Callaghan. So the relevance, I see
10 no relevance of P Flynn at all.
- 11 Q. 475 So is it an accidental deletion?
- 12 A. Well I'm not. I'm not suggesting it's accidental or deliberate. I am just
13 saying that a meeting between Padraig Flynn and Owen O'Callaghan at which I did
14 not attend is not relevant.
- 12:46:08 15 Q. 476 No, no. What you were asked to do by the Tribunal, what --
- 16 A. Yes.
- 17 Q. 477 What we're looking at here now, Mr. Dunlop, is what you did when you were
18 providing your redacted diaries to the Tribunal?
- 19 A. Yeah.
- 12:46:29 20 Q. 478 Which occurs after -- on the 17th of April 2000, after you have had your
21 conversion in the witness box here. Do you understand?
- 22 A. Yes.
- 23 Q. 479 Right. So in relation to this entry, right? It is clear if we could have 8179
24 on screen together with the page at 8180 side by side, please. There are two
12:47:10 25 things that I want to draw to your attention and this is the first of time.
26 The words "P Flynn (OOC)".
- 27 A. Well it's not F Flynn it's P Fly.
- 28 Q. 480 Which you have accepted?
- 29 A. Oh, yes it's inevitable.
- 12:47:25 30 Q. 481 At 14186, please. This is the reply I draw your attention to paragraph one in

- 12:47:37 1 relation to that diary entry.
- 2 A. Yeah.
- 3 Q. 482 "As you say the diary entry to which you refer appears to read PFly (OOC) our
4 client believes that the reference P Fly is as you suggest a reference to
12:47:48 5 Mr. Padraig Flynn."
- 6 A. Yes.
- 7 Q. 483 So now are you happy to proceed on the basis that the entry relates to Padraig
8 Flynn and Mr Owen O'Callaghan.
- 9 A. Oh I had already said that. I'm just pointing out to you that it said P Flynn
12:47:57 10 in the diary.
- 11 Q. 484 Based on the information Mr. Dunlop that you had provided to the Tribunal?
- 12 A. Correct.
- 13 Q. 485 On the 28th of October 2004, 81479, please and 8180 together. Now, the first
14 thing that you do, Mr. Dunlop, or you have done on your behalf. If I could
12:48:16 15 just have the two pages initially in full. Is that you delete any reference to
16 a meeting between Mr. Flynn and Mr. O'Callaghan in your diary for the 7th of
17 October 2002, 1992, isn't that right?
- 18 A. Yes, it's not in the redacted diary.
- 19 Q. 486 And if you go to the 8th of October 1992, at the bottom. Do you see first know
12:48:41 20 your redacted version that there is nothing at all written at the bottom of the
21 page for the 8th of October 1992, do you see that?
- 22 A. Yes.
- 23 Q. 487 Okay. And then in your actual diary at the bottom of the 8th there is
24 something that is over written?
- 12:48:56 25 A. I can't. If you enlarge it I'll ...
- 26 Q. 488 I am suggesting to you it reads "6.30 or 8.30 Owen to meet P Flynn or PFLY" do
27 you see that?
- 28 A. Owen to call PFLY or Owen to meet.
- 29 Q. 489 To meet not call, isn't that right?
- 12:49:15 30 A. To meet, yes.

12:49:16 1 Q. 490 So now you haven't done it once, Mr. Dunlop, you've done it twice?

2 A. Uh-huh.

3 Q. 491 So when you provide your information to the Tribunal on the 17th of April 2000,

4 you make two deletions in your diaries in October 1992, both of which relate to

12:49:31 5 deleting contacts between Mr. Pdraig Flynn and Mr. Owen O'Callaghan, isn't

6 that right?

7 A. Yes, yes.

8 Q. 492 Now, I want you to explain that to the Tribunal?

9 A. Well I. Other than what I said to you ten minutes ago in relation to the --

12:49:48 10 and before I make that point, the, I haven't got my own diary in front of me

11 but I'm taking that this is an extract replica, that that's crossed out "Owen

12 to meet P Flynn" apart from that, other than to say that I didn't consider it

13 relevant, I have no other explanation.

14

12:50:08 15 JUDGE FAHERTY: Well why wouldn't you have considered it relevant, Mr. Dunlop?

16 A. I can't say.

17

18 JUDGE FAHERTY: Well earlier this morning we had an entry, I think it was

19 7844. Mr. O'Callaghan is telling you I think now I may be wrong on this, that

12:50:25 20 he is meeting Mr. Fitzgerald. John Fitzgerald and Mr. Brady

21 A. Derek Brady I think, yes.

22

23 JUDGE FAHERTY: And you diary that. I am just wondering whether or not that

24 was in the redacted version. Maybe Ms. Dillon can tell us?

12:50:42 25 A. That I can't recall.

26

27 JUDGE FAHERTY: For example 7856, you note that you are meeting, that Mr.

28 O'Callaghan is meeting Mr. Brady.

29 A. On the 12th. John Fitzgerald Owen O'Callaghan, yes.

12:50:57 30

12:50:57 1 JUDGE FAHERTY: Is that the 13th of August?
2 A. It's the 12th of August.
3
4 JUDGE FAHERTY: Or the 12th. Those, Ms. Dillon, are the redacted versions?
12:51:06 5
6 MS. DILLON: The following page would be the redacted version if it's
7 different.
8
9 JUDGE FAHERTY: They appear to be the redacted versions
12:51:14 10
11 MS. DILLON: Yes.
12
13 JUDGE FAHERTY: And I'm just asking you -- Those are meetings that you said
14 that you have already given evidence this morning you wouldn't necessarily be
12:51:19 15 at those meetings
16 A. Correct and I wasn't.
17
18 JUDGE FAHERTY: You said largely you facilitated meetings with councillors and
19 that.
12:51:26 20 A. Correct.
21
22 JUDGE FAHERTY: And the point, you didn't redact that information when you
23 were furnishing the information to the Tribunal in April 2000?
24 A. Yes, that's correct.
12:51:39 25
26 JUDGE FAHERTY: And it's in that context that I think Ms. Dillon is asking you
27 why would you see fit to redact information about Mr. O'Callaghan and Mr. Flynn
28 the then Minister for the Environment.
29 A. That I genuinely can't answer you. It is obvious that they are not in the
12:52:00 30 redacted diaries and they are in my original diaries which the Tribunal has but

12:52:06 1 I cannot explain to you why other than that which is somewhat illogical bearing
2 the point in mind what you said that if I wasn't at the meeting.
3
4 JUDGE FAHERTY: Yes.

12:52:17 5 A. I didn't delete it. Or cross it out, but in this particular instance with P
6 Flynn I don't know. I just genuinely don't know.
7
8 CHAIRMAN: Well if you go back to the 8th of October.
9 A. Sorry, Chairman?

12:52:32 10
11 CHAIRMAN: The 8th of October which is the one where the meeting.
12
13 MS. DILLON: 8179 and 8180.
14

12:52:41 15 CHAIRMAN: Is that on the screen now?
16
17 MS. DILLON: The 8th of October in its unredacted form is at 8179.
18
19 CHAIRMAN: And you will see there two or three entries above the obliterated
12:52:59 20 meeting P Flynn, Owen O'Callaghan to see Noel Smyth presumably that was a
21 meeting that you weren't at?
22 A. Yes.
23
24 CHAIRMAN: And then if you go onto the next page you see and that was left in
12:53:12 25 by you.
26 A. Yes.
27
28 CHAIRMAN: And also left in on the next page is 4 o'clock Owen O'Callaghan to
29 see I can't make out the word but presumably you weren't at that meeting
12:53:22 30 either.

- 12:53:23 1 A. If looks like Fintan to me. Sorry, I beg your pardon it's Finbarr Hanrahan.
2 F.HAN. The only point I make, Chairman, of whatever consequence, is that in my
3 original diary the 6.30 or whatever it is 7.30 Owen to meet P Flynn is just
4 scribbled out, which would suggest to me that that meeting did not take place.
- 12:53:47 5
- 6 Q. 493 MS. DILLON: With respect, Mr. Dunlop, that's not the issue. Whether or not
7 the meeting took place is for the purpose of the questions I'm putting to you
8 irrelevant. What I am asking you to explain to the Tribunal is why you
9 obliterated references in your diary to Owen O'Callaghan meeting Pdraig Flynn
10 whether you were at the meeting or not prior to you providing the information
11 originally to the Tribunal and I would like you to address your mind to
12 answering that question.
- 13 A. Well I have already done so and I wasn't attempting in any way not to.
14
- 12:54:18 15 MR. REDMOND: Mr. Chairman, just before Mr. Dunlop continues. Ms. Dillon
16 appears to be interchangeably using the phrases "redacted" and "obliterated".
17 Now, they obviously denote different meanings quite significantly. Insofar as
18 Ms. Dillon is raising queries in relation to the references to Mr. Flynn. They
19 were redacted they were not obliterated and I think it would be preferable to
20 keep correct terminology for the various entries.
- 12:54:39 21
- 22 Q. 494 MS. DILLON: I am sorry for Mr. Redmond. In April 2000, Mr. Dunlop, you gave
23 evidence to the Tribunal, isn't that right?
- 24 A. Yes.
- 12:54:50 25 Q. 495 And you had what you have described or has been described as your Pauline
26 conversion, isn't that correct?
- 27 A. I have never used that phrase. I have used the phrase passing the rubicon.
- 28 Q. 496 Passing the rubicon, and following which all of the information that you have
29 provided to the Tribunal is on the basis of you providing the information
30 honestly, isn't that right?
- 12:55:09

- 12:55:10 1 A. Yes.
- 2 Q. 497 All right. On the 17th of April 2000, you provided your redacted diaries to
3 the Tribunal and you removed from your redacted diaries, or removed from the
4 information as provided to the Tribunal by you as at page 8180, two references
12:55:29 5 to Mr. O'Callaghan meeting Mr. Padraig Flynn, one on the 7th of October '92,
6 and one on the 8th of October '92, isn't that right?
- 7 A. Yes. Can I ask you before you continue, Ms. Dillon? What was the remit in
8 relation to the supplying of the redacted diaries, what was I asked to do?
- 9 Q. 498 I understand it was in connection with Quarryvale or Quarryvale?
- 12:55:49 10 A. No, no, what exactly.
- 11 Q. 499 I will get that for you now. I will deal with this information?
- 12 A. I need to be told what the remit was.
- 13 Q. 500 Okay. The orders with the 27th of March 2000. And it directed you to I don't
14 believe this to be the correct order so Mr. Dunlop I have to get the correct,
12:56:08 15 the actual precise order for you and the correspondence that deals with it and
16 I will deal with that but it certainly covered anything to do with Mr.
17 O'Callaghan.
- 18 A. Sorry, I don't mean to be semantical and I am not in any way trying to evade
19 the issue that you are addressing, which I have no difficulty address dressing.
- 12:56:26 20 Q. 501 Well then address it, Mr. Dunlop?
- 21 A. I was asked what contacts I had made with anybody in relation to Quarryvale.
- 22 Q. 502 This is information, Mr. Dunlop, that you were providing to the Tribunal in a
23 whole hearted spirit of co-operation.
- 24 A. Yes.
- 12:56:39 25 Q. 503 If what you have been telling the Tribunal is correct.
- 26 A. Correct.
- 27 Q. 504 I will deal with the orders in a moment. But assuming for the moment that this
28 information because it involves Mr. O'Callaghan is caught within the terms of
29 the order. What I am asking you to explain, if explain it you can, Mr. Dunlop?
- 12:56:54 30 A. Uh-huh.

- 12:56:55 1 Q. 505 Is why you decided to remove from the Tribunal's consideration, the information
2 that Mr. O'Callaghan might have met with Mr. Flynn on either the 7th or 8th of
3 October 1992?
- 4 A. I cannot tell you why that was done either by me and I'm specifically saying by
12:57:15 5 me, I cannot tell you. Other than in circumstances in relation to what we were
6 asked that I didn't deem it relevant. Now, I cannot say any more to you than
7 that. I mean, it is obvious from my original diary that there was either a
8 meeting established with Pdraig Flynn for Owen O'Callaghan and another one at
9 which didn't take place because it's crossed out in the original diary. But I
12:57:41 10 cannot explain to you why I did not consider that relevant. And redacted it
11 accordingly.
- 12 Q. 506 Right. Now, just in relation to one other matter that arise arises there. Do
13 you see "OOC to meet N Smyth" on the 8th of October 1992?
- 14 A. Yes.
- 12:57:59 15 Q. 507 First of all, can I ask you ask you was that Mr. Noel Smyth?
- 16 A. I think it is highly likely that it is Noel Smyth, yes, I cannot think of any
17 other person called N Smyth.
- 18 Q. 508 In fact I think, Mr. Dunlop, that Mr. Smyth rings your office confirming that
19 meeting on either the 7th or the 8th of October. Just one moment, please.
12:58:28 20 Yes. At 8234, at 10.25 on the 8th of October "Noel Smyth 6.30 meeting at his
21 office today 22 Fitzwilliam Square".
- 22 A. Yes.
- 23 Q. 509 Is that Mr. Noel Smyth solicitor?
- 24 A. Yes, it is.
- 12:58:45 25 Q. 510 Did you attend at that meeting?
- 26 A. I have no recollection of ever attending a meet with Noel Smyth and Mr.
27 O'Callaghan together. I have met Mr. Noel Smyth with other people and alone
28 but not with Mr. O'Callaghan.
- 29 Q. 511 And do you know what that meeting was about between Mr. O'Callaghan and Mr.
12:58:59 30 Smyth on the 8th of October 1992?

- 12:59:02 1 A. At this remove, I can't say that I do. I cannot say that I do.
- 2 Q. 512 You don't recollect?
- 3 A. It could well have been something to do with the stadium or it could be
- 4 something to do with a fund, I just cannot say. There may well be
- 12:59:33 5 documentation to indicate what it was about but at this remove I can't
- 6 recollect.
- 7 Q. 513 Do you think it's possible, Mr. Dunlop, that Mr. O'Callaghan's meeting with
- 8 Mr. Flynn in October 1992, might have had anything to do with the Killarney
- 9 fundraising function which took place on the 24th of September '92?
- 12:59:57 10 A. I don't think, give me the dates again, the 8th and the 24th?
- 11 Q. 514 The 24th of September 1992?
- 12 A. Is the date of the function.
- 13 Q. 515 Is the date of the function in Killarney?
- 14 A. And the 8th is the date of the meeting alleged with Mr. Flynn.
- 13:00:16 15 Q. 516 The meeting that's record in the your diary was the 7th?
- 16 A. The 7th.
- 17 Q. 517 Yes. Of October 1992.
- 18 A. I would consider it unlikely. I think it's more likely that if that meeting
- 19 went ahead and I have no reason to doubt that it didn't go ahead between
- 13:00:36 20 Mr. Flynn and Mr. O'Callaghan, that it had something to do either with the
- 21 totality of the Quarryvale project or with the stadium in particular.
- 22 Q. 518 And just on the situation in relation to the diaries, Mr. Dunlop, can I show
- 23 you. In fact, if I could take you back to the entry that's on screen at 8179
- 24 that should have been on screen at 8179.
- 13:01:03 25 A. Yes.
- 26 Q. 519 Do you see there. Sorry 8101. I beg your pardon. It's the wrong entry.
- 27 8101. And just looking there at the 2nd of October 1992. And you see there
- 28 that there's an entry in relation to Don Lydon and Tom Hand?
- 29 A. Yes.
- 13:01:25 30 Q. 520 Right. And in the redacted diaries that you provided to the Tribunal at 8102.

- 13:01:33 1 These diaries, these entries were included as being Quarryvale related, isn't
2 that right?
- 3 A. That's correct.
- 4 Q. 521 Right. And therefore you are telling the Tribunal that the meeting with
13:01:44 5 Mr. Lydon and the meeting with Mr. Hand were meetings in connection with
6 Quarryvale, isn't that right?
- 7 A. Yes, yes.
- 8 Q. 522 Isn't that right?
- 9 A. Yes.
- 13:01:51 10 Q. 523 Right. Now, when you came to give your evidence in other modules in relation
11 to those entries, what evidence did you give about that meeting with Mr. Lydon
12 on the 2nd of September 1992?
- 13 A. Well that I went to meet him in relation to a payment.
- 14 Q. 524 A payment in connection with what?
- 13:02:07 15 A. Carrickmines.
- 16 Q. 525 Yes. And you didn't indicate, did you, Mr. Dunlop, in the course of your
17 evidence in Carrickmines that that meeting with Mr. Lydon was a meeting other
18 than anything to do with paying him in connection with the Carrickmines?
- 19 A. No, because we were dealing with exclusively on that basis with Carrickmines.
- 13:02:25 20 Q. 526 Yes.
- 21 A. But I did indicate to you that I had meetings with councillors and on occasion
22 a wide variety of issues that were coming forward in the development plan would
23 be discussed if they were involved.
- 24 Q. 527 But in making your disclosure to the Tribunal in your redacted diaries, that
13:02:41 25 was exclusively in connection with Quarryvale, isn't that right?
- 26 A. Exactly because that's what I was requested to do so.
- 27 Q. 528 So what you are saying now in relation to that entry is that while you did pay
28 Mr. Lydon in connection with Carrickmines I at the meeting of the 2nd of
29 September 1992, it was also a Quarryvale connected meeting, is that correct?
- 13:03:01 30 A. What I am saying is that it was unlikely in an opportunity that I had in

13:03:05 1 meeting Don Lydon and Tom Hand particularly in relation to the evidence that
2 have already given specifically, that I would not discuss other issues that
3 were upcoming including Quarryvale.
4

13:03:23 5 JUDGE FAHERTY: Ms. Dillon, you said September is it October perhaps?
6
7 MS. DILLON: No it's the 2nd of October.
8 A. Yeah.
9

13:03:23 10 MS. DILLON: Right.
11

12 CHAIRMAN: All right. It's.
13

14 Q. 529 MS. DILLON: And just on that point finally, if you just look at the entry on
13:03:32 15 the 30th of September 1992, and you see there it says "Green DCC" and beneath
16 that "Donal Marren 4.30".
17 A. Yes.
18 Q. 530 I suggest to you what you've done there is you have put a post it on the top of
19 the original entry and written in the names "Green DCC" and "Donal Marren"
13:03:49 20 isn't that right?
21 A. Sorry, I beg your pardon I've put a post it on the original diary?
22 Q. 531 Yes. If you just look at 810?
23 A. Yes.
24 Q. 532 This is your original diary, Mr. Dunlop, and you will see there there is a
13:04:05 25 reference "Green DCC" and there is a reference "Donal Marren" at 4.30?
26 A. Yes.
27 Q. 533 And if you go back now to what you provided to the Tribunal by way of redaction
28 at 8102?
29 A. Yes.
13:04:17 30 Q. 534 And I am suggesting to you that is it looks like subject to anything you want

13:04:22 1 to say yourself that what you did was you put a post it over the original and
2 wrote in the words "Green DCC" and the words "Donal Marren" isn't that right?
3 A. Yes, it looks like it.
4 Q. 535 Yes. It's one o'clock.

13:04:33 5
6 CHAIRMAN: All right.
7
8 MS. DILLON: Okay.
9

13:04:35 10 CHAIRMAN: We are not sitting tomorrow?
11
12 MS. DILLON: No, Sir.
13
14 CHAIRMAN: We are sitting on Tuesday for Mr. Dunlop at ten o'clock.

13:04:42 15
16 MS. DILLON: At ten o'clock.
17
18 CHAIRMAN: Until lunchtime.
19

13:04:45 20 MS. DILLON: Until lunchtime.
21
22 CHAIRMAN: All right. Thank you.
23

24 **THE TRIBUNAL THEN ADJOURNED UNTIL TUESDAY, 6TH NOVEMBER**
25 **2007, AT 10: 00 A.M.**
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28
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