

THE TRIBUNAL RESUMED AS FOLLOWS ON

FRIDAY 14TH SEPTEMBER 2007 AT 10.30 AM:

CHAIRMAN: Good morning, Mr. O'Neill.

Q. 1 MR. O'NEILL: Morning, Mr. Chairman. Good morning, Mr. Ahern.

A. Morning, Mr. O'Neill.

Q. 2 Mr. Ahern, in the course of yesterday's evidence we reviewed in chronological sequence the exchange of information which had taken place between the Tribunal and yourself and your solicitors and the Tribunal for the period which ran from October 2004, until the date of your interview with the Tribunal legal team earlier this year on the 5th April, isn't that right?

A. Well we reviewed I would say, probably 20 per cent of the letters that passed.

Q. 3 20 per cent. Yes, I'm not suggesting that we reviewed all of the documentation that passed between us, but rather that it was set out in chronological sequence as to how the information passed between the Tribunal and yourself concerning the lodgements which are the subject of the inquiry, isn't that so?

A. And the other matters. A lot of the correspondence was in relation to what precisely the Tribunal was investigating, a lot of the letters were in relation to what precisely issues were being investigated, whether it was the 30,000, the 50,000, were there other matter. And then when you switched to saying it was a designation matter, back in March of 2006, and then we switched back off that, so it related to all of those issues.

A lot of the correspondence were in connection with all of these exchanges that went on over the two year period.

Q. 4 Could I suggest that when there were changes, in other words deviations from the focused inquiry of the Tribunal as to the finances, these were matters which were concerns raised by your solicitor in relation to a number much issues, including matters such as other investigations that the Tribunal might

10:36:27 1 be pursuing, but the documentation in the main which we went through yesterday,
2 certainly was intended to, and I hope it did, illustrate the sequence of
3 exchange of information as between yourself and the Tribunal and the
4 information which was being sought from the Tribunal as it learned more from
10:36:46 5 your responses, do you agree that that's a fair summary of what we were doing
6 yesterday in the recital of the documentation and the opening of that
7 documentation to you?

8 A. I would agree. I am just making the point because when I looked last night
9 back at my file of the letters, I saw that we touched on a small proportion of
10:37:06 10 the letters, we opened some of the letters about that, we in my mind I still
11 don't know after being here yesterday, why it was that we moved from what
12 Mr. O'Callaghan's allegations into the Quarryvale issues, I am still not clear
13 about the letter of the 6th April 2006. When it was a reply to your letter of
14 the 30th when my client notes the Tribunal decided conduct public inquiries
10:37:37 15 into tax designation not linked to matters involving Owen O'Callaghan, I still
16 don't know why that is. But I understand the 50,000 and the 30,000.

17 Q. 5 Yes.

18 A. So I am just making those points. I don't either understand how it was that I
19 moved onto the J2 list and that I had a category that that list, as I
10:37:59 20 understand it, says all matters involving separately or together directly or
21 indirectly Bertie Ahern. That is a catchall, it was everything from cradle to
22 grave, I don't know why I was in that category. I still don't know that.

23 Q. 6 Fine. If we can focus --

24 A. I think in fairness to me, Mr. O'Neill, I am here to answer your questions, but
10:38:20 25 in fairness to me -- sorry I am not trying to interrupt you I listened to your
26 long letters yesterday so, just for a second.

27 Q. 7 Sure.

28 A. I still don't understand how I went from Mr. Gilmartin making 20 allegations
29 about me, allegations of all kinds of things. It focuses then on to one area
10:38:39 30 of 30,000 and 50,000, I understand that, no difficulty about that. Your

10:38:44 1 pursuit of those issues yesterday in the correspondence, no difficulty about
2 that. I have a habit of saying to correct, but I don't want to correct, to be
3 honest some of those letters were so long, when I was looking back so long I
4 was saying correct to everything and anything, but I still don't know,
10:39:00 5 Chairman, why it was that the Tribunal came to a view that I ended up on the J2
6 list, which I didn't know I was on the J2 list until the other side in the
7 Supreme Court this year. Which put me into a category, Chairman, that the
8 Tribunal was entitled or had its view that they could discuss every matter
9 about me.

10:39:23 10
11 I don't think there is a politician in the wide world that would ever have a
12 category like that and I don't see what justified it either.

14 CHAIRMAN: Can I just intervene here? This is not part of a J2 issue. There
10:39:32 15 has been some correspondence and contact between your solicitors and the
16 Tribunal and that has been, explanations have been given, whether they are
17 accepted or not is another issue, but what Mr. O'Neill was just putting to you
18 this morning, was that would you agree that yesterday the correspondence which
19 was opened in great detail, dealt with the history of the Tribunal seeking
10:40:01 20 certain information from you in relation to certain financial dealings, and the
21 first, the opening correspondence was the start of that and he brought it up I
22 think to April of this year.

23
24 Now, I know the point that you are making, that that correspondence not only
10:40:20 25 dealt with that search for information by the Tribunal, but it also raised on
26 the part of your solicitors, certain other issues, relating to the Tribunal's
27 investigations, so the letters were not just confined to the search for
28 information, but there were issues raised as well by your solicitors, and they
29 were dealt with in the way that the correspondence showed yesterday.

10:40:45 30 A. I have no difficulty with that, Chairman, but I think just for the record,

10:40:51 1 because there is a record, the comprehensively in my legal team's letters which
2 obviously all were done with my authority, we were seeking to understand what
3 it was precisely that the Tribunal were seeking to follow.
4

10:41:12 5 That moved, in the period from October 15th 199 - sorry, 2004 to 2006, March
6 2006 to saying that it was designations, specifically it mentioned Athlone, it
7 was more broader on designations. Then I found out this year I was on a J2
8 list which was a catchall. It was a large trawl of everything and anything to
9 do with Bertie Ahern. I don't understand that, I don't know what justifies
10:41:42 10 that.
11

12 As far as what your point is, that it cover, when it eventually got down to the
13 five specific items, yes it did. But it covered all those other matters as
14 well.

10:41:52 15 Q. 8 MR. O'NEILL: Could I suggest to you, Mr. Ahern, that that is not a correct
16 summary of the events and can't be because as is apparent from yesterday's
17 correspondence, the Tribunal was continuously focused on following a money
18 trail in relation to the revelation of financial details by you, the vast
19 majority of the correspondence was centred upon seeking to obtain the core
10:42:16 20 information from you, which would allow for an audit to be carried out of your
21 financial affairs and that is traced, through the correspondence yesterday and
22 culminated in, as I opened that correspondence to you. The Tribunal expressing
23 the view that the discovery process had not produced the information that
24 allowed the Tribunal to establish what the source of the lodgements were. The
10:42:47 25 correspondence which subsequently passed between the Tribunal and your lawyers
26 and yourself did not produce the result that the Tribunal was in a position to
27 establish what the source of the lodgements were. That led to the interview
28 process at which material was revealed which elaborated on earlier material.
29

10:43:10 30 I'm suggesting to you that that is a fair summary of the sequence of

10:43:15 1 correspondence and the evidence yesterday. Now you have --
2 MR. MAGUIRE: Chairman, I have an objection to make in relation to this.
3
4 First of all, what is allegedly a question I think, has lasted for certainly a
10:43:27 5 minute or more and has canvassed quite a submission rather than a question,
6 that's a matter of just straightforward comment I suppose.

7
8 But the objection is, that it is wrong and it is unfair of Mr. O'Neill to
9 suggest that the vast majority of the correspondence that took place between
10:43:47 10 the Taoiseach and his legal team and the Tribunal was focused in the way that
11 he suggests.

12
13 Mr. O'Neill well knows that the allegations about which Mr. Ahern was dealing
14 related to a period between 1989 and 1992, and to be criticised for trying to
10:44:08 15 focus the attention of the Tribunal on that particular period, in my
16 submission, is unfair. Or to be accused of trying to hide behind dates that go
17 beyond that is also unfair. Given that Mr. Gilmartin's allegations related to
18 a per between 1989 and 1992.

19
10:44:31 20 I repeat the objection to the form of the question, which was a question of the
21 actual form and the length of the question. I think if My Friends wants to ask
22 it, he should sub-divide it and then seek the answer.

23
24 MR. O'NEILL: I accept the point in relation to the length of the question. I
10:44:47 25 will put it in smaller bites if its easier to deal with in that fashion.

26 Q. 9 Mr. Ahern, I was endeavouring to summarise the evidence yesterday, just to get
27 to a point as to where we can progress from that with today's evidence, but its
28 perhaps unnecessary for me to do that, if a couple of basic points probably can
29 be agreed between us in relation to the nature of the inquiry which we're
10:45:19 30 currently engaged in.

10:45:20 1
2 As you know in this limited phase of the inquiry we are looking at four
3 specific foreign exchange transactions in which monies were lodged, isn't that
4 right?

10:45:31 5 A. That's correct.

6 Q. 10 We are looking at an additional instance in which it is indicated that there
7 was a purchase by you of 30,000 in sterling, isn't that right?

8 A. That's right.

9 Q. 11 So they are the five transactions. And that point has been reached as a
10:45:47 10 result, I think you would agree, of extensive correspondence having passed
11 between your solicitors and the Tribunal, isn't that right?

12 A. Yes.

13 Q. 12 Yes. And would you agree that as a result of that process, and I know it
14 covered other matters, other than specific financial queries, a distillation
10:46:10 15 process took place whereby the matters which are currently the subject of
16 inquiry have been focused upon, isn't that right?

17 A. That's right.

18 Q. 13 And I think that we saw yesterday that those particular matters came to being
19 written down by the Tribunal on the 2nd March 2007, its a letter I think you
10:46:36 20 are probably familiar with, its at page 22938. If we can put that on screen?
21 And if you just want to come down through that now and dealing with the
22 lodgements, it says.

23
24 "Having considered the responses and the earlier correspondence dating from
10:46:54 25 2005, the Tribunal is of the opinion that the information so far provided via
26 correspondence doesn't resolve the Tribunal's inquiries as to the source of the
27 following payments made to Mr. Ahern and subsequently lodged as set out
28 hereunder or the purposes for which the payments were made to him."

29
10:47:11 30 And if we look through these now the first is the lodgement of 22,500 on the

10:47:17 1 30th December 1993, that's the first goodwill loan.
2 The second, the lodgement of 30,000 pounds on the 25th April 1994, that's the
3 first savings loan.
4

10:47:31 5 Thirdly, the lodgement of 20,000 pounds into the account of Georgina and Celia
6 Ahern on the 8th August 1994, that's the second savings loan.
7

8 4. The lodgement of 24,838.49 on the 11th October 1994, that's the second
9 goodwill loan and the Manchester payment.

10:47:55 10

11 5. The lodgement of 19,142.92 pounds on the 1st December 1995, that's the
12 unspent funds lodgement.
13

14 It goes on to say "The Tribunal is of the opinion that the information provided
10:48:07 15 to date does not resolve the Tribunal's inquiries into the source of funds paid
16 by Mr. Ahern to Ms. Celia Larkin in the sum of 50,000 pounds lodged to an
17 account in the name of Ms. Celia Larkin on the 5th December 1994.
18

19 2. 11,743.74 lodged to an account in the name of Ms. Larkin on the 15th June
10:48:28 20 1995.
21

22 Third, 9,655 lodged to the account in the name of Ms. Larkin on the 24th July.
23

24 It goes on also then to deal with the Beresford matter which is not the subject
10:48:42 25 of our current inquiry but its referred to for obvious reasons in the course of
26 the correspondence.
27

28 You would agree, I think, that the process of distillation of information as
29 between the Tribunal and yourself certainly identified these particular matters
10:48:59 30 as being the matters really that hadn't been resolved, isn't that right?

- 10:49:03 1 A. Yes. The Tribunal asked me to give details on 86 lodgements and six
2 withdrawals and obviously when I gave that information you came back to these
3 five matter.
- 4 Q. 14 Yes. It was a distillation process I think you will agree with me, and this is
10:49:17 5 the product of that distillation, these particular lodgements.
- 6 A. Yes.
- 7 Q. 15 Right. Were you surprised to see, when you received this letter, that these
8 were the matters which were of concern to the Tribunal?
- 9 A. I was, yes.
- 10:49:30 10 Q. 16 Right. How was that, Mr. Ahern, given that the majority of these particular
11 transactions had been specifically identified to you as a matter requiring
12 prioritisation as early as March of 2006, which was a year before this. How
13 could you be surprised about these particular matters being the subject of the
14 distilled investigation?
- 10:49:58 15 A. Because I think in a number of these matters I had given details along the way.
- 16 Q. 17 I see.
- 17 A. About the matters, may be the Peelo report came slightly after that, where I
18 gave further information or the later Peelo report that we were talking about
19 at the end of yesterday, but anyway, we are here answering them, so whether I'm
10:50:16 20 surprised or not I accept the Tribunal wanted to ask me further questions on
21 them.
- 22 Q. 18 Yes. What was it, would you agree with me firstly that what was identifiable
23 about these particular transactions was the following:
24
- 10:50:28 25 Firstly they were all large cash transactions, isn't that right?
- 26 A. That's correct.
- 27 Q. 19 Yes. They were all large cash transactions for which there was no source
28 documentation available to establish what the source of the monies was, isn't
29 that right?
- 10:50:45 30 A. Well I don't want to go back into that again yesterday.

10:50:48 1 Q. 20 Well do you disagree?

2 A. Well I will disagree to this extent.

3 Q. 21 Yes.

4 A. I explained.

10:50:54 5 Q. 22 I appreciate that.

6 A. That the 30,000 was my salaries that we went through it yesterday.

7 Q. 23 Yes.

8 A. That I cashed my salary cheques, I saved the money and between the time I was

9 Lord Mayor in 1996, up until '93 when I started to open the bank accounts I

10:51:09 10 saved over 50,000 but I put 50,000 in accounts. In my view that was a small

11 amount of money for what I had saved, I had given the details on that. Anyone

12 doing an SSIA alone for the last five years on small money paying 253 would

13 have saved half that amount, so I think a person that held ministerial office

14 it wasn't a lot. But I accept the Tribunal, you believe that it was.

10:51:33 15 Q. 24 Mr. Ahern, the Tribunal doesn't believe anything in particular, what it is

16 doing is conducting an inquiry to establish whether or not it can reach

17 conclusions in respect of facts which it finds. It can only find those facts

18 by conducting an inquiry.

19

10:51:50 20 The inquiry that it is conducting is to endeavour to trace the source of these

21 particular lodgements, and my question to you was to ask you whether or not it

22 is the case that the identifiable features of these particular lodgements was

23 firstly, that they were all large sums in cash and secondly, that there was no

24 documentation available to establish the source of this, these particular

10:52:18 25 lodgements.

26

27 Now, I accept that you gave a narrative, you gave an explanation from you, but

28 that's not the question. The question is whether or not you agree that there

29 is no document whatsoever generated at the time of these documents, which

10:52:34 30 establishes the source from which the cash came. Do you understand the

10:52:38 1 question?

2 A. Yes.

3 Q. 25 Fine.

4 A. I will accept the point because I had other ...

10:52:42 5 Q. 26 Can I ask another question? Firstly, do you accept it to be the case that

6 there is no documentation generated at the time of these lodgements which

7 confirms the source of the lodgements?

8 A. No there is not, other than it being lodged into bank statements.

9 Q. 27 Fine. So these are in effect from the paper side of things lodgements for

10:53:05 10 which there is no documentary explanation, isn't that so?

11 A. That's correct.

12 Q. 28 Right. Now, in those circumstances I take it that you do not take issue with

13 the fact that a Tribunal of Inquiry, which is pursuing a money trail inquiry,

14 is entitled to pursue that by asking further questions and by seeking to

10:53:31 15 resolve matters where they are unresolved, isn't that right?

16 A. Yes, I have no difficulty in answering questions, no.

17 Q. 29 Right. And I was putting to you a little earlier, that the process of

18 distillation produced these particular lodgements, and particular financial

19 transactions as meriting the inquiry of the Tribunal, I was asking you whether

10:53:57 20 or not you were surprised by the fact that these were the particular

21 lodgements, you answered that question.

22

23 And I put to you the basis upon which one could see how these particular

24 lodgements all shared the distinguishing feature that there was this absence of

10:54:15 25 documentation. These obviously were all transactions in which you were

26 involved personally, isn't that right?

27 A. That's right.

28 Q. 30 Your own personal recollection of the events, and I am not for a moment

29 suggesting that that has to be an absolute recollection of events, but rather

10:54:35 30 to suggest to you that these are transactions, these particular ones which

10:54:40 1 involved you, isn't that right?

2 A. That's right. They all went into my bank accounts.

3 Q. 31 Exactly. Right. These transactions we have spoken of the fact that the

4 exchanges between the Tribunal and yourself resulted in these particular

10:55:05 5 transactions being identified, but is it the case that they had earlier been

6 identified by you as meriting particular inquiry?

7 A. Yes, because when I got the first letter to the discovery I went back through

8 all of my accounts from I think right back, all my accounts from the time I was

9 a TD, right up to date. And I looked at all of the amounts that were big, all

10:55:24 10 the amounts I couldn't recall. There were a large amount of, a large amount

11 sums and I then went about trying to find information on those.

12 Q. 32 Yes. And when did you conduct that exercise and what was the result of that

13 exercise?

14 A. I conducted that exercise mainly over the Christmas break of December 2004.

10:55:47 15 Q. 33 Right. And if we look to the document which you will see now at page 21648,

16 which is a document generated within AIB bank. You will see if we turn that

17 please, we'll see that it records the fact that the above client, that's you,

18 "is seeking information on a lodgement to the following account", it gives one

19 of your account numbers, it gives the date of the 11th October 1994 and it

10:56:15 20 gives the amount, 24,838.49. "Can you locate same on files and provide us with

21 any information as to what the lodgement was made up of?"

22

23 And then beneath that you will see that there are a further six items, as we go

24 down through them we will see that there is the 22,500 lodged on 30th December

10:56:44 25 1993, which is the first goodwill loan. The next item beneath that then the

26 25th of the 4th 1994, is one portion of the first savings loan of 27,164

27 pounds. The next one is the 20,000 pounds which is the second lodgement of

28 savings. The third and fourth are withdrawals which combine to 50,000 pounds.

29 The fifth is another withdrawal.

10:57:18 30

10:57:19 1 Those items, to a large extent, mirror the product of the distillation process
2 that took place between 2004 and 2007, in the Tribunal's inquiries, isn't that
3 right?

4 A. That's correct.

10:57:37 5 Q. 34 The question of there being these particular lodgements obviously had been a
6 distillation by you in 19, sorry in 2004, of all the available information you
7 had in relation to your finances, and you determined that these were the
8 particular transactions that merited inquiry, and I'm wondering what was it
9 about these particular transactions that caused you to seek particular
10 information from the bank as regards its records of these transactions?

10:58:09 11 A. Well what I did when I got the order of discovery and as you can see that was
12 New Year's eve, so my recollection is correct. I went through all my
13 statements not just in the period of discovery but before and after, and I did
14 a list of all of the big amounts and then started trying to find out the
15 information.

16
17 There were a number of other ones that it took me some time to get the
18 information, I don't think I would have had it at that time. There were other
19 ones I remember I had a Caledonian Insurance shares issue which I had great
10:58:43 20 difficulty trying to track down, it was an odd amount, it was 26,000. I had a
21 refund of an election refund which I hadn't got, I had a pension rebate, there
22 were a number of items but ultimately I was able to get the details on a lot of
23 those. So any ones I hadn't got the details I asked the bank for assistance.

24 Q. 35 Well I am asking specifically in relation to these transaction which we see on
10:59:06 25 screen here, and the process by which you distilled these as being the
26 transactions in respect of which you sought documentation from the bank. I'm
27 not talking now about the totality of your inquiries, obviously you either had
28 carried out an examination of all of your particular financial records at the
29 time or alternatively you had a limited amount of information before you and
10:59:34 30 you identified these particular transactions.

- 10:59:37 1
2 What I want to know is, because of the considerable coincidence between the
3 fruits of the Tribunal's inquiry and the information which apparently you had
4 initially which allowed you to identify these transactions initially, what was
10:59:51 5 it that caused you to seek the particular information, and I'd ask you to
6 confine your response if you would, to any one of these transaction which are
7 on screen, do you understand the question?
- 8 A. I do understand the question. I would say there was a number of reasons you'd
9 ask what was my state of thinking on the 31st December 2004. Obviously they
11:00:13 10 were big amounts, as we said yesterday I hadn't got accounts, I didn't keep
11 accounts there was no need for me to keep accounts they were ones I wouldn't
12 have had automatic records for.
- 13 Q. 36 Are you saying you had automatic records for others?
- 14 A. I had automatic records for others.
- 11:00:28 15 Q. 37 You see, we know, Mr. Ahern that through the process of analysis and audit,
16 there were at least 96 transactions by way of deposit which are set out as
17 being large cash sums, isn't that right?
- 18 A. I think a lot of them weren't large sums, no. A lot of them were small enough.
- 19 Q. 38 Right. So is it the size of the transactions was the first trigger for to you
11:00:53 20 seek this specific information.
- 21 A. Yes.
- 22 Q. 39 Was it also the fact that they were all cash lodgements?
- 23 A. Yes.
- 24 Q. 40 Yes. And in being cash lodgements was it also the case that at this point you
11:01:06 25 had established that you had no records as to the source of those particular
26 lodgements?
- 27 A. Yes.
- 28 Q. 41 Yes. And was your inquiry therefore to establish from the bank what records
29 the bank had in relation to them?
- 11:01:18 30 A. Yes and to get the, at that stage I remember, I hadn't in a lot of these cases

11:01:24 1 I hadn't even got the bank statements not to mind the back-up documentation.

2 Q. 42 How could you identify precisely to the bank then that on the 11th October 1994

3 there was a lodgement of 24,838 --

4 A. Because the bank on the 15th October 1994, hadn't got statement when I started

11:01:44 5 discovery the first thing the bank gave me was bank statements.

6 Q. 43 I am suggesting to you that your inquiries of the bank were inquiries which

7 were directed towards establishing the source of seven particular transactions,

8 those seven transactions were transactions which were identified by you to the

9 bank, the bank didn't identify them to you and say these possibly are

11:02:05 10 transactions that you might wish to seek information from us on, isn't that

11 right?

12 A. No, that's correct.

13 Q. 44 Yes. So you had selected seven of these transactions by reference to date and

14 by reference to amount and you provided that information to the bank and asked

11:02:20 15 them for the back-up documentation behind it, isn't that right?

16 A. Yes, but I am just making a point. We are looking at one note here on one day,

17 I would have asked the bank for several others as well, that's the point I am

18 making.

19 Q. 45 For several other?

11:02:35 20 A. Other amounts.

21 Q. 46 Yes but they are this seven amounts.

22 A. But I am saying I would have asked them for others as well.

23 Q. 47 I see. Well certainly the, what particular transactions do you say over and

24 above these you looked for, I am only really concerned with matters that are

11:02:52 25 outside the letter of the 2nd of March this year, which is the distillation

26 process. I accept that you sought the information in relation to those, you

27 did that specifically?

28 A. Yes.

29 Q. 48 Yes.

11:03:03 30 A. But any amounts that I hadn't information for I would have asked the bank could

11:03:09 1 they assist me.

2 Q. 49 But its not any amounts. You had no information in relation to the '96

3 lodgements until such time as the bank carried out the exercise apparently

4 which resulted in you being able to discover that documentation to the

11:03:24 5 Tribunal, but I am asking you, Mr. Ahern, is why it is that these particular

6 transactions were ones which were selected by you as meriting an inquiry of the

7 bank firstly, would you agree with me that it was because each one of them was

8 a large cash sum?

9 A. I think we did that five minutes ago, Mr. O'Neill.

11:03:42 10 Q. 50 But I don't want there to be any confusion about this, Mr. Ahern, and it is a

11 matter of some importance to the Tribunal to understand what your frame of mind

12 was before you embarked upon the process of provision of information to the

13 Tribunal which subsequently resulted in these particular transactions being the

14 subject of the hearing we are having here today, that's the exercise we are

11:04:04 15 involved in. Information gathering progress, we'd like to know what it was

16 that caused you to believe that these were matters which merited you obtaining

17 further information from the bank, do you understand the question?

18 A. Yes.

19 Q. 51 Right. Firstly you agree that they were large cash sums, that was one of the

11:04:23 20 reasons that you asked, but there were other large cash sums that you didn't

21 ask about?

22 A. Yes.

23 Q. 52 So it wasn't solely the size of it

24

11:04:31 25 MR. MAGUIRE: Sorry, Chairman, I wonder just in aid of the inquiry being made

26 because we are being asked the witness is being asked in relation to the

27 comparative size of the sums, that if the list of bank accounts and the size of

28 the lodgements which appears on it at 23069, could be put on the screen. To

29 give, that's the 86 and the six lodgements, which illustrates the significant

11:04:59 30 lodgements and the ones which the witness has referred to.

11:05:06 1
2 CHAIRMAN: And then as we understand it, from those then the ones that were on
3 the --
4

11:05:11 5 MR. MAGUIRE: The ones that were on the list.
6
7 CHAIRMAN: A couple of minutes ago.
8

9 MR. MAGUIRE: That the witness was being asked about.
11:05:22 10
11 CHAIRMAN: They were identified by Mr. Ahern as requiring further information
12 from the bank.
13

14 MR. O'NEILL: I think that sequence of event sincere one certainly not borne
11:05:28 15 out by the evidence so far. This document was prepared months after Mr. Ahern
16 had already identified the amounts which we see on screen on page 21648, as
17 meriting inquiry. I think you would agree with me on that, Mr. Ahern, this
18 document --
19

11:05:47 20 MR. MAGUIRE: Sorry, Chairman that's not the point I was making.
21

22 MR. O'NEILL: This is not a matter for making point by counsel, its the
23 examination of a witness.
24

11:05:55 25 MR. MAGUIRE: It's fairness to the witness.
26

27 MR. O'NEILL: There is no unfairness in relation to the questions being put.
28

29 CHAIRMAN: You can ask questions in due course when you come to cross-examine
11:06:04 30 or when you come to examine your own client in the witness box. This is simply

11:06:10 1 a process of identifying the reasons why Mr. Ahern was seeking information at
2 this time from the bank.
3 It's accepted that over a period of time he sought information about other sums
4 as well, but on this occasion, which is a date, 31st December 2004, he was
11:06:31 5 seeking information about these sums.

6
7 MR. MAGUIRE: Chairman, the point is that, for the witness to deal with the
8 question there is a document being put in front of him which I, in my
9 submission, there should also be this document to show the comparative size of
11:06:47 10 the lodgements in question.

11
12 CHAIRMAN: Yes, well I think Mr. Ahern accepts that these were significant sums
13 and that they were cash sums.

14
11:06:58 15 MR. O'NEILL: What I am endeavouring to seek through the witness, and I think
16 perfectly fairly, is to indicate to the Tribunal the basis upon which he found
17 these particular lodgements as meriting particular inquiry from the bank. Its
18 done in the context of the known evidence that at the conclusion of the two and
19 a half year process the Tribunal was enquiring into precisely the same
11:07:21 20 information, and it would be of assistance to the Tribunal if Mr. Ahern was in
21 a position to give a comprehensive account to the Tribunal as to why it was
22 that he identified these particular transactions as meriting inquiry, and it is
23 with that in mind that I am asking him questions in relation to it.

24
11:07:38 25 I would hope to establish what the basis is of Mr. Ahern's inquiry at that
26 time, because I believe it is material. If it requires qualification, either
27 by the witness not understanding the question or otherwise, I am sure Mr. Ahern
28 will seek further clarification from me as to what the question is. But as
29 regards the conclusions of what might happen from those answers, that is a
11:08:04 30 matter for submission at a later stage and at the conclusion of the evidence,

11:08:08 1 and Mr. Ahern's counsel will have every opportunity of enquiring through him,
2 in questioning, as to what the position is. I'd like to be able to conduct the
3 examination without interruption.
4

11:08:21 5 CHAIRMAN: All right. Mr. Ahern, as I understand Mr. O'Neill's question, it is
6 can you state, in your own terms, what prompted to you look at these items,
7 which are on the screen, at that time, in 2004, those particular items?

8 A. Well, Chairman, I can I think, I will try and be brief. In October when I got
9 the order for discovery I asked for all of my bank accounts, some of them I
11:08:55 10 had, a lot of them I hadn't, because I didn't keep kind of statements or
11 accounts. I got them all, I went through them all. Any item that I would
12 recall or I thought it was salary because most of my salary ones weren't in it
13 because I was cashing them, but later on they would have been, may be a period
14 after the Tribunal because I gathered everything, I gathered everything for a
11:09:19 15 far longer period than the Tribunal because I hadn't done that over the years.
16 I went through and anything I could identify, where I thought it was salaries
17 later on that was easy to do. There were a range of items that I couldn't
18 identify, but all the point I am say something I have no difficulty with what
19 Mr. O'Neill said these were cash, but I am just making the point that they were
11:09:41 20 not the only ones identified at that stage where I would have asked the bank
21 for queries.
22

23 I have no problem, Chairman, saying that those seven, were seven that were
24 large, I wouldn't have had back-up. I am just making the point that they
11:09:53 25 wouldn't have been the only seven.

26 Q. 53 Well could I suggest to you, Mr. Ahern, that the bank documentation would
27 suggest that your query of them was limited to the seven and I will put on
28 screen now a document which has already been in evidence through Mr. McNamara,
29 its at page 21664, it's dated the 3rd February of 2005. Its a file note which
11:10:21 30 represents the file note of the AIB officials who carried out the inquiries

- 11:10:26 1 which you had sought on their behalf, right?
2
3 And if we read it from the top it says.
4
- 11:10:31 5 "3rd February 2005." So it was after the completion of this particular
6 exercise at your request, isn't that right?
7 A. That's right.
8 Q. 54 It says "Client contacted to us query seven transactions on his accounts in
9 1993/94. Also requested statements of his accounts."
11:10:52 10
11 Then it listed seven items here. Those items in the main are the items that
12 are the subject of the Tribunal's subsequent inquiries. Just look down through
13 them if you wish there.
14 A. Yes.
11:11:06 15 Q. 55 So what this is saying is you, through whatever process it was that you
16 conducted before you came to the bank looking for specific documentation, had
17 identified these particular transactions as meriting an inquiry from you,
18 that's the first point, isn't that right?
19 A. Yes, yes.
11:11:23 20 Q. 56 Could I suggest to you that the inquiry we're making was that to establish what
21 bank documentation there was?
22 A. Yes.
23 Q. 57 And would you agree with me that you got the documentation from the bank and
24 that's the documentation that we have been considering in this Tribunal with
11:11:36 25 the bank official?
26 A. Yes.
27 Q. 58 Isn't that right? And that documentation is inconclusive as regards source,
28 isn't that right?
29 A. That's correct.
11:11:45 30 Q. 59 Right. So as of the date upon which Ms. Cullagh, your secretary, collected the

- 11:11:52 1 documentation from the bank, which I think was on the 24th or 25th January
2 2005, you had all the information that the bank would be able to produce about
3 the source of this money, isn't that right?
- 4 A. Well all that they would have given to me at that stage, yes.
- 11:12:10 5 Q. 60 But are you saying that any other documentation has come to light as to regards
6 the source of these particular lodgements, since that date? I'd suggest that
7 there isn't any?
- 8 A. I can't recall. I mean they did give me copies of various, but it wasn't of
9 much information. They did give me various bits of information from the
11:12:29 10 back-up documents, they gave me photocopies and, you know, from their waste
11 sheets and some documents but they weren't of much substance.
- 12 Q. 61 Those documents provided to you by the bank allowed you to conclude firstly,
13 that they were cash lodgements, isn't that right?
- 14 A. Well not all of them.
- 11:12:48 15 Q. 62 Well the one that is we are concerned with, in this instance it is the
16 24,838.49?
- 17 A. Yes, yes.
- 18 Q. 63 Confirmed to you that was a cash lodgement.
- 19 A. Yes.
- 11:12:58 20 Q. 64 It also confirmed to you that there was no back-up documentation in the bank
21 which would show what that lodgement, where that lodgement came from, isn't
22 that right?
- 23 A. That's correct.
- 24 Q. 65 And equally at the conclusion of that process were you in a position to know
11:13:15 25 that whatever inquiries the Tribunal was going to make in relation to these
26 lodgements from the bank, they would be neutral as regards identifying the
27 source of the lodgements. In other words they couldn't establish the source of
28 the lodgements, isn't that right?
- 29 A. Well they weren't able to give me any information in any way.
- 11:13:34 30 Q. 66 But had you any reason --

- 11:13:36 1 A. They wouldn't have known the information.
- 2 Q. 67 Sorry.
- 3 A. They wouldn't have known the information.
- 4 Q. 68 Yes. But it depends what the information is, isn't that right? For a start
- 11:13:44 5 the documentation that was provided to you by the bank did not identify these
- 6 as foreign exchange transactions?
- 7 A. No.
- 8 Q. 69 Though you knew that you had conducted substantial foreign exchange
- 9 transactions, isn't that right?
- 11:14:00 10 A. I knew that there was about 8,000 of that was in foreign exchange.
- 11 Q. 70 You knew a number of things in relation to foreign exchange, you knew you
- 12 purchased foreign exchanges for a start of 30,000 pounds, isn't that right?
- 13 A. I hadn't recollected that at that stage, we are in February of 2005.
- 14 Q. 71 Yes. You knew that the 24,838.49 which was an amount which you say included a
- 11:14:23 15 sterling element, isn't that right?
- 16 A. I just said that.
- 17 Q. 72 Sorry.
- 18 A. I just said that.
- 19 Q. 73 You just said it. Yes. But the information that was provided to you by the
- 11:14:31 20 bank did not confirm that to be the case?
- 21 A. No.
- 22 Q. 74 No. So the information that you had from the bank at that point you knew to be
- 23 incomplete insofar as it didn't record the fact that you had exchanged sterling
- 24 with the bank, isn't that right?
- 11:14:46 25 A. That's correct.
- 26 Q. 75 Yes. Now, in addition to those particular lodgements and these are the
- 27 lodgements to your account, is it the case that you also sought information in
- 28 relation to the accounts that Ms. Larkin was, had operated with monies provided
- 29 by Mr. Wall and by yourself at that time in 2004?
- 11:15:16 30 A. Well I would have told Celia Larkin that obviously I was going to be doing a

- 11:15:20 1 discovery and that I knew that there was a cross over between some of her
2 accounts.
- 3 Q. 76 Right. Well is the answer to the question then that you sought to obtain
4 information in relation to her bank accounts because they were matters that
11:15:35 5 were material to your finances?
- 6 A. No I don't think I sought any information, but I think I did say that I would
7 be, my bank accounts showed that I transferred 28,000 and 22,000 over to her
8 account, so I would have told her that I was going to, I'd have to refer to
9 that, which I did.
- 11:15:55 10 Q. 77 But I am seeking to establish whether or not in 2004 and 2005 you had in your
11 mind the fact that Ms. Larkin had operated accounts into which firstly, 50,000
12 pounds of the money was your money and secondly 28,772.90 was money which was
13 money which you had handled but which was the money of Mr. Wall and was also
14 involved, were you aware of those two matters?
- 11:16:28 15 A. Well I certainly was aware of one of them because my own examination would have
16 shown that I had had transferred over 50,000, whether it was thinking of the
17 other one at that stage I can't say.
- 18 Q. 78 Yes. Your inquiry of Ms. Larkin at that time in 2004 and 2005 was in the
19 context of Tribunal inquiries being made of you as to a lodgement of 30 --
11:16:57 20 sorry, as to an allegation that Mr. O'Callaghan says that 50,000 and 30,000 was
21 paid to you, isn't that right?
- 22 A. Yes.
- 23 Q. 79 You made the connection between the Tribunal inquiry for those amounts being
24 made of you and the accounts to which I have referred, that is Ms. Larkin's,
11:17:19 25 isn't that right?
- 26 A. Well I was looking at every amount, I was looking at everything.
- 27 Q. 80 Well is there a particular reason, and I know there is, a particular reason as
28 to why you were looking at Ms. Larkin's account?
- 29 A. Well I wasn't looking at her accounts. I made her aware that I had transferred
11:17:37 30 50,000 over to her accounts.

- 11:17:39 1 Q. 81 You didn't have to make her aware I suggest Mr. Ahern, of that fact, because
2 she knew that, she was the person who had in fact completed the bank
3 documentation to effect that transfer, isn't that right? She signed the bank
4 documents to change the 28 and 22,000 into her account from your account, with
11:17:59 5 your authority?
- 6 A. Yes, Mr. O'Neill, but you are asking me -- she wasn't so aware until I told her
7 that I had received, please.
- 8 Q. 82 Okay.
- 9 A. Please let me finish.
- 11:18:12 10 Q. 83 Yeah of course.
- 11 A. That I had received an order for discovery for the Tribunal. She wasn't aware
12 of that.
- 13 Q. 84 Yes.
- 14 A. I made her aware that I had an order for discovery and that I would, in my
11:18:21 15 accounts, that I transferred 28,000 and 22,000 over to her accounts. I wasn't
16 one bit worried about that in the nature of the Tribunal's inquiries because I
17 knew precisely where the 28,000 came from, it came from my on SSIA loan, my own
18 SSA, Special Savings Account savings of 28,000 and 22,000 that money was given
19 by friends, which you call the second goodwill loan.
- 11:18:52 20
- 21 So I was just making her aware that I transferred that money over.
- 22 Q. 85 In making her aware of that did you ask her to establish whether or not her
23 bank records would be of assistance to you in establishing what became of the
24 50,000 pounds of your money that she was dealing with on your behalf?
- 11:19:12 25 A. I don't think I did at that stage, but I said that she should check herself and
26 just check her own records.
- 27 Q. 86 Right. Do you know that she did so and that the exercise that was carried out
28 on her behalf was carried out by the same bank officials who were carrying out
29 the exercise on your behalf at the same time?
- 11:19:29 30 A. Yes, because we dealt with I think the same people in the bank for 10 or 15

11:19:35 1 year.

2 Q. 87 Very good. If we look now to page 22687, we'll see that this is a second file

3 note by the AIB bank officials. In this instance its dealing with the queries

4 raised by Celia Larkin, it bares the same date, 3rd February 2005, and it

11:19:53 5 details what the bank were doing at her request on this occasion:

6

7 "Contacted by client who requested the following: Copy statements in relation

8 to all her accounts held in February/March/April 1993, numbers given.

9 Statement of details of her RDC based account -- they are the details we are

11:20:15 10 concerned with -- from December 1994 to November 1995, and the numbers are

11 given. Following on from this she requested detailed information relating to

12 the majority of transactions on her RDC based accounts" and then there is a

13 list of particular transactions and the 1st of them we see is the 50,000 pounds

14 which was withdrawn on the 19th January 1995, isn't that right?

11:20:38 15 A. That's correct.

16 Q. 88 And the break down of that is that it states that it was cash and beneath that

17 we see the 28,772.90 which is the amount of money which was provided on her

18 account in a briefcase which came from your office and which she brought to the

19 bank and lodged in the bank on the 5th December 1994, isn't that so?

11:21:07 20 A. That's correct.

21 Q. 89 Can we take it, Mr. Ahern, that the documentation, the back-up documentation

22 which was sought here by Ms. Larkin was provided to you, because obviously we

23 know at this point in time the Tribunal was making no inquiry of Ms. Larkin and

24 was not to make any inquiry of her until 2006, in May when after receipt of

11:21:33 25 Mr. Peelo's report her role was first identified to the Tribunal?

26 A. I don't think she gave me the documentation, but she would have briefed me what

27 happened or what was in the accounts. I didn't look for the documentations or

28 the statements, until I think a year later or may be even two years later. The

29 only issues I was worried about was to make sure there was 30,000 or 20,000

11:22:02 30 that I had to worry about to the Tribunal about Mr. O'Callaghan, just make sure

11:22:06 1 we have the record. There was nothing in that that remotely concerned me or
2 worried me.

3 Q. 90 Whilst there is no obvious.

4
11:22:12 5 MR. MAGUIRE: Sorry, Chairman, the question, the last question was asked on an
6 incorrect premise. It was suggested that the involvement of Ms. Larkin was
7 notified to the Tribunal in 2006, in fact the letter that came with the
8 discovery which was opened yesterday in 2005, in February of 2005, indicated
9 that there had been a transfer of monies by the Taoiseach to Ms. Ahern's
10 account, Ms. Larkin's account, in December of 1994.

11
12 MR. O'NEILL: That matter doesn't qualify the question that I put to the
13 witness, because that letter does not indicate that Ms. Larkin had any
14 involvement with Mr. Ahern's account. It merely indicated that Mr. Ahern had
11:22:54 15 transferred money to Ms. Larkin. If its suggested that out of that the
16 Tribunal was intended to infer that the money having been transferred to
17 Ms. Larkin's account was now being used for the purposes of Mr. Ahern, that is
18 an entirely new matter and that did not arise until it was first disclosed.
19 About Mr. Peelo's report on the 20th April.

11:23:21 20
21 CHAIRMAN: The beneficial owner if you like of the funds, that's -- that was,
22 it was first indicated in Mr. Peelo's report that Ms. Larkin was, held money in
23 effect for Mr. Ahern's use, that's the point I think that Mr. O'Neill.

24
11:23:42 25 MR. MAGUIRE: My objection was to the premise on which the question was stated,
26 and it was incorrectly stated. The involvement of Ms. Larkin was indicated in
27 the letter as I have stated.

28
29 CHAIRMAN: All right. Well I suppose what was intended to be said was that the
11:23:55 30 involvement of Ms. Larkin as a person holding money on behalf of Mr. Ahern was

- 11:24:02 1 first identified in Mr. Peelo's report.
- 2 Q. 91 MR. O'NEILL: The question was precise and it deals with the involvement of
- 3 Ms. Larkin. Ms. Larkin does not have an involvement in Mr. Ahern's account
- 4 solely because she receives money from him, I think you accept that, Mr. Ahern,
- 11:24:17 5 people don't have involvement with other people's accounts merely because they
- 6 are a recipient of those funds, isn't that right?
- 7 A. (Nods head)
- 8 Q. 92 The involvement arises when that person, having received the funds does so in a
- 9 capacity where they are a nominee for the person who gives them the money,
- 11:24:33 10 isn't that right?
- 11 A. I transferred, there is no disputing this. I transferred over 50,000 pounds.
- 12 Q. 93 Yes.
- 13 A. To Celia's, Ms. Larkin's account.
- 14 Q. 94 For your use?
- 11:24:42 15 A. And on the 9th February, I made the Tribunal aware of that, with the discovery.
- 16 Q. 95 Mr. Ahern, when you transferred 50,000 pounds over to Ms. Larkin's account, and
- 17 I suggest that that is a relatively loose term, because it was Ms. Larkin who
- 18 signed the documents which effected the withdrawal from your account.
- 19 A. Yes.
- 11:25:04 20 Q. 96 It would be more accurate to say that Ms. Larkin was instrumental on the 5th
- 21 December 1994, you were away in Brussels?
- 22 A. Yes.
- 23 Q. 97 She went to the bank, she completed the documentation which withdrew the money
- 24 from your account, isn't that right?
- 11:25:18 25 A. Yes.
- 26 Q. 98 That's what happened.
- 27 A. It was on my instruction given to the bank to allow that to happen.
- 28 Q. 99 I am not suggesting for a moment that she did anything improper.
- 29 A. I am not suggesting you are, I am clarifying what happened.
- 11:25:34 30 Q. 100 Well once that money came to her account it was to be used exclusively for your

11:25:36 1 purposes and at your direction, isn't that right?

2 A. Yes.

3 Q. 101 So whilst there is a change in the name of the account the money remains your

4 money, you weren't giving her a gift?

11:25:44 5 A. No, I wasn't.

6 Q. 102 It was there for the purposes of being expended by you and therefore it was an

7 account which was being operated by her insofar as she did anything in relation

8 to it for your use and benefit, isn't that right?

9 A. Yes, that's right.

11:25:56 10 Q. 103 No question about that.

11 A. Well there was no use and benefit because I withdrew it again, but if she had

12 used it ...

13 Q. 104 But it is an account into which money was lodged for your benefit?

14 A. It was my money.

11:26:09 15 Q. 105 Sorry.

16 A. It was my money.

17 Q. 106 Yes. That's precisely proves the point. It was lodged to her account for your

18 benefit, isn't that right? Do you have any trouble with that, Mr. Ahern?

19 A. I just don't understand the benefit.

11:26:27 20 Q. 107 Benefit --

21 A. I transferred the money from two accounts. She wrote the documentation, it

22 transferred over from accounts in my name to her name and subsequently I

23 withdrew it.

24

11:26:38 25 CHAIRMAN: But it remained your money.

26 A. Sorry.

27

28 CHAIRMAN: It remained your money.

29 A. It was my money.

11:26:42 30

11:26:42 1 CHAIRMAN: Although it was now in Ms. Larkin's name. To that extent you were
2 the beneficiary of the 50,000, even though it goes into her account?
3 A. Well, Chairman, if I had, thankfully I didn't, but if I had died in between
4 whose money would it have been?

11:26:59 5 Q. 108 Your executors would have been entitled to call upon.
6 A. I didn't have any executors.
7 Q. 109 When you died you would have.
8 A. I am glad I didn't, it would be complicated.
9

11:27:12 10 CHAIRMAN: Okay, well just to get back on track. The only point being put to
11 you and I think you agree with it in effect, is that although the money was
12 transferred into an account in Ms. Larkin's name, which didn't have your name
13 on it, it remained your money?
14 A. Yes, Chairman --

11:27:33 15
16 CHAIRMAN: You were the beneficial owner?
17 A. Chairman cut to the chase, all as did I was I had two accounts where 28,000 and
18 22,000, the numbers are there. I transferred the money over on the 5th
19 December 1994, I gave the authorisation to Phillip Murphy in the bank to do
11:27:51 20 that. She did the papers, the money moved into an account in her name, it was
21 my money and I took it out subsequently, that's --
22
23 CHAIRMAN: Well that --
24 A. That's what happened.

11:28:01 25
26 CHAIRMAN: That's a way of describing your beneficial ownership of the money
27 even though it was in her name.
28 Q. 110 MR. O'NEILL: And its a matter of which you were aware in, firstly at the time
29 it happened in 1994, isn't that right?
11:28:17 30 A. Yes.

- 11:28:18 1 Q. 111 Yes and secondly, if you had any lack of memory about it, its a matter which
2 you were aware of in January of 2005, because Ms. Larkin and yourself discussed
3 it specifically, isn't that right?
- 4 A. Yes.
- 11:28:32 5 Q. 112 Yes. Now the discovery order which was made, we'll see at page 21645 was a
6 discovery order made on the 24th of November of 2004, isn't that right? We'll
7 see that the first obligation that was imposed on you was to discover all
8 accounts held in any financial institutions whether within or outside the State
9 in his own name, either individually or jointly, or for his benefit or into
11:29:04 10 which he made lodgements of money, or into which he caused or procured
11 lodgements of money to be made, or into which lodgements of money were made for
12 his benefit. You see that broad obligation that's imposed by that order?
- 13 A. Yes, yes.
- 14 Q. 113 Isn't that so?
- 11:29:19 15 A. Yes, I see.
- 16 Q. 114 Do you understand it?
- 17 A. I do, yes.
- 18 Q. 115 And you swore a document which was an Affidavit of Discovery on oath in
19 compliance with that particular obligation, isn't that right?
- 11:29:32 20 A. That's correct.
- 21 Q. 116 Yes. Do you accept that the account that we have just spoken of, that is the
22 one into which Ms. Larkin put the 50,000 pounds falls four square within the
23 obligation to provide that documentation?
- 24 A. The point is, Mr. O'Neill, I hadn't got that documentation. That documentation
11:29:51 25 was in the name of Celia Larkin and it was for that reason that we put the
26 reference in that we had given over money to Celia Larkin. That was the view
27 that we took.
- 28 Q. 117 I see. Let's analyse firstly what your obligation was. You accept that the
29 account in question was an account which was for your benefit, that's the first
11:30:15 30 point, you accept that, isn't that right?

- 11:30:24 1 A. Yes.
- 2 Q. 118 Sorry I didn't hear your response?
- 3 A. Yes, yes.
- 4 Q. 119 Yes. You accept that it was an account into which you made lodgements of
- 11:30:26 5 money, you directed her to lodge that money to that account, isn't that right?
- 6 A. Yes, yes.
- 7 Q. 120 Yes. Or into which you caused or procured lodgements to be made, it falls
- 8 under that category as well, isn't that right?
- 9 A. Yes.
- 11:30:39 10 Q. 121 Or into which lodgements of money were made for your benefit, it falls into
- 11 that as well.
- 12 A. Yes.
- 13 Q. 122 And is there any circumstances then when, having discussed the matter in
- 14 December and perhaps January certainly, that you did not ask Ms. Larkin to
- 11:31:00 15 provide you with the details of the account which she had operated for your
- 16 benefit and into which you put the 50,000 pounds?
- 17 A. Well my recollection is on Christmas of 2004, I discussed it with her, I told
- 18 her that I was given an order for discovery, I told her that I had, I remember
- 19 obviously because I had been looking at it then, I transferred money into her
- 11:31:22 20 account, that we would use for the house and I made her aware of that. I said
- 21 I would have to make reference for it in my order for discovery. And from my
- 22 point of view I thought that complied with my obligations.
- 23 Q. 123 What does reference in my order for discovery mean? It was explained to you I
- 24 have no doubt at least by your lawyers as to what the importance of a discovery
- 11:31:43 25 document is. It obliges you, on oath to set forth to the best of your
- 26 knowledge and belief all the documentation in your possession or power that
- 27 fall within the terms of the order, this I suggest to you can hardly have been
- 28 an oversight to you that this particular account fell precisely within the
- 29 primary obligation imposed in the order, isn't that so?
- 11:32:04 30 A. Well that's why we made a reference for it in the letter.

- 11:32:07 1 Q. 124 Right.
- 2 A. And my view is that -- if I was trying to hide it I wouldn't have made a
- 3 reference to it in the letter. I said clearly in the letter that I had funds
- 4 that I had given funds to Celia Larkin.
- 11:32:21 5 Q. 125 Mr. Ahern, I have not put to you that you were endeavouring to hide anything, I
- 6 am asking for an explanation as to why it is that a document which falls
- 7 squarely within your discovery obligation was not discovered and your answer to
- 8 that is to say that there was a reference to it in a letter from your
- 9 solicitor, is that right?
- 11:32:39 10 A. Attached to the discovery.
- 11 Q. 126 Attached to the discovery. Do you think that it gains some weight because it
- 12 is attached by way of covering letter firstly?
- 13 A. Well I believe that that was highlighting the fact that I had given money to
- 14 Celia Larking.
- 11:32:55 15 Q. 127 Okay.
- 16 A. And I hadn't got the statements anyway, so --
- 17 Q. 128 Mr. Ahern, could I suggest the following to you? There is a reference in the
- 18 letter of your solicitor to the fact that monies were transferred from your
- 19 account to Ms. Celia Larkin's account?
- 11:33:15 20 A. Yes.
- 21 Q. 129 You see that at page 17806 "I am instructed that in December 1994, our client
- 22 transferred funds from his account into the account of his then partner, Ms.
- 23 Celia Larkin." Do you understand that?
- 24 A. Yes.
- 11:33:30 25 Q. 130 If you had indicated to your solicitor that that was an account which was being
- 26 operated for your benefit I am suggesting to you that it could not have been
- 27 the case that that account would not have been discovered in the Affidavit of
- 28 Discovery, because irrespective of perhaps your layman's view of the Affidavit
- 29 of Discovery and its obligations, any lawyer who is acquainted with the true
- 11:33:53 30 nature of this account, would have to have included it or advised you that it

11:33:58 1 should form properly part of the Affidavit of Discovery, my question is this,
2 my question is whether you indicated at that time to your solicitor that you
3 had accounts being operated for your benefit, or into which funds were used for
4 your benefit by Ms. Celia Larkin? Do you understand the question?

11:34:19 5
6 MR. MAGUIRE: That's an improper question, Chairman.

7
8 CHAIRMAN: On what basis.

9
11:34:23 10 MR. MAGUIRE: He is asking for communications between the client and his
11 advisors.

12
13 MR. O'NEILL: I am not.

14
11:34:28 15 MR. MAGUIRE: As Mr. O'Neill well knows.

16
17 CHAIRMAN: Well the question can be put in this way, can the Tribunal take it
18 that Mr. Ahern did not inform his solicitor that the 50,000 pounds transfer was
19 in effect an account which was to operate for his benefit.

11:34:52 20
21 MR. MAGUIRE: That's equally an impermissible question, Chairman, as a matter
22 of principle. Might I say, Chairman, I haven't interrupted thus far, Mr.
23 O'Neill well knows that there is no allegation against Mr. Ahern for
24 non-compliance with his affidavit of discovery, that allegation hasn't been
11:35:18 25 made.

26
27 And if that's, such an allegation was being made then we should be notified of
28 that and we have not been notified of that.

29
11:35:21 30 CHAIRMAN: No the purposes of this questioning as I understand it, is to

11:35:24 1 establish Mr. Ahern's reasons why he gave particular information to the
2 Tribunal, because that would assist the Tribunal in determining what his
3 understanding of the accounts in question were at the time.

4
11:35:40 5 Now he can be asked, and I don't see any difficulty in relation to
6 solicitor/client privilege, he can be asked the reason why the reference to
7 the, Ms. Larkin account was not included in the Affidavit of Discovery.

8
9 MR. MAGUIRE: That certainly is permissible, Chairman, and I don't take any
11:36:06 10 objection to that. But I just reiterate that the implication that
11 Mr. O'Neill's questions of Mr. Ahern, some moments ago, was that he had not
12 complied with his obligations under the Affidavit of Discovery. That
13 allegation has not been made, we have not been notified of an a non-compliance
14 issue and if it is to be made we should be notified. I put it no further than
11:36:31 15 that.

16
17 CHAIRMAN: But that would be an impossible situation to deal with in the sense
18 that, Mr. O'Neill is perfectly entitled to ask Mr. Ahern questions as to why
19 certain accounts or why a particular account was not included in an Affidavit
11:36:45 20 of Discovery when, because of the information we now know should have been
21 included.

22
23 MR. MAGUIRE: I accept that he can ask the question.

24
11:36:54 25 CHAIRMAN: Now there may be a perfectly innocent explanation.

26
27 MR. MAGUIRE: There is a line to be drawn between that and an allegation of
28 non-compliance with discovery.

29
11:37:03 30 CHAIRMAN: But there is no allegation of non-compliance.

11:37:06 1 MR. MAGUIRE: That's my point, Chairman.

2

3 CHAIRMAN: This is a public inquiry, its to identify Mr. Ahern's knowledge of
4 particular accounts at the time or what knowledge he had of particular accounts

11:37:21 5 at the time.

6

7 Mr. Ahern, if you were asked the question in this way, which I understand
8 Mr. Maguire has no difficulty with, can you explain why, when given the
9 information we now know about the 50,000 in Mr, or Ms. Larkin's account, why
10 that account was not included in the Affidavit of Discovery as being an account
11 which was operating and intended to operate for your benefit, why it didn't go
12 into that particular part of the affidavit? And also, the reason why, do you
13 know why your solicitor merely indicated that it was a transfer of money
14 without indicating that it was to be for your benefit?

11:38:06 15 A. Well, Chairman, all as I can recall at this stage, I hadn't got the statement
16 for that accounts. The accounts were in Celia Larkin's name and I assumed by,
17 Celia Larkin was my partner at that stage, by giving the accounts numbers and
18 reference that that was making the Tribunal so aware.

19

11:38:26 20 CHAIRMAN: But if you had been asked at that time say, by anyone, was that
21 50,000 in effect your money in her account, or was it money at that was, had
22 been in effect gifted to her?

23 A. It was my money.

24

11:38:44 25 CHAIRMAN: It was your money?

26 A. My money, to be used for the purpose that it was.

27

28 CHAIRMAN: And the issue is why didn't it go into the affidavit in that section
29 of your account or an account operated for your benefit. That's the question?

11:38:59 30 A. I understand the point. But our view, at least my view at the time was the

11:39:07 1 thing to do was to highlight that I had transferred the money and to give
2 precisely the accounts where I had taken it from.

3

4

CHAIRMAN: All right.

11:39:19 5 Q. 131 MR. O'NEILL: Mr. Ahern, I am not at this moment in the course of pursuing any
6 compliance issues with you, I am seeking to endeavour to understand what your
7 belief was and what your knowledge of the matters that are the subject of this
8 particular phase of the inquiry was, at the earliest stage that you became
9 aware that the Tribunal might well find itself investigating in the 50,000
11:39:45 10 pounds cash, which was taken out of your, out of Ms. Larkin's account and given
11 back to you. The foreign exchange transactions that were to flow from that,
12 your knowledge of the question of whether the payment of monies of 28,772.90
13 might become a matter before the Tribunal.

14

11:40:11 15 I'm trying to establish when it first was that these were issues which you
16 considered in the context of what you knew at the time, because I think you are
17 making the point that at all times you cannot see any connection between the
18 50,000 and the 30,000 allegations which were conveyed to the Tribunal by
19 Mr. Gilmartin and the fact of there being lodgements to your accounts or the
11:40:37 20 accounts of Ms. Larkin, do you understand?

21

A. Yes.

22

Q. 132 Yes. In fact you seem to have made that connection at a minimum in 2005 in
23 January, because you would not otherwise have been looking for this
24 documentation, would you accept that?

24

11:40:56 25 A. Obviously, when I had to do the order for discovery, I had to look at all the
26 documentation and all of the big figures and other figures and I did that.

26

27

Q. 133 Exactly. And having done so, was it your position that as of January of 1995
28 -- 2005, you knew that these were matters that were likely to fall into any
29 examination of your financial affairs?

29

11:41:20 30 A. Yes, I assumed that the Tribunal was going to ask questions on these issues.

- 11:41:24 1 Q. 134 Right. And you are in no sense surprised that it was as a result of the
2 distillation of the information which you gave over the next number of years to
3 the Tribunal, that the Tribunal reached effectively the same conclusion that
4 these are matters that require further inquiry, isn't that right?
- 11:41:42 5 A. Yes but you are --
- 6 Q. 135 And what we are doing --
- 7 A. You are jumping a period from 2005 to now, I thought some of the answers I gave
8 since would have been satisfactory.
- 9 Q. 136 We are in fact making that jump, Mr. Ahern, but at the commencement of the time
11:42:02 10 that that jump was made you already knew that these were matter that is were
11 likely to be inquired into, if your accounts were to be the subject of any
12 analysis, isn't that so?
- 13 A. Of course, because when I looked at all my statements from the period even
14 before the period of the Tribunal right up to current times, any big amount or
11:42:19 15 any transfers obviously were issues that I could be asked about, so I went
16 about trying to seek the information.
- 17 Q. 137 Yes. I can understand that that explains a general inquiry of all your
18 accounts, it does not explain why there was a focus, and I suggest there was,
19 upon these particular transactions which ultimately find themselves as exactly
11:42:38 20 the same transactions as being inquired into by the Tribunal at this point in
21 time, do you understand the question I am putting to you?
- 22 A. I do but I --
- 23 Q. 138 Well I will move from that Mr. Ahern, because obviously what we had been
24 discussing was the information which came to the Tribunal from you and the
11:42:58 25 Tribunal's understanding of what was being said, but you were engaged in your
26 own process of seeking to obtain information from your own sources, isn't that
27 right?
- 28 A. Yes.
- 29 Q. 139 And unlike the Tribunal initially, the Tribunal had no knowledge for a start
11:43:14 30 that Ms. Larkin was involved, I think you accept that?

- 11:43:17 1 A. At the --
- 2 Q. 140 In relation to your financial affairs?
- 3 A. At the outset.
- 4 Q. 141 At the outset, yes?
- 11:43:24 5 A. Yes.
- 6 Q. 142 And the Tribunal had no indication that you had any arrangement with Mr. Wall
7 which involved you receiving 30,000 or there or thereabouts, we will get into
8 the detail shortly, from him, isn't that right?
- 9 A. Well --
- 11:43:37 10 Q. 143 The Tribunal knew nothing and could know nothing about those in 2005, isn't
11 that right?
- 12 A. No because they weren't allegations. They were just issues that did I in my
13 life.
- 14 Q. 144 Yes.
- 11:43:46 15 A. The allegations the Tribunal knew about were issues that Mr. Gilmartin made.
- 16 Q. 145 Yes.
- 17 A. So I mean --
- 18 Q. 146 The allegations being specific, identified to you as being two sums of money,
19 50 and 30 received a given period, I think you have already agreed with me
11:44:05 20 yesterday that there is nothing surprising about the fact that, if the Tribunal
21 had to carry out any meaningful investigation into that you would have to look
22 at your bank accounts and examine them to see if there were any large
23 transactions, isn't that right?
- 24 A. Yes, yes.
- 11:44:19 25 Q. 147 So you are not disputing the fact but that this information which has come to
26 the Tribunal was information in relation to transactions which you had
27 considered in 2004 and 2005 and at the time of that consideration you had
28 selected or identified these particular transactions as ones which had a
29 particular characteristic, isn't that right?
- 11:44:44 30 A. Yes, yes.

- 11:44:44 1 Q. 148 And that was that they were cash lodgements, there was no back-up documentation
2 to support the source of them and you knew that information then and there in
3 2005, isn't that right?
- 4 A. Yes having spent a number of weeks gathering the information as I said
11:44:59 5 yesterday.
- 6 Q. 149 Exactly. Now as part of the voluntary process of cooperation with the
7 Tribunal, obviously you tried to bring these, I suppose as you saw them,
8 interminable questions made of to you a conclusion by furnishing all the
9 information as quick as you can and as completely as you can, isn't that right?
- 11:45:20 10 A. That's correct.
- 11 Q. 150 In hindsight I think, and I am qualifying my question by saying its in
12 hindsight, in hindsight had you told the Tribunal in January 2005, that there
13 were a number of large cash transactions to your accounts for which the bank
14 were unable to provide any details to you, that that would have been at least
11:45:45 15 something which would have considerably reduced the timescale of the inquiry,
16 isn't that right?
- 17 A. Well I don't know about that, what I tried - when I gathered all of the
18 information, and after I made discovery, on the suggestion of my legal team I
19 got an accountant to help us to put it forward in a format that we thought
11:46:05 20 would help and assist the Tribunal because I hadn't kept my accounts in any
21 order, as I said yesterday I wasn't a company, I wasn't a sole trader, I wasn't
22 a PLC, so I hadn't got them. So we got somebody to help in putting those
23 together.
- 24 Q. 151 Yes, Mr. Ahern, my question to you is this. In 2005 you had identified a
11:46:25 25 number of lodgements to your accounts which had caused you to look at them
26 specifically in the context of a Tribunal order for discovery, isn't that
27 right?
- 28 A. Yes, yes.
- 29 Q. 152 The reason why you picked these specific transactions was that all were cash,
11:46:41 30 isn't that right?

11:46:42 1 A. Yes.

2 Q. 153 And having conducted an investigation with your bank there was no back-up
3 documentation to show the source of those monies, isn't that right?

4 A. Correct, yes.

11:46:52 5 Q. 154 You could not but have believed that at some point in time if the Tribunal
6 pursued its inquiries of you that these would be matters which would be covered
7 by the Tribunal's inquiry, isn't that right?

8 A. Possibly some of them, other ones I would not have thought.

9 Q. 155 Depending on how efficient or how direct or how focused the Tribunal's inquiry
11:47:14 10 was in relation to your affairs, isn't that right?

11 A. Well it depends, I don't want to have a debating society about this, but I
12 still don't understand why you are focused on my house in Beresford, I don't
13 see what's that got to do with Mr. O'Callaghan. I don't understand any
14 connection between Beresford and Mr. O'Callaghan. I don't understand any
11:47:39 15 connection between Celia Larkin and Mr. O'Callaghan. I don't understand any
16 connection between Michael Wall and Mr. O'Callaghan. I don't understand why
17 the conservatory or the building work or the Brown Thomas issues or any of
18 those issues, which I have spent endless time preparing, are of any interest to
19 the Tribunal. If you asked me --

11:47:59 20 Q. 156 Could I suggest to you -- I didn't mean to cut you short, sorry.

21 A. If you asked me -- the reason for that, is that 50,000, 28 thousand came from
22 my special savings loan, which was from my pay cheques, there was no other
23 cheques in that, and the 22 thousand came from the money that I received from
24 Dermot Carrew and others. It went through my accounts, into my accounts, I
11:48:22 25 gave the data, didn't give the data at the beginning because I hadn't got it
26 altogether, but gave that data and that went into it. I understand you asking
27 me the questions about 24,838.49 because that was cash. And I understand the
28 money that Mick Wall put in, I can understand you asking that. But if you ask
29 me why, in all of those eight or nine questions why you have to follow them
11:48:47 30 through, I don't understand. But I understand that's your job, I cooperated

- 11:48:50 1 with it and I have endlessly gone through it, but for you to say, what you are
2 saying, if I had given all that data at the start it would have made your life
3 easier, I hadn't got the data at the start.
- 4 Q. 157 Right.
- 11:49:02 5 A. If I did I wouldn't have got an accountant. I wouldn't have done a report in
6 2006 or another report in 2007, or I wouldn't have been wracking my brain ever
7 since.
- 8 Q. 158 The data which did you have in January 2005 was the information which had been
9 provided to you by Allied Irish Banks in relation to the specific queries which
11:49:21 10 you had raised of them in connection with your accounts and was limited to the
11 seven accounts, isn't that right?
- 12 A. That's correct.
- 13 Q. 159 They gave that you documentation, isn't that right?
- 14 A. That's correct.
- 11:49:30 15 Q. 160 And they gave it to you in January, isn't that correct?
- 16 A. January of 2005.
- 17 Q. 161 2005, yes.
- 18
- 19 CHAIRMAN: Mr. O'Neill, it's gone a quarter to 12. So we'll take a 15 minute
11:49:43 20 break.
21
- 22 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**
23 **AND RESUMED AGAIN AS FOLLOWS:**
24
- 12:05:06 25 Q. 162 MR. O'NEILL: Mr. Ahern, in January, that is the 24th January 2005, your
26 secretary, Sandra Cullagh collected an amount of documentation, which is the
27 background documentation to the cash lodgements from Mr. Jim McNamara in the
28 bank at AIB, isn't that right?
- 29 A. AIB O'Connell Street, yes.
- 12:05:25 30 Q. 163 O'Connell Street, yes. I think having taken that documentation she gave it to

12:05:30 1 you, isn't that right?

2 A. Correct.

3 Q. 164 And you considered its content in the context of the inquiry that you were

4 making about the source material for these lodgements, isn't that right?

12:05:45 5 A. (Nods head)

6 Q. 165 And following upon that, I think you had contact with Mr. Jim McNamara, I am

7 not saying it was face-to-face but you had telephone contact with him, he

8 refers to it in the could you say you of his narrative and his file note, isn't

9 that right?

12:05:57 10 A. I spoke to him a number of times.

11 Q. 166 I am talking specifically now about the conversation that you had with him

12 prior to his preparation of his file note, which took place on the 3rd

13 February, in that he records the fact that he had given the documentation to

14 Sandra, he had explained to her in detail the background to the information and

12:06:16 15 he then subsequently in that context spoke to you, isn't that right?

16 A. That's right. I think in fairness to Sandra she just would have collected the

17 documents, she never got into the details.

18 Q. 167 Well I'm not trying to be either fair or unfair to her, but the record would

19 suggest that the transactions were explained to her in detail by Mr. McNamara?

12:06:39 20 A. I wouldn't accept that, because any time, all she would do is if I would give a

21 note to ring in and ask for a bank statement or ask for an item, putting it --

22 I think you are correct, it is said, it was explained in detail, I don't think

23 she has ever gone into detail on any of the items on my accounts.

24 Q. 168 Okay. Page 21665, is the last page of the file memorandum note prepared by

12:07:08 25 Mr. McNamara, 21665 and it says that all the requests were communicated by

26 Sandra, secretary to the Taoiseach, in person and on the phone, giving the

27 numbers. Sandra met with Jim on the 25th January '05, and Jim explained the

28 transactions in detail and furnished her with copy dockets and copy statements.

29 Mr. Ahern also contacted us by phone in relation to the above.

12:07:35 30

12:07:35 1 I take it that contact was in relation to the information which had been
2 collected and I suggest that this note is accurate, detailed to Sandra, and
3 then you then got in touch with Mr. McNamara thereafter, is that right?
4 A. I would say that he gave Sandra the information and the docketts and the
12:07:54 5 statements, I don't imagine, its not her job or function to get into details on
6 it, I would say he gave her the transactions and documents. And that's --
7 Q. 169 Okay. We'll see at page 21658, a document again prepared within the bank, it
8 is headed "transaction details". If we just briefly look down through them,
9 we'll see that they are the same transactions we were discussing, is that
12:08:18 10 right?
11 A. Yes.
12 Q. 170 And at the very bottom in the note there you will see manuscript, "copies of
13 attached collected by Sandra on the 24th January of '05, Jim". Isn't that
14 right?
12:08:28 15 A. That's correct.
16 Q. 171 I take it that when the physical documentation was collected by her, it was
17 collected for the purpose of being given by Ms. Cullagh to you, isn't that
18 right?
19 A. Yes.
12:08:41 20 Q. 172 Do you remember considering the contents to see whether or not they were of
21 assistance to you in your inquiry?
22 A. Yes, I remember the, I certainly remember some of the documentation.
23 Q. 173 Yeah.
24 A. The first one for example there, I know we are not talking about that but I do
12:08:57 25 remember getting the background detail to the cheques and getting the back
26 documents on the other issues.
27 Q. 174 And in relation to the last of them there, the 11th October 1994, that one you
28 got the back-up documentation for that?
29 A. Back-up sheets.
12:09:11 30 Q. 175 Isn't that right?

- 12:09:12 1 A. Yes.
- 2 Q. 176 If you had any outstanding queries as a result of receiving the back-up
3 documentation, I take it that would have been the basis of any contact you had
4 with Mr. McNamara between then and the date upon which he completed his file
12:09:26 5 report, which was the 3rd February?
6 A. Yes.
7 Q. 177 Do you, can you remember at this stage what particular queries you were asking
8 Mr. McNamara to deal with, having got all the physical documentation?
9 A. I would have asked them, I certainly asked them earlier on about some of the
12:09:49 10 odd amounts I think I would have asked them the odd amounts, particularly the
11 24,838.49, was there records of sterling in that.
12 Q. 178 Yes. You know from the transcript of the evidence of Mr. McNamara that he
13 disputes that he was ever asked by you to look at any sterling or foreign
14 exchange connection with these lodgements until March 2005, when he was
12:10:14 15 contacted by phone by Ms. Cullagh, I am just identifying that there is a
16 dispute here that the Tribunal will have to resolve, but do you agree with the
17 fact firstly that was his evidence?
18 A. I think in fairness to Mr. McNamara, its March 2007.
19 Q. 179 Yes.
12:10:33 20 A. You said March 2005.
21 Q. 180 I beg your pardon.
22 A. But I certainly would have spoken to him, yes I accept there is a dispute on
23 that.
24 Q. 181 Yes.
12:10:38 25 A. But again in fairness to him I think he said he can't recall it. I spoke to
26 him a number of times.
27
28 MR. MAGUIRE: Sorry, Chairman, and also to just correct the premise as well, he
29 also said in cross-examination that it was possible, he used those words.
12:10:54 30 Q. 182 MR. O'NEILL: I am sure this is a matter which can be explored at some point in

12:10:58 1 cross-examination. I don't think we have to have a running commentary on what
2 the avenues of exploration by cross-examination will be. I don't think its of
3 any benefit.
4

12:11:07 5 MR. MAGUIRE: Its an incorrect premise put as part of a question where the
6 absence of reference to possibility was clear from the question and I am asking
7 Mr. O'Neill to correct that.
8

9 CHAIRMAN: Well I mean if he said that there was a possibility then that is the
10 position, so there is some difference between Mr. Ahern's recollection and
11 Mr. McNamara's, but Mr. McNamara hasn't ruled out the fact that there may have
12 been earlier contact about foreign exchange.

13 Q. 183 MR. O'NEILL: The - I don't know if that issue is now closed, I intend to move
14 on.

12:11:52 15
16 Mr. Ahern, obviously as we know from the document that's on screen here, as of
17 this date you were in physical possession of documentation of the bank's which
18 had not been in your possession before that date. It was documentation which
19 was the back-up to these particular lodgements, isn't that right?

12:12:08 20 A. Correct.

21 Q. 184 As much as you'd had before that would have been the monthly statements which
22 you would receive when these transactions took place firstly, isn't that right?

23 A. That's correct.

24 Q. 185 And secondly, you would have had the, in relation to lodgements that you made
12:12:23 25 yourself, at a counter, you would have had the counter slips, isn't that right?

26 A. Yes.

27 Q. 186 And in relation to foreign exchange transaction of which we know that the last
28 one is a foreign exchange transaction, that would have included at the time of
29 that transaction, a slip generated by a machine called the Ford Money Changer
12:12:46 30 which shows the foreign currency which was transacted, the rate of exchange

- 12:12:51 1 applied to it and the net Irish amount after the transaction, isn't that right?
- 2 A. That's right. They issue that, whether I would have ever received them, I
- 3 don't know.
- 4 Q. 187 Well could I suggest to you that any person producing foreign exchange before a
- 12:13:03 5 bank for changing that money into a cash sum, whether lodged to their account
- 6 or otherwise, would receive such a slip, do you dispute that?
- 7 A. I don't dispute that, but as you know the practice that I had on a few
- 8 occasions in these monies, if I gave the money in, it was either collected by
- 9 Phillip Murphy in St. Luke's he wouldn't have the Forde Money Machine there, or
- 12:13:31 10 if I dropped it into the office he wouldn't have had it there, so where I ever
- 11 got those documents or not. I am familiar with the document, I don't recall
- 12 ever receiving them.
- 13 Q. 188 Sure. In any event you had those physical documents, you had the conversation
- 14 with Mr. McNamara by telephone, you don't remember the details of that
- 12:13:51 15 particular conversation. Do you remember taking any notes as to what
- 16 information he was giving you in response to your queries?
- 17 A. No.
- 18 Q. 189 No. In any event this documentation as of the 24th January 2005, was available
- 19 and in your possession prior to the date upon which you swore your affidavit,
- 12:14:10 20 the 7th of February of 2005, isn't that so?
- 21 A. Correct.
- 22 Q. 190 And I think you may agree with me that none of this documentation was
- 23 discovered at that time by you, albeit that it had been received by you
- 24 physically a week beforehand, two weeks beforehand to be accurate?
- 12:14:30 25 A. Whatever was in the discovery, I don't know precisely what documents were in.
- 26 Q. 191 Right. What was discovered did not include this documentation.
- 27 A. Okay.
- 28 Q. 192 Yes. And is there any explanation for that, Mr. Ahern, because I think you
- 29 will appreciate that if the Tribunal was in possession of documentation which
- 12:14:47 30 you had sought to resolve particular queries, it would have been a possible

12:14:52 1 guide to the Tribunal to establish what the particular lodgements were that it
2 might focus its attention on, do you understand the question?

3 A. I do. But I assume what I was doing in the discovery was giving all the
4 information and all the accounts that I had, 22 bank accounts. I don't think I
12:15:12 5 was giving all the back information on that particular discovery.

6 Q. 193 Well with respect --

7 A. I think I gave four folders of information at some stage, I'm not sure if that
8 was the stage.

9 Q. 194 The discovery obligation imposed upon you, Mr. Ahern, was one in which you were
12:15:34 10 obliged to discover all documentation which related to the lodgements which you
11 had made, and that documentation in relating to those lodgements, must of
12 necessity, include the back-up documentation to those lodgements which was in
13 your possession and came into your possession on the 25th January when it came
14 to swearing an affidavit two weeks later. I suggest to you that in the normal
12:15:55 15 course one would look to whatever bank documentation there was and is there any
16 particular reason why you didn't discover this documentation to the Tribunal at
17 that time?

18 A. I think any documentation, to the best of my knowledge.

19 Q. 195 Yes.

12:16:09 20 A. I think any information, documentation that I had at that stage was discovered.

21 Q. 196 Well you may take it as a fact, Mr. Ahern, that this documentation which had
22 been collected by Sandra was not discovered to the Tribunal until the 27th
23 March 2006, when the documents from the bank were sent to you for the purpose
24 of completing your Affidavit of Discovery and it was at that stage that
12:16:37 25 documentation of background nature to these transactions was sent to the
26 Tribunal. But there was no indication that you had received that information
27 in January 2005, and that emerged only after the Tribunal made an Order for
28 Discovery against AIB bank requiring them to discover their file at which point
29 it became apparent from these documents that you had been in possession of this
12:17:04 30 background information as and from the 24th January of 2005. Would you accept

12:17:10 1 that series of events?

2 A. Well if you say so, but.

3 Q. 197 Very good.

4 A. I don't know why then you only got them in, when did you say, 2006?

12:17:19 5 Q. 198 We got them on the 27th March 2006 in the affidavit of yours.

6 A. Because I gave you, I gave the Tribunal the authority to get anything that was

7 in my accounts back in May of 2005.

8 Q. 199 In May of 2005, a process was embarked on by the bank, we have gone through

9 this, where they tab, they were sent by the Tribunal, a schedule of particular

10 lodgements in respect of which information was sought by the bank, they came

11 back in June, sorry your solicitor came back in June with an authority which

12 was given to the bank to release the documentation to the Tribunal, that was an

13 exercise which was taking place independent of your obligation to deal with

14 discovery, and in particular post-dated the obligation which you had in early

12:18:12 15 2005, namely to discover all documentation you had then?

16 A. My recollection is that any documentation I would have had, that I would have

17 sent it in, in that first discovery, because we put in an enormous amount of

18 information in that first discovery. I think there was four large folders of

19 that information and then a few months later I gave the Tribunal authority to

12:18:35 20 get any information that the banks had on me or from either Irish Permanent

21 Building Society or the banks, that's my recollection.

22 Q. 200 I see.

23

24 MR. MAGUIRE: Sorry, Chairman, I'm afraid I have to interject again.

12:18:47 25 Mr. O'Neill knows that in the letter that came from the Tribunal of the 22nd of

26 November of 2004, it was specifically stated that "However the Members of the

27 Tribunal have indicated in the first instance that your client can limit

28 production of documentation to lodgements over 30,000 pounds".

29

12:19:07 30 Obviously which wouldn't have caught this, that was an indication from the

12:19:11 1 Tribunal on foot of which the exchange of documents was, governed the exchange
2 of documents and the first Affidavit of Discovery was sworn on that basis.
3 That did change, but as far as the period in question, that's what was the
4 provision that applied.

12:19:31 5
6 MR. O'NEILL: Before we leave that issue, I think would be correct to say that,
7 and I am quite sure that Mr. Maguire is well aware of the distinction between
8 production and discovery. That a Tribunal Order for Discovery often, generally
9 includes an order for production also. The limitation on the matters which
10 Mr. Maguire has referred to was a limitation on production, it indicated that
11 Mr. Ahern in providing his compliance with the order was not obliged to produce
12 the documents in relation to lodgements under 30,000 pounds. That does not
13 mean that he was not obliged to discover them, in other words to list the
14 documentation which was in his possession, which was relevant to the issue at
15 hand.

16
17 If insofar as its being suggest that had in some way there is a mistaken
18 premise in any of my questioning here, it is in error to suggest that, there is
19 a clear distinction between production and discovery and it was not, it did not
12:20:40 20 relieve Mr. Ahern of his obligation to list all the documents which had been
21 received by him through his secretary on the 25th January 2005, when swearing
22 his affidavit on the 7th of February of 2005.

23
24 MR. MAGUIRE: I am well aware of the distinction between production and
12:20:59 25 discovery but Mr. O'Neill well knows that in the management of documentation in
26 this particular case, the indication was given to us on a very positive basis
27 on the 22nd November of 2004 and I repeat "However the Tribunal have indicated
28 in the first instance that your client can limit production of documents to
29 lodgements of 30,000" and that's, the provision that applied in relation to the
12:21:21 30 production of these documents. And no issue was ever made in respect of that.

12:21:26 1
2 MR. O'NEILL: I don't know where Mr. Maguire is coming from on this. The
3 questions are directed towards Mr. Ahern's discovery obligation and it has
4 nothing to do with production. The fact that he was relieved of production
12:21:38 5 obligation has no bearing on his obligation to make discovery. He made an
6 Affidavit of Discovery in which it is agreed I think, because I don't see My
7 Friend objecting to it, that he did not discover this document, in other words
8 did he not discover the background documentation to these lodgements when
9 swearing his affidavit, I make no further point of it.

12:22:00 10
11 MR. MAGUIRE: Chairman, I have to go back to my original objection in relation
12 to the whole question of compliance with discovery. I thought it was dealt
13 with this morning. There is no allegation of non-compliance with discovery
14 here, that hasn't been made to us. Its a serious matter and if it was to be
12:22:15 15 made it should have been made to us.

16
17 CHAIRMAN: We are --

18
19 MR. MAGUIRE: We are concerned here with lodgements with the four lodgements
12:22:23 20 and the time that has elapsed at this stage and I intend to come back to it at
21 a later stage, but at this particular time we are now something in the order of
22 seven hours into the evidence of, the examination of Mr. Ahern and we still
23 haven't got --

24
12:22:40 25 CHAIRMAN: But this examination is particularly important because it will help,
26 hopefully, the Tribunal to determine the background to the provision of
27 information from Mr. Ahern. Now your point may well be, a perfectly good point
28 that is correct, it was your understanding that the discovery only related to
29 lodgements of 30,000 and over.

12:23:10 30

12:23:10 1 MR. MAGUIRE: At this point in time. The production.
2
3 CHAIRMAN: Yes, but the fact is that it didn't. But I mean it may well be a
4 perfectly reasonable submission to make that that is the reason.
12:23:23 5
6 MR. MAGUIRE: It was a question of management of documentation.
7
8 CHAIRMAN: Yes, that's fine.
9
12:23:27 10 MR. MAGUIRE: And that was the way it was approached and I have to submit it
11 was approached on that way by both sides and we do not have a notification of a
12 complaint that we were not in compliance with discovery.
13
14 CHAIRMAN: Well that may well be a perfectly good explanation for, on this
12:23:41 15 particular issue.
16
17 Q. 201 MR. O'NEILL: So, Mr. Ahern, we can probably move on from that now, to the
18 point where you know that you attended at an interview with the Tribunal legal
19 team, myself questioning you with the assistance of my colleagues and following
12:24:00 20 upon that, an amount of correspondence passed between the parties and it became
21 apparent that you were going to become a witness before the Tribunal, you were
22 circulated with the brief of documentation which included all the documentation
23 generated by AIB bank, isn't that right?
24 A. (Nods head)
12:24:21 25 Q. 202 And it became apparent to you at that stage, if it hadn't been done already,
26 that there was an issue with regard to the foreign exchange nature of certain
27 transactions, which we now know to include in whole or in part, the foreign
28 exchange element, and that that was to be the subject of the hearing, isn't
29 that right?
12:24:38 30 A. That's correct.

- 12:24:39 1 Q. 203 And I think would you agree with me that that apparently became the focus of
2 the Tribunal's inquiries, particularly of AIB bank in January of this year,
3 when the bank, when the Tribunal received the documentation from AIB bank,
4 including foreign rates of exchange etc, isn't that right?
- 12:25:02 5 A. I wasn't aware what you received January.
- 6 Q. 204 No, no. You got a brief subsequent to it being circulated I think in April of
7 this year, which included all the documentation relating to the foreign
8 exchange aspect of the transactions, including AIB's documentation, isn't that
9 right?
- 12:25:25 10 A. I can't recall.
11
12 CHAIRMAN: Well your solicitor did, it was part and parcel of the general --
- 13 A. I have done my best to read the documentation, I can't promise I read it all.
14 I did meet Mr. O'Neill on the 5th April.
- 12:25:46 15 Q. 205 MR. O'NEILL: Yes. I think you would agree with me that it was at that meeting
16 on the 5th April that you first indicated firstly, the purchase by you of
17 30,000 pounds in sterling from AIB bank, isn't that right?
- 18 A. That's correct.
- 19 Q. 206 And I think it was at that meeting also for the first time you indicated that
12:25:57 20 the 11,743.74 pounds was made up of 10,000 pounds in sterling, isn't that
21 right?
- 22 A. No, you told me that.
- 23 Q. 207 Well I questioned you in relation to the composition of it and you indicated
24 that you now accepted that that was sterling, 10,000 pounds sterling?
- 12:26:18 25 A. I didn't know that, you told me that at that time.
- 26 Q. 208 I see. You didn't know it until the Tribunal indicated it to you, is that
27 right?
- 28 A. That's correct.
- 29 Q. 209 And in relation to the 19,142.92 pounds, at this meeting you indicated that
12:26:34 30 this was 20,000 pounds sterling, isn't that right?

- 12:26:38 1 A. It was my belief that that was probably 20,000 pounds or that it was sterling
2 or that most of it was sterling. And as I explained to you on that meeting, I
3 told that you I had done the Central Bank rates and other rates, that they
4 didn't work-out exactly, but I did recall that in the final analysis when I did
12:26:56 5 the final accounts and invoices with Michael Wall, that the money I had left
6 was in sterling and that I lodged that back into my account.
- 7 Q. 210 But I think you are agreeing with me, Mr. Ahern, that it was at that meeting
8 for the first time that the Tribunal was informed by you, that this was in fact
9 a sterling sum, isn't that right?
- 12:27:13 10 A. That's correct.
- 11 Q. 211 And it was in response to the Tribunal putting to you that the sum in question
12 equated exactly to a figure which corresponded with the then current rates of
13 exchange in AIB, isn't that right?
- 14 A. Rather my recollection is that I told you that I believed that the final amount
12:27:31 15 was a sterling amount either in whole or in part, but mainly sterling and you
16 had, I also told you that I had done the calculations based on the rates that I
17 had checked but they didn't add up, but you said that you had some other rate.
- 18 Q. 212 AIB rates?
- 19 A. Market rate or something.
- 12:27:50 20 Q. 213 Yes, the AIB rates of the day, that is the current foreign exchange money rates
21 that were applicable at the time, so that on that occasion, certainly
22 irrespective of the rate of exchange used, this was the first occasion in which
23 sterling was identified as the total composite of that lodgement, isn't that
24 right.
- 12:28:14 25 A. Yes, that's correct.
- 26 Q. 214 Although I think you would agree with me that it was a specific lodgement which
27 was the subject of inquiry for quite sometime?
- 28 A. Yes I asked several time.
- 29 Q. 215 Yes. I'd like to turn now if I may, Mr. Ahern, to the lodgements themselves,
12:28:29 30 as we know the 1st of them is the 24,838.49 pounds which was described as the

12:28:37 1 second goodwill loan and Manchester donation or presentation money and
2 obviously this has not been as yet the subject of any detailed or formal or
3 indeed any evidence by you, its been covered in correspondence between the
4 parties, its covered as we see in the transcript of the interview, but I'd like
12:29:05 5 today if I may, to ask you for the circumstances particularly in relation to
6 the Manchester side of this transaction, because that in effect would be your
7 substantive evidence in relation to the issue, although of course it will be
8 considered in the light of earlier considered statements or correspondence from
9 your solicitors on the issue, you understand that?

12:29:27 10 A. Yes.

11 Q. 216 Yes. Can we start perhaps firstly by saying that this, you know to have
12 occurred in Manchester, and it took place in the later part of the year 1994,
13 is that right?

14 A. Either -- I have never clearly identified either at the end of the football
15 season or the beginning of the football season.

12:29:46 16 Q. 217 Yes. Not being a footballer, unlike yourself, Mr. Ahern, or a fan, I don't
17 know when the season ends, so can you help me as to whether its September or
18 October or --

19 A. No sorry. Late, probably late April or early May or the season starts again in
12:30:07 20 August.

21 Q. 218 I see. So it was late April or May was it that you?

22 A. Well the end of the season is late April or May and the season starts in
23 August, I don't think it matters I have never been able to pin whether it was
24 the end, some of my colleagues were with me because the same people attend with
12:30:23 25 me regularly at these matches would dispute with each other whether it was the
26 end of the season or the start of the season. I don't think it quite matters.

27 Q. 219 But if we relate it to the calender year as opposed to the football year, can
28 you tell me what month it was you think this meeting took place?

29 A. I can't do that, I think it was either May or September.

12:30:48 30 Q. 220 It was either May or September. I see. Why, leaving football aside, what is

12:30:53 1 it that causes you to fix it at that time, do you know? Was it after a
2 football match?
3 A. It was the evening before a football game.
4 Q. 221 I see.
12:31:02 5 A. I have for many years for 30 years attended Manchester United matches, on a
6 very regular basis.
7 Q. 222 I see.
8 A. And the same people would attend with me most of the time and in any season at
9 that time I probably would have done at least 10 or 15 matches.
12:31:22 10 Q. 223 Does that mean it was a Friday night?
11 A. Friday night.
12 Q. 224 Friday night. Okay. It was a Friday night and the meeting took place in a
13 hotel, is that right?
14 A. In a hotel, yes.
12:31:31 15 Q. 225 We have heard reference and I am now referring really to general press comment
16 or other matters to that being the Four Seasons?
17 A. The Four Seasons it was Tim Kilroy's hotel.
18 Q. 226 I see.
19 A. Which he had for a number of year.
12:31:42 20 Q. 227 So you are certain as to venue though perhaps not certain as to date?
21 A. Yes.
22 Q. 228 Is that right?
23 A. Yes.
24 Q. 229 It was a dinner, is that right, a meal?
12:31:50 25 A. It was a meal with a group, a "hot" group, all Irish people, most of them in
26 Manchester for a considerable time, who I have met many times before and since,
27 and it was a meal that, where informal but still question and answer session,
28 talking about the Irish economy, talking about the country. I would have
29 attended an enormous amount of events in Manchester of, officially and
12:32:19 30 unofficially over the years.

- 12:32:21 1 Q. 230 This particular group that attended at this meal were in essence probably the
2 same group who you'd met on a number of previous occasions, is that right?
3 A. Yes.
- 4 Q. 231 Can you assist us as to the number of people who were there?
12:32:32 5 A. I think about 20.
6 Q. 232 About 20?
7 A. And that's the view of those that were with me.
8 Q. 233 Right. And would you have known all of them equally well or some particularly
9 well and not others?
12:32:43 10 A. I would have known a number of them very well.
11 Q. 234 Yes.
12 A. Others I would have met but wouldn't know them as well.
13 Q. 235 Fine.
14 A. But certainly half of them I think I would know very well.
- 12:32:53 15 Q. 236 So did this 20 people dine together in a separate room or was it as part of the
16 larger hotel facility that you dined?
17 A. I think it was part of the, we dined in the, it was usually in the restaurant,
18 it was informal, it wasn't a stage that it was a very formal setting where you
19 stood up and made a speech.
- 12:33:12 20 Q. 237 What I am trying to understand is whether or not there were other persons there
21 having a meal in the same room?
22 A. Yes.
- 23 Q. 238 At the same time who were unconnected with you or with Ireland or what have
24 you?
12:33:22 25 A. Yes, yes.
- 26 Q. 239 Right. And its unlikely therefore I take it that there was one table of 20
27 people?
28 A. A few tables.
- 29 Q. 240 A few tables?
12:33:31 30 A. I can't recall that particular night, but I know on other occasions there were

- 12:33:35 1 perhaps be one table or two tables in the one area and that's.
- 2 Q. 241 Sure.
- 3 A. That's what Tim organised.
- 4 Q. 242 Insofar as we can, Mr. Ahern, I'd like to you try and focus on this particular
- 12:33:48 5 evening and anything that you can remember about that. So I think you have
- 6 been able to tell us so far that it probably took place in the general
- 7 restaurant of the hotel rather than in a specific room set aside for the
- 8 dinner, is that right?
- 9 A. Yes, and the reason for that I don't think we ever had a separate room, not
- 12:34:05 10 with that group.
- 11 Q. 243 So there was no reserved function room for this it, took place in a general
- 12 area?
- 13 A. Yes.
- 14 Q. 244 And I think you have agreed with me that it probably involved a number of
- 12:34:15 15 tables of persons who had no connection whatsoever with Ireland or with you in
- 16 particular?
- 17 A. Yes.
- 18 Q. 245 Isn't that right?
- 19 A. Yes, correct.
- 12:34:21 20 Q. 246 To that extent it was a very informal gathering, isn't that right?
- 21 A. Yes, yes.
- 22 Q. 247 There was no speechifying, in other words immediately at the conclusion of it,
- 23 because there would be others presents for whom your information would have no
- 24 relevance or bearing, isn't that right?
- 12:34:36 25 A. Yes, yeah.
- 26 Q. 248 So at the dinner you had gone to it on an informal basis, it was on a Friday
- 27 night, it came to a conclusion and in the course of the dinner or at its
- 28 conclusion at any time, did you see anybody gathering money together or making
- 29 any collection that you could see?
- 12:34:55 30 A. No.

- 12:34:55 1 Q. 249 No. And at the conclusion of the meal did you leave that restaurant and go to
2 another location?
3 A. We went to the bar.
4 Q. 250 You went to the bar. And again was that a reserved bar for you?
12:35:07 5 A. No no.
6 Q. 251 It was the general bar on a Friday night in a Manchester hotel?
7 A. Yes.
8 Q. 252 Yes. Is that where you stayed until the evening concluded?
9 A. I'd say I probably stayed there. If I didn't stay there, I stayed in one of
12:35:23 10 the hotels in the vicinity but I stay there had many times.
11 Q. 253 Sorry I meant did you stay in the bar.
12 A. Yes.
13 Q. 254 Right. While you were in the bar did everybody who had been dining there join
14 you in the bar or was it a more limited number of people in the bar?
12:35:36 15 A. I can't recall but certainly some of them.
16 Q. 255 I see.
17 A. Some of them remained.
18 Q. 256 Okay, perhaps we can get to the point at which for the first time you become
19 aware that you are going to be given something or you are given something?
12:35:47 20 A. Yes.
21 Q. 257 What is your recollection of that, was it at the bar, was it at a table, were
22 you -- where were you when this presentation was made to you?
23 A. Precisely where I was standing, I don't know. But I remember Tim Kilrowe
24 approached me with I think one or two of the others and said they appreciated
12:36:06 25 me coming over, appreciated me being there, I had done questions and answers
26 and talking to them, just general talk and said he wanted to make a
27 contribution, he made a contribution and I recall that.
28 Q. 258 Okay. Mr. Kilrowe is dead, is he?
29 A. He is.
12:36:19 30 Q. 259 The other two gentlemen, it was one or two or you don't know?

12:36:24 1 A. I think two, I have tried to track back everybody that was in that room that
2 night but its difficult.

3 Q. 260 Sure. You can't put a face on who it was that was there other than
4 Mr. Kilrowe, is that because it was Mr. Kilrowe who actually made the
12:36:37 5 presentation to you?

6 A. Yes, yes.

7 Q. 261 And the late Mr. Kilrowe was I think again another Irish emigrant to England is
8 that right?

9 A. Yes. He was from Mayo.

12:36:48 10 Q. 262 From Mayo. And I think he had done particularly well in England, is that
11 right?

12 A. Yes.

13 Q. 263 And his interests extended to construction, development, etc, isn't that right?

14 A. And he owned hotels.

12:37:01 15 Q. 264 He owned that hotel and he also I think had construction and other interests in
16 Ireland, isn't that right?

17 A. Did he, he owned Air Arran before.

18 Q. 265 He owned Air Arran before that. And what and how did Mr. Tim Kilrowe make the
19 presentation to you? He indicated to you that he appreciated your presence at
12:37:25 20 their informal gathering?

21 A. Yes I had, he invited me along I think with the Kennedys and they had asked me
22 on other occasions, sometimes it was in other venues, but.

23 Q. 266 Yes.

24 A. That night I stayed the full night and I did talk quite a lot about the economy
12:37:44 25 what was going on and all these people invested in Ireland, they have all an
26 interest in Ireland, they are all successful business men who have employed a
27 lot of people in Ireland and employed a lot of Irish people when they
28 emigrated. So they are a considerably important group of people and I spent
29 the time with them, through respect for that, and on other occasions they would
12:38:04 30 have given me gifts, they would have given me --

- 12:38:06 1 Q. 267 Sure.
- 2 A. They would have given me, you know I think I said before they gave me books and
- 3 glass and things like that. On that occasion, that's why I remember it, it was
- 4 the only time he gave me a financial contribution.
- 12:38:18 5 Q. 268 Yes. And can you tell me what he said that indicated to you that you were
- 6 receiving a financial contribution?
- 7 A. He said they wanted to make a financial contribution. I asked, the only
- 8 question I recall asking him I said the only question did I ask him, I asked
- 9 was it a political contribution as I would have to give to the party he said it
- 12:38:34 10 was a personal contribution for me coming over, it was nothing to do with the
- 11 party.
- 12 Q. 269 Right. Did he tell you how much it was?
- 13 A. He didn't.
- 14 Q. 270 No. And in what form did he present it to you?
- 12:38:44 15 A. He just gave me an envelope.
- 16 Q. 271 I see. And where did this envelope come from then do you know, did he have it
- 17 in his pocket or?
- 18 A. I don't know, I'm sure he'd it in his pocket.
- 19 Q. 272 But he handed you the envelope?
- 12:38:58 20 A. He did.
- 21 Q. 273 And from the nature and size of the envelope were you in a position to reach
- 22 any conclusion as to what might be in it?
- 23 A. No.
- 24 Q. 274 Did you know if you were receiving a fiver or 10,000?
- 12:39:12 25 A. No, I didn't.
- 26 Q. 275 No. But did he --
- 27 A. I wish he had just given me a season ticket for Manchester United, it had would
- 28 have been more appreciated.
- 29 Q. 276 Right. In whatever presentation he made to you it was clear to you that what
- 12:39:25 30 his intention was, was to present with you cash, is that right?

- 12:39:29 1 A. Yes, yes.
- 2 Q. 277 What did he say to you about the source of that cash or why it was being
3 particularly given at this time?
- 4 A. Given because I have attended a number of their functions but I think that
12:39:39 5 night because I had asked, I had stayed with him, I always wouldn't stay I'd go
6 back into town in Manchester, out with my friends. A number of places we'd go
7 over the years, I stayed with them, I answered a lot of questions, a lot of
8 detailed questions. These are fairly serious business people, they invest and
9 they know business and I had stayed with them answering questions and talking
12:40:04 10 to them.
- 11 Q. 278 I had gathered so far from your evidence that really this was an informal
12 meeting in a restaurant joined by others, are you suggesting that it was at
13 that exchange, that meal that this information was passed?
- 14 A. Yes, yes, talking.
- 12:40:20 15 Q. 279 I see. A social chat.
- 16 A. Social chat yeah.
- 17 Q. 280 At which these matters came up?
- 18 A. It wasn't a stand up make a speech but you are talking to serious people.
19 Every one of these people are worth 50 million plus at the time.
- 12:40:32 20 Q. 281 Right. So you are presented with this envelope, you are not told what's in it,
21 you conclude your evening I take it, is that right?
- 22 A. Exactly.
- 23 Q. 282 And you don't know which of those who were present were contributors which
24 weren't, who wasn't a contributor?
- 12:40:47 25 A. No.
- 26 Q. 283 Or how the collection of the money took place, isn't that right?
- 27 A. No.
- 28 Q. 284 While you were there in the bar with the members of your earlier party you
29 didn't see anybody having a whip around for you?
- 12:40:58 30 A. No, no.

- 12:40:59 1 Q. 285 And nobody alerted you in advance to the fact that there was going to be a whip
2 around and you were going to be given money, isn't that right?
- 3 A. No. I mean I know its being portrayed outside of here, which is not relevant
4 Mr. O'Neill.
- 12:41:09 5 Q. 286 Yes.
- 6 A. But the idea that somebody went around with a hat or a plate around the
7 restaurant is just not what happened. These are serious people and.
- 8 Q. 287 Absolutely.
- 9 A. They decided on that one occasion, on other occasions they had given me gifts
10 but that's what happened.
- 11 Q. 288 Right. We know of course that Mr. Kilrowe is dead and therefore we are not in
12 a position to establish what his thinking was when he made this payment to you,
13 of the other possibly up to 20 persons who were there, I think your inquiries
14 have not been able to establish which if any of them actually made a
15 contribution to you, is that fair?
- 12:41:43 15 A. Well I have some idea but I can't be certain.
- 16 Q. 289 Right, okay. Certainly nobody has a record of it and therefore this is a
17 transaction again which both as regards its lodgement to the bank and its
18 presentation to you, is entirely undocumented, isn't that right?
- 19 A. Exactly, exactly.
- 12:42:02 20 Q. 290 Did you stay in the Four Season that night, is that right?
- 21 A. I think so.
- 22 Q. 291 Right.
- 23 A. We moved from over the years to three or four different venues.
- 12:42:12 24 Q. 292 Right. Okay. When you left the bar and you went home that night, you had the
25 envelope with you, was it sealed?
- 26 A. I don't remember looking at it until I got back home to Ireland.
- 27 Q. 293 I see. You were going a match the following day, did you have the money in
28 your pocket when you went to the match?
- 29 A. I don't know.
- 12:42:28 30

12:42:29 1 Q. 294 Okay. When did it next impinge on your memory that you had this money?
2 A. When, I remember ringing Tim Kilrowe to thank him the following week.
3 Q. 295 Sorry.
4 A. I rang Tim Kilrowe the following week to thank him, I think it was the
12:42:45 5 following week and I assume it was the following week, I would have out of
6 courtesy done that.
7 Q. 296 Right. Well before ringing him obviously you now had received a cash amount,
8 you had come home presumably to Ireland?
9 A. Yes.
12:42:59 10 Q. 297 You hadn't counted it in England apparently?
11 A. No, no.
12 Q. 298 Did you count it in Ireland?
13 A. I did.
14 Q. 299 Yes. And having counted it, perhaps you can tell us whether that was when you
12:43:09 15 returned to your office duties, probably the following Monday I suppose after
16 the weekend, is that right?
17 A. May be Sunday night.
18 Q. 300 Or Sunday night?
19 A. Monday I probably counted it.
12:43:19 20 Q. 301 Okay. And when you counted it out, can you tell us what its composition was in
21 denominations firstly.
22 A. My recollection, it was fairly big denominations, that's my recollection.
23 Q. 302 Fine. I think we know that English currency starts with a fiver, ten pounds
24 after that, 20 pounds note, 50s, 100s?
12:43:39 25 A. Yes.
26 Q. 303 As between that range of denominations, can you tell me where it started as
27 regards --
28 A. My recollection is that it was all 50s.
29 Q. 304 All 50s. I see?
12:43:49 30 A. To the best of my knowledge, but I wouldn't have seen too many English 50 pound

12:43:56 1 notes in my life but I think it was in 50s.

2 Q. 305 So we are talking about in and around 160, 50 pound notes, it could be 170 at

3 which you are talking about eight and a half thousand or seven and a half if it

4 was less?

12:44:14 5 A. I can't be absolutely precise but it was about 8,000. My recollection when I

6 was asked first was that it was about 8,000.

7 Q. 306 Exactly when you were recalling as best you could at that time how much it was,

8 and you say 8,000 and we know now that the denominations were all 50s, it make

9 it is a relatively simple exercise to establish what the alternatives to 8,000

10 are, isn't that right, if its not eight it could be nine, it could be eight and

11 a half, it could be seven and a half or seven, that's the maximum range, isn't

12 that right?

13 A. It could be. I should say, Mr. O'Neill, I go back and forward and have for 30

14 years to Manchester.

12:44:54 15 Q. 307 Yes.

16 A. I keep, not big amounts but small amounts of sterling all the time.

17 Q. 308 Sure. This I think you would agree with me, Mr. Ahern, in 1994, was a sum that

18 you would consider to be a substantial amount of money?

19 A. Yes would I consider it was.

12:45:11 20 Q. 309 Yes. Were you surprised, given your long experience of this group of 20 who to

21 this date apparently had presented you only with Waterford glass and books on

22 Mr. De Valera, suddenly trumped up with the money they did, its a sizable

23 amount of money?

24 A. Yes its -- I think for the individuals involved.

12:45:33 25 Q. 310 For them, yes?

26 A. Its not. For me it was a sizable contribution.

27 Q. 311 Right.

28 A. And the only one I got before or then in Manchester, I have been back in

29 Manchester recently again, been back there for years, its the only time I got

12:45:52 30 ...

12:45:52 1 Q. 312 Right.

2 A. I think the motivation was purely because that night I had stayed a long time,

3 I had answered quite a lot of questions with them and stayed with them and that

4 was the motivation.

12:46:07 5 Q. 313 That being so, Mr. Ahern, objectively viewed, I think if we leave aside the

6 individuals concerned, what we have here is a series of successful and as a

7 consequence, wealthy persons, some of whom have boxes in Manchester Stadium and

8 that, isn't that right?

9 A. Yes.

12:46:31 10 Q. 314 They decide, they have money, they have cash. They get that money together and

11 they pay it to a visiting Irish politician, isn't that right?

12 A. Mm-hmm.

13 Q. 315 The persons who are there, I take it would be probably similar in profile to

14 Mr. Wall, although you had perhaps a more personal relationship with him, isn't

12:46:54 15 that right?

16 A. No, Mr. Wall is a very good friend but I'm afraid Mr. Kilrowe and Mr. Kennedy,

17 Carey, and all these people are a different league to Michael Wall.

18 Q. 316 Do you mean a different financial league?

19 A. Yes.

12:47:07 20 Q. 317 They are even more wealthy than he is?

21 A. Yeah well, well it depends, I consider Michael Wall wealthy.

22 Q. 318 Yes.

23 A. I would consider the others extremely wealthy.

24 Q. 319 I see. These are wealthy people, they have an interest in meeting with Irish

12:47:24 25 politicians, they have interests both in Ireland and in England?

26 A. Yes.

27 Q. 320 Substantial interests?

28 A. Mainly in England.

29 Q. 321 And their interests in Ireland is measured by the fact that they are prepared

12:47:34 30 to go along to these functions from time to time with their Irish associates,

- 12:47:41 1 successful emigrants in England and meet with Irish politicians as the occasion
2 arises?
- 3 A. Some of these people, Mr. O'Neill, in fairness to them they are people I know
4 and respect. There has been a lot written about them and they have, because of
12:47:53 5 this issue, I have created some grief for them, not from the Tribunal, but I
6 have created some grief but these people have employed substantial amounts of
7 Irish people. They have invested into this country, I think they are people
8 who emigrated out of this country through hard times. They are -- they have
9 put money into the Irish centre and they have put money into the Irish
12:48:20 10 community. They are very pro Irish and do anything they can to press the name
11 of Ireland and in difficult times they did so. They are by and large now on
12 the wrong side of working age, but they are, and they are well-known in
13 Manchester.
- 14 Q. 322 Sure. Is there any difference in principle really between the same event
12:48:41 15 taking place in Ireland for example, where you would meet with a group of
16 successful businessmen, you would discuss the affairs of the day and at the end
17 of the dinner somebody would hand you money, was there any distinction in
18 principle between those? I know that one happened in Manchester, but in
19 principle you were now accepting a substantial sum of money from a number of
12:49:05 20 businessmen, isn't that right?
- 21 A. Well would I consider these people, if not good friends, friends. I mean I
22 have been in their box in Manchester United, I have been in some of their boxes
23 in Manchester United a number of times over the years, even though I tend not
24 to watch matches in boxes, we might gather in the box beforehand but they are
12:49:26 25 business people.
- 26 Q. 323 I appreciate that but I mean one meets business people in Ireland?
- 27 A. I think to answer your question, Mr. O'Neill, I think I know what you are
28 coming at, if we are having a party function here, a fundraising function, its
29 a formal function organised by the treasurers or fundraising people, a
12:49:42 30 politician, I would not -- I would go to a dinner like that in a private room

12:49:46 1 or not in a private room as I would regularly do in different parts of the
2 country because there is not always good rooms in, at least there is now but
3 wasn't ten years ago. And I would you know, speak at a function like that.
4 There would be a collection at functions, maybe not at the function, that's
12:50:03 5 not -- normally people would be contacted they would formally make a
6 contribution to the party, its a formal fundraiser.
7
8 So that's a distinction. If you asked me have I ever gone into functions in
9 Dublin and I go to them all of the time, and answered questions and answer
12:50:21 10 things, does anybody ever give you anything? No, you'd be unlikely to even get
11 a pint off them, but that's neither here nor there.
12 Q. 324 But having attended, if one was to attend an Irish function in similar
13 circumstances and set out the background to it, here are people, some you know
14 well, some you don't know that terribly well, they are all there because they
12:50:42 15 have their own interests and they are an interest group, and at the end of it
16 somebody in the bar offers you an envelope with a large sum of money in it,
17 would you not find firstly would you accept it?
18 A. Now you can't.
19 Q. 325 No even then we are talking about --
12:50:59 20 A. I might have then. If there was similar circumstances then before all the new
21 rules I probably would have.
22 Q. 326 You probably would?
23 A. But I don't recall it ever happening to be honest.
24 Q. 327 I see.
12:51:10 25 A. Or in fact it could happen here, maybe you would be more inclined to press it
26 to the local constituency. I mean I am 25 years, no what am I? 26 or 27 years
27 on the chicken and chip circuit around the country, so I would have done
28 thousands of functions. If you ask me did any one at any one of those
29 functions ever give me personally a donation, I cannot recall it of the top of
12:51:34 30 my head. That's why I recall that particular function in Manchester.

12:51:38 1 Q. 328 So it may well have happened in Ireland as well you simply cannot recall?

2 A. I think I probably would, it doesn't happen too often.

3 Q. 329 Sure. Well, does the amount assist you in any way.

4 A. Just in case anyone thinks --

12:51:46 5 Q. 330 Sorry.

6 A. Just in case anybody think it is happens all the time.

7 Q. 331 No. I know certainly you have a very, very busy schedule, you attend very,

8 very many of these functions and therefore there would have to be something

9 remarkable to remember any particular occasion and on this occasion the

12:52:03 10 remarkable fact is that you received a sizable amount of cash from a person who

11 you had not expected to give you cash.

12 A. Yes.

13 Q. 332 You found out when you got home that it was a substantial amount of cash by

14 having, by opening the envelope, counting it out and seeing here is a large

12:52:18 15 amount of money, isn't that right?

16 A. That's correct.

17 Q. 333 And because of the large amount of money and at that stage obviously you knew

18 who had given it to you, it was now deceased Mr. Kilrowe, you contacted him,

19 and did you express to him your surprise that he had made the contribution to

12:52:34 20 you firstly?

21 A. I can recall ringing him to thank him, I would have talked to Mr. Kilrowe many

22 times. He would ring me over many issues over the years. Issues to do with

23 many different things, he would ring me. So it wasn't unusual that he would

24 ring me, I'd ring him at Christmas time and other times.

12:52:55 25 Q. 334 But now having found that he had given you this money and having telephoned him

26 in relation to it, did you ask him why it was that this money was being given

27 to you firstly and secondly did you consider the possibility that in certain

28 circumstances you could feel compromised by the fact that you had received a

29 substantial sum in cash from a person who had interests both in Ireland and

12:53:19 30 England and they were substantial interests?

- 12:53:21 1 A. His substantial interests in England, interests in Ireland as well, but
2 Mr. Kilrowe never asked me to do anything for him that was untoward at any
3 stage. In fact I think he probably did far more for me at times because he
4 would help me to get tickets and things like that.
- 12:53:39 5 Q. 335 Accepting that, Mr. Ahern, were you not concerned at the possibility, did you
6 address in your mind the possibility that in accepting a large sum of money
7 from a businessman you could in some way find yourself compromised, given that
8 you were the Minister for Finance?
- 9 A. That's correct. You could, but, I'm careful about those things.
- 12:54:00 10 Q. 336 Sure.
- 11 A. Under the, just in case anyone thinks its not now there are laws and rules
12 where you have to declare everything over a few hundred Euros and you have to
13 put them in your declarations and even in my position as Taoiseach now I have
14 to declare even the gifts that I get, and if they are over a certain limit I
15 have to give them to the State.
- 16 Q. 337 Yes.
- 17 A. The limit is so low most of what I get now I give to the State.
- 18 Q. 338 And I think theres, you would agree, very good reason for that?
- 19 A. I agree.
- 12:54:32 20 Q. 339 Particularly ...
- 21 A. You might get compromised.
- 22 Q. 340 Particularly historically and in view of the results of earlier Tribunals of
23 Inquiry not this one?
- 24 A. I totally agree with that.
- 12:54:41 25 Q. 341 Absolutely.
- 26 A. I agree with the procedures.
- 27 Q. 342 Now being conscious of the fact that this was a circumstances that you would
28 have to deal with because of the fact that you had received this substantial
29 sum of money from somebody in circumstances, what steps did you take to ensure
12:55:00 30 that you would be able to satisfy anybody who made inquiry of it later, that

12:55:04 1 this was perfectly above board?

2 A. I think, I don't know what, there was no provisions that made it then but I do

3 recall it, but I suppose for the very fact that I lodged it into Allied Irish

4 Banks which is one of the biggest banks in the country and one of the busiest

12:55:22 5 banks in the country, showed that I wasn't hiding it.

6 Q. 343 Fine. But the manner which you lodged it was such that it was combined with

7 other funds and was therefore unidentifiable as being the contribution made by

8 Mr. Kilrowe, isn't that right?

9 A. No. Mr. O'Neill, if I had thought getting 8,000 plus or minus in Manchester in

12:55:44 10 1994/1995 season was to cause all the grief it caused me, I would have given it

11 back to Mr. Kilrowe.

12 Q. 344 I appreciate that?

13 A. Or I would have brought it home and photographed every bit of it so I could

14 have given you all the evidence.

12:55:56 15 Q. 345 No, no I am quite sure in between those two extreme, Mr. Ahern, there is a

16 system that at a minimum if you were conscious of there being any risk involved

17 you would, at a minimum write a letter to Mr. Kilrowe and his association if it

18 had any formal status, if informal a personal letter to Mr. Kilrowe,

19 acknowledging receipt of the generous gift, quantifying the amount of the gift

12:56:21 20 that he had given you and thanking him, profusely I assume for the fact that he

21 had been so generous and also asking to convey your good wishes to the other

22 members of the party who had been contributors to that, because if I suggest to

23 you that short of that, baldly speaking, one has a businessman giving a

24 minister a large sum of money in cash, isn't that right?

12:56:44 25 A. That's it, but Mr. O'Neill if I thought it was going to arise, if I ever

26 thought I was going to be sitting here there is a whole lot of things I

27 wouldn't have done, not that they were wrong or right, just that it would be

28 easier not to. But to be quite honest and I think you would accept this,

29 because you have been asking me to accept things for the last two days, you'd

12:57:04 30 accept that if I thought it was wrong I wouldn't have went down and lodged it

12:57:09 1 in the Main Street of the capital of the country in one of the biggest banks,
2 that surely showed I wasn't hiding anything or ashamed of it. It was a
3 generous contribution from people.

4 Q. 346 As much as that shows could I suggest, Mr. Ahern, is that you had to spend the
12:57:24 5 money in some form, it was lodged with other funds. It was blended funds, its
6 impossible to identify whether it formed part of this lodgement at all, from a
7 banking point of view, I am talking strictly about banking, if you are
8 suggesting that by lodging the money to a bank with a bundle of other cash so
9 as to amount to a sum of almost 25,000 pounds, I don't know that that would
12:57:46 10 assist in establishing the legitimacy or otherwise I have to say, of the
11 lodgement, would you not accept that?

12 A. All I was trying to, I wasn't trying to do that. I didn't expect, there was no
13 Ethics in Public Office Act, there was no legislation, the point was I lodged
14 the money. I might have sent Mr. Kilrowe back a handwritten acknowledgement, I
12:58:09 15 might have, I don't think I did that, but I certainly I don't think I would
16 have sent him back a note and wrote thank you very much for, you know, so and
17 so, I have just counted it, I don't think I would do that. What happens
18 nowadays you just, what's happened since 1995 and you said earlier correctly,
19 you don't do this and maybe I shouldn't have done it then, it was for that
12:58:33 20 reason when that controversy came up I contacted the Kilrowe family and
21 apologised for putting them all over the Manchester papers I am sure they
22 weren't worried about the Irish ones.

23
24 And Mrs. Kilrowe, I asked her for the nominated charity of Tim and I paid the
12:58:58 25 money full back with interest and paid it entirely back so that at least on my
26 own conscious I paid it back.

27 Q. 347 But why is it a conscious issue, Mr. Ahern, you have told us ...

28 A. Because I caused the family a lot of grief, Mr. O'Neill.

29 Q. 348 I see.

12:59:06 30 A. Tim Kilrowe is long dead and Mrs. Kilrowe had to read all about this across the

- 12:59:14 1 Manchester Standard.
- 2 Q. 349 What in the slightest way could be in anyway adverse to the fact that her
- 3 husband was one of a number of parties who apparently made a cash contribution
- 4 to you for your good efforts on behalf of the Irish community to that point in
- 12:59:29 5 time. There is no approbium or concern that would arise if that was the
- 6 factual position, isn't that right?
- 7 A. Yeah.
- 8 Q. 350 The only way in which it could be damaging to them is if it was to transpire at
- 9 some stage that somebody established that this was not in fact what say it was,
- 12:59:46 10 but that it was some form of improper payment in which case of course the
- 11 consequence of that would be the fact that the donors would find themselves
- 12 being questioned in some way?
- 13 A. Yes.
- 14 Q. 351 But that hasn't happened.
- 12:59:57 15 A. No I would see, that doesn't remove a widow taking upset when something is
- 16 raised, Mr. O'Neill.
- 17 Q. 352 I see. The money then, the cash is in the denomination you have mentioned, it
- 18 has been received by you, probably in the month of September and I think we
- 19 know that we are talking about a lodgement which took place on the 11th October
- 13:00:20 20 1994, are you suggesting that the money was put into your safe and kept in cash
- 21 form for a number of days or weeks or what have you?
- 22 A. Its definitely put into my safe and kept for a number of weeks. I can't be
- 23 sure if it was from April or whether it was from September or August.
- 24 Q. 353 April?
- 13:00:39 25 A. I just can't be sure.
- 26 Q. 354 But did you not lodge the money as soon as was practicable having returned to
- 27 Ireland?
- 28 A. No, I don't think so.
- 29 Q. 355 You don't think you did?
- 13:00:47 30 A. I don't think I did.

- 13:00:48 1 Q. 356 Is there any reason why, having received this money, that you would not have
2 immediately put it into a bank rather than putting it into your own safe?
- 3 A. No, I don't, I mean as you know from my practice I wasn't going in and out to
4 the bank every day, I wasn't in that often into the bank in O'Connell Street.
- 13:01:06 5 Q. 357 Well you had a facility apparently where the bank were prepared to send
6 Mr. Murphy to you to collect the money in the event that you wanted him to do
7 so?
- 8 A. I think he did that on at least two occasions.
- 9 Q. 358 Yes. You had that facility, it didn't involve you inconveniencing yourself to
10 go to a bank, because had you wished to lodge this money at any time, a phone
11 call would have resulted in Mr. Murphy coming to collect it from you, isn't
12 that right?
- 13 A. But I don't want to think, Mr. O'Neill, it wasn't 800,000 that I had and I was
14 afraid the safe would blow up.
- 13:01:42 15 Q. 359 No.
- 16 A. It was 8,000. Let's be frank about it, it was no big deal. It was no big
17 deal. If I had used that to the next match or may be back and forwards a few
18 times and then lodged it with the other money when I did get it at the end of
19 September, that to me seemed exactly what I would do.
- 13:02:01 20 Q. 360 If, are you suggesting that is what you did with it now that you kept that
21 money in your safe, that you visited England on a number of occasions over a
22 number of months and then you lodged the money?
- 23 A. I could have used it. If I had it from April I could have been back over once
24 or twice. If I had it from September or August I might have used it, taken
13:02:25 25 some of it once or twice.
- 26 Q. 361 I can appreciate, Mr. Ahern, that the range of possibilities is immense if one
27 moves out the timescale between the delivery of the money and the lodgement of
28 that money to the bank, but what I am asking you about is what you actually did
29 in relation to the receipt of these monies, which as far as I understand so far
13:02:47 30 you can date to a particular time and you then lodge it. We know one thing is

13:02:53 1 an absolute certainty, its lodged on the 11th October?

2 A. Correct.

3 Q. 362 Are you saying that you may have dipped into that fund from time to time over

4 the months that may have elapsed from the time you receive it had, or are you

13:03:09 5 saying you received the money, you lodge it had with other funds that you had?

6 A. I can't be sure. But it would seem to me, in my, what I would do is if I was

7 back over again I would use some of that money again or perhaps if I was

8 lodging it I held back some of it, or may be if I had some other sterling I

9 would have lodged with it as well. I cannot be sure. You are asking me what

13:03:30 10 did I do on the 11th October 1994, Mr. O'Neill.

11 Q. 363 I am asking you really --

12 A. To the best of my recollection the Manchester money, whatever I had there of it

13 and may be some of the other sterling I had and the money I got from four

14 friends I lodged.

13:03:45 15

16 CHAIRMAN: All right, Mr. O'Neill, its gone one o'clock. If, if the in an

17 effort to conclude Mr. Ahern's evidence today would it be useless to sit at ten

18 to two.

19

13:03:56 20 MR. O'NEILL: Absolutely.

21

22 CHAIRMAN: Does that suit you Mr. Ahern.

23 A. Can I ask, Chairman, the Prime Minister of Iceland who I was meant to be with,

24 because originally I was meant to do two half days and then it went to two full

13:04:07 25 days, and we sat late yesterday, do I take it we do finish at four today

26 because I would just like to know.

27

28 CHAIRMAN: Well if we sit at ten to two, I don't know how long Mr. Maguire will

29 be.

13:04:18 30

13:04:18 1 MR. O'NEILL: I am prepared to sit as long as is required to complete the ...

2

3 CHAIRMAN: But Mr. Ahern indicated that he has to be gone at four.

4 A. I'd like to be. If I can't be, I can't be but ...

13:04:27 5

6 CHAIRMAN: Is there some prospect if we sit at ten to two that we would finish
7 at around four o'clock.

8

9 MR. O'NEILL: I think probably unlikely frankly.

13:04:37 10

11 CHAIRMAN: All right. We will see Mr. Ahern how, we will review it, we will
12 sit at ten to two and review it at closer to four o'clock.

13

14 **THE TRIBUNAL THEN ADJOURNED FOR LUNCH**

13:04:52 15

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THE TRIBUNAL RESUMED AS FOLLOWS AT 1.50 PM:

13:04:52 1
2
3 MR. O'NEILL: We were dealing, Mr. Ahern, though morning with --

14:00:57 5 MR. MAGUIRE: Chairman, before you resume the questioning, a matter has arisen
6 in relation to the question of the time available for the conclusion of this
7 sub module, I do have a submission to make in respect of it.

8
9 We were told before lunch by Mr. O'Neill that he would sit to the end of the
14:01:14 10 day and I assumed to finish this sub module, this witness I should say. We are
11 now told, as I understand it, that this will not finish today and not alone
12 will it not finish today, will it not finish in another day to be added on to
13 today and another day to be added on to that.

14
14:01:38 15 Now, we find ourselves in a position, the Taoiseach finds himself in a position
16 where it has nearly become impossible to plan his availability for this
17 Tribunal. The position in relation to that, and I think that the Tribunal
18 should note this is, that when the sub module was opened on the 13th July, we
19 were told at that stage that it was to question these foreign exchange
14:01:58 20 lodgements, the lodgement that is had been mentioned here today and are the
21 subject matter of the Taoiseach's evidence.

22
23 In the knowledge of that and in the knowledge of the documentation and in the
24 knowledge of the witnesses that are required, the first listing of the
14:02:13 25 Taoiseach's evidence was for the 26th and the 27th of July, but not for the
26 whole day on either day, in fact it was the afternoon of the 26th of July and
27 the afternoon of the 27th July, which was to be shared with another witness,
28 Mr. Brian Crowley.

29
14:02:32 30 The Taoiseach cleared his diary for that week and made himself available. It

14:02:38 1 became apparent, because of the length of time taken with the bank witnesses by
2 the Tribunal that it wasn't going to be possible to conclude the business of
3 the Tribunal in the way that it had been set out in the list of witnesses. On
4 that basis we wrote to the Tribunal and indicated that the Taoiseach would be
14:02:57 5 available, as a witness on either last week or this week and indicated two days
6 on which he might be available.

7
8 On the basis of those indications it was agreed between us that whilst it would
9 no longer be just two afternoons, it would rather be a question of two days,
14:03:18 10 possibly two days, and we wrote on the 17th August and I quote from the letter
11 "Following discussions between my colleague, Ms. Breda Dwyer and your good
12 self, I note it has now been arranged that the Taoiseach's evidence will
13 definitely be taken on Thursday 13th September next. He will also make himself
14 available for a portion of the following day, in the event that his evidence is
14:03:40 15 not concluded on the first day. I note that such scheduling is now reflected
16 on your website and my client has proceeded to organise his diary on that
17 basis."

18
19 What happened then and its clear what happened the Taoiseach is now in excess
14:03:54 20 of seven hours in the witness box and yesterday, which was devoted, and this is
21 the Tribunal's organisation not ours, to what you yourself described, Chairman,
22 as the process being gone through by Mr. O'Neill was because of the fact that
23 there has been "criticism or implied criticism", and I quote that, of the
24 Tribunal for delays.

14:04:17 25
26 Be that as it may, we didn't object to the question of going through those
27 particular matters, however they did take five hours. We were advised
28 yesterday that the matter would definitely be concluded today. In earnest of
29 that the Taoiseach agreed to sit until 5 o'clock yesterday as a witness and it
14:04:42 30 is a testing time for anybody in the witness box and to sit for that length of

14:04:44 1 time.

2

3 We assumed that in those circumstances that the business of the Tribunal would

4 be conducted in such a way and such an efficient manner that the matters which

14:04:52 5 were originally set out for less than two afternoons, would be concluded in two

6 full days. Before lunch we were told that in order to achieve that objective

7 Mr. O'Neill would sit as long as it takes, he was prepared to wait as long as

8 it took today or would remain for as long as it took today to do that.

9

14:05:10 10 Over the lunch break, whatever has changed, we are suddenly told that there is

11 now a question of sitting or asking for a further full day and on inquiry as to

12 whether the business of the Tribunal in relation to this sub module will be

13 concluded in that full day we were told no. I should say its to do with the

14 availability of the witness not the sub module, it's the conclusion of Mr.

14:05:32 15 Ahern's evidence, we were told no, there couldn't be any guarantee given that

16 it would finish in one full further day.

17

18 Now, we can't at this stage understand why it is not possible to prioritise the

19 questioning of the Tribunal in relation to this witness, who has made himself

14:05:52 20 available, who has altered his diary, who has done his best to cooperate with

21 the Tribunal in relation to the hearing of his evidence and to prepare, and the

22 preparation obviously takes time as well and to so order his diary which is not

23 just his diary, its a public diary.

24

14:06:13 25 In those circumstances we find ourselves extremely frustrated in trying to

26 organise the Taoiseach's business for his appearance here in the Tribunal. If

27 I can suggest that perhaps we would sit as long as it takes today or if needs

28 be tomorrow, that the matter can be concluded on that basis.

29

14:06:33 30 CHAIRMAN: Well can I just say firstly, that it had been the intention and

14:06:38 1 belief on the part of the Tribunal that two full days this week would have
2 concluded Mr. Ahern's evidence. That hasn't happened, and you well know from
3 not just the Tribunal, but court work, its impossible often where there is a
4 lot of evidence involved, to identify with any precision the length of time a
14:07:02 5 particular witness or a particular case will take.

6
7 The reason why we instructed the Tribunal solicitor to approach your solicitor
8 during the lunch break was because of our understanding from what Mr. O'Neill
9 had indicated before lunch, I think you have a slightly different indication,
14:07:24 10 and you may well be right, I don't know, was that it was our understanding that
11 even if we were to sit late today that we were not going to conclude the
12 evidence, and it was on that basis that your solicitor was approached with a
13 view to identifying some other day which would be suitable to Mr. Ahern, and we
14 are perfectly prepared to sit on a day that suits him.

14:07:50 15
16 Its my understanding that one full day possibly sitting somewhat late would
17 probably conclude the evidence and that would be our expectation. But its
18 really beyond our control to, and I mean things happen, issues develop in the
19 course of evidence and its really impossible to state with any degree of
14:08:18 20 precision when a witness is going to end.

21
22 We have done our best to ensure that it would end today. Mr. Ahern has
23 indicated that he has an appointment at four o'clock. The suggestion I think
24 was between the solicitors was that rather than cause him to miss that
14:08:36 25 appointment, given that we were not going to finish today that we would sit
26 until four o'clock and then choose another day which was suitable to Mr. Ahern
27 and yourselves and we will make every effort by possibly starting a little
28 earlier and sitting somewhat later to finish on that day.

29
14:08:54 30 That's really the best, but this is a process that has to, once its started it

14:08:59 1 must be concluded and must be concluded properly. And in fairness to Mr.
2 Ahern, he must be -- he can't be rushed in the same way as we don't propose
3 rushing Mr. O'Neill or indeed yourself when you come to cross-examine.
4

14:09:16 5 MR. MAGUIRE: Chairman, I understand exactly that there is uncertainty as to
6 the length which a witness may take, but in this particular instance, bearing
7 in mind that the evidence that we are talking about is extremely specific to
8 the four lodgements that have been identified, and bearing in mind that the
9 initial estimation by the Tribunal counsel in relation to this matter was that
14:09:41 10 they were to be finished in less than four hours, there was the second
11 afternoon was to be shared with another witness, we have moved from that now to
12 a situation in which we will be going into a third day.
13

14 And in my submission, that contrary to the normal situation, the length of time
14:09:56 15 taken with the witness is entirely within the control of the Tribunal counsel
16 and --
17

18 CHAIRMAN: Well it is, but there must be some allowance for the amount of
19 detail that is necessary to go through and the amount of ground that has to be
14:10:12 20 covered, so it can never be said that counsel has complete freedom to cut short
21 issues, certain issues have to be dealt with and dealt with fully. Mr. Ahern
22 made a lengthy statement yesterday morning in which some new material was
23 introduced, or new information was introduced. And while I don't in anyway
24 suggest that he is responsible for us not, that that statement is responsible
14:10:37 25 for our not finishing today, but these things have happened and they are part
26 and parcel of the length of time this matter will take.
27

28 So I think we would be better spending our time in trying to identify another
29 day when we can sit until 4 o'clock and we can then hopefully come back by, on
14:11:03 30 another day and by starting early and sitting late he will endeavour to finish.

14:11:09 1 MR. MAGUIRE: Only one matter before we embark upon that, I think Mr. Ahern's
2 statement took 15 minutes yesterday.
3

4 CHAIRMAN: No, no, I'm just saying -- I am not suggesting for a minute, there
14:11:19 5 was 15 minutes, there was some new material, that has to be considered by the
6 Tribunal. And that can in itself lead to further questions. I am just saying
7 these things happen. I am not criticising Mr. Ahern for that, I am just saying
8 when you are planning or when you are scheduling witnesses you can't often do
9 so with great precision.

14:11:44 10

11 MR. MAGUIRE: But the first question about the lodgement started at 12.20.
12

13 CHAIRMAN: Mr. Maguire, the first question about the lodgement started
14 yesterday at quarter to 11. It did not start today. I mean we are absolutely
14:11:58 15 satisfied that the questioning that was conducted by Mr. O'Neill yesterday was
16 absolutely appropriate and absolutely essential.
17

18 Q. 364 MR. O'NEILL: Mr. Ahern to resume, before lunch we were talking in particular
19 about the monies which you had received physically from Mr. Tim Kilrowe and you
14:12:20 20 have indicated to the Tribunal now that to the best of your knowledge it was in
21 50 pound English notes, 50 pound sterling notes, isn't that right? I think
22 that in effect is probably the result of some further considerations by you of
23 what the composition of the fund was, because to date I think its correct to
24 say you weren't able to particularise the denomination of the money other than
14:12:45 25 to say that it was large notes, isn't that so?

26 A. Yes. That's my, to the best of my ability, Mr. O'Neill.

27 Q. 365 Yes.

28 A. At this stage, to remember. I think it was 50 pounds. Maybe there was others,
29 as I said before lunch not to go over it again, I would have held that for some
14:13:08 30 time, I could put in some other money in sterling I had, I could have taken out

14:13:13 1 some other money in sterling, I assume --

2 Q. 366 Mr. Ahern, I am trying to establish insofar as we can with any degree of

3 certainty, the extent to which you received a particular fund from Mr. Kilrowe.

4 I know that we can discuss and will discuss in just a moment or two the

14:13:29 5 question of whether you added or subtracted from that, but we have to start

6 from the base point of what it was that you were given in the first instance,

7 and the extent to which we can establish that is dependant upon whether or not

8 firstly, you agree or otherwise with the proposition that your evidence this

9 morning was what you received was 50 pound notes. Now, can I ask you that

14:13:51 10 question, are you satisfied that what you received on the occasion in the

11 envelope was 50 pound notes?

12 A. To the best of my recollection.

13 Q. 367 Fine.

14 A. As I said previously they were large notes. If you are asking me was there

14:14:04 15 anything else in it, I at this remove, I cannot remember.

16 Q. 368 So you don't remember anything other than large notes which you believe to be

17 50 pound notes, isn't that right?

18 A. To the best of my recollection.

19 Q. 369 To the best of your recollection and equally, do you say that they amounted to

14:14:19 20 8,000 pounds in sterling?

21 A. Approximately.

22 Q. 370 Okay. Therefore we are talking about quite a sizable amount, physically, of

23 cash, isn't that right? Its 160 notes of 50 pounds each?

24 A. Yes, it's quite small in size as you know.

14:14:34 25 Q. 371 The English note as we know the size it is but 160 of them is a relatively

26 bulky exercise, isn't that right?

27 A. Relatively.

28 Q. 372 The more one goes down the scale of currency if one was talking about 20s you'd

29 be running into very large amounts of notes to come to that amount of money,

14:14:52 30 isn't that right?

- 14:14:53 1 A. Yes.
- 2 Q. 373 And having received that money as you did at the social occasion that it was in
3 the aftermath of the meal, you didn't open that letter until you got back to
4 Ireland, were you not curious as to what it might be, given the apparent bulk
14:15:08 5 of it, I suggest it had to be bulky to some extent?
- 6 A. No, I have already told you that I believed I looked at it when I came home.
- 7 Q. 374 No, I am asking were you curious as to its content or were you sanguine as to
8 what it might be and you were going to wait until some later stage to open it,
9 I am wondering that?
- 14:15:28 10 A. Perhaps I did, but I can't remember.
- 11 Q. 375 Okay. Now, you have the money in Ireland and you say you put it into your
12 safe, and do I understand from your evidence this morning that you say that
13 that sum may have been mixed with, added to, combined with, other funds that
14 were in your safe at the time?
- 14:15:46 15 A. Yes.
- 16 Q. 376 Yes. And does it follow from that that you had sterling amounts in your safe
17 independent of this amount?
- 18 A. Yes.
- 19 Q. 377 Were they of the same value? Was it a small amount of money or would you have
14:15:56 20 a large amount of sterling in your safe at the time?
- 21 A. I would always have some sterling because I go back and forward to matches in
22 England, and at that time in particular. So I always would have had some
23 sterling, not obviously of that size, but I would always have -- and when I
24 would come back obviously from a game, I would hold on to whatever I have, do
14:16:17 25 it today I would have 10s and 20s and 5s.
- 26 Q. 378 I am sure we all do, we keep our broken change and loose change?
- 27 A. Not broken change, loose change, the notes I bring back, I always hold on to
28 those.
- 29 Q. 379 Right. So they would be a number of, in a number of different currencies,
14:16:34 30 isn't that right?

- 14:16:35 1 A. No sterling.
- 2 Q. 380 Sorry, in a number of different denominations I meant to say to you.
- 3 A. Yes.
- 4 Q. 381 Sorry. But did you actually then take out the money out of the envelope and
- 14:16:46 5 put it into some box of sterling or something, I would have thought you'd keep
- 6 the donation that you'd received from Mr. Kilrowe separate, but I may be wrong
- 7 in that?
- 8 A. Well no, I don't believe I would to be honest.
- 9 Q. 382 No. So you would have mixed it with another fund, would that have been
- 14:17:03 10 exclusively sterling or would you have mixed it with a fund that would have
- 11 included Irish pounds as well, so you simply had bundles of cash of mixed
- 12 currencies in your safe?
- 13 A. I could have done. Yeah.
- 14 Q. 383 Well I am just wondering whether it was sorted --
- 14:17:15 15 A. Well I think more likely that I would keep the sterling together. If you asked
- 16 me what would I do today, I would keep my sterling together.
- 17 Q. 384 But you are managing what's in your safe I take it, you know what's what when
- 18 you go to it, you must know whether you kept your sterling separate from your
- 19 other currencies?
- 14:17:29 20 A. Yes.
- 21 Q. 385 And then this sterling amount as regards the expenditure of it, do I understand
- 22 from what you say today that you did not lodge the money at the first
- 23 opportunity available to the bank, but you left it in the safe for a period of
- 24 time, the duration of which you are not capable of recollecting at this point
- 14:17:52 25 in time?
- 26 A. To the best of my recollection.
- 27 Q. 386 To the best of your recollection. Is it the case that equally all of the money
- 28 that you received from England in this presentation did not find itself in the
- 29 bank insofar as you spent some of it, is that right?
- 14:18:07 30 A. I would say I did.

- 14:18:08 1 Q. 387 You would say you did. Does that mean you did as far as your best
2 recollection?
3 A. What I might have done when I lodged it, I think I probably did, if it was some
4 of my colleagues believe that it was late April, I certainly would then have
14:18:20 5 used some of it, even if I didn't perhaps I held some of it before I lodged it.
6 Q. 388 Okay. If it was late April, it would mean that you kept that money for almost
7 seven months before lodging it, isn't that right, if you received it in late
8 April?
9 A. Well late April to early October is five months.
14:18:39 10 Q. 389 Okay six and a half is it, six months whatever, but is there a reason to lodge
11 it at all if your habit is to keep it in cash? I am just wondering what
12 prompted lodging the money if you have had it for the best part of six months
13 in your safe, why change?
14 A. The money I was saving from 1986, I didn't lodge until April 1994 so that --
14:19:02 15 Q. 390 But do you have any recollection or are you at large on the question of whether
16 you lodged it immediately after you received it and by immediately I am talking
17 about the first day the banks were open?
18 A. No definitely not.
19 Q. 391 You have a clear indication --
14:19:23 20 A. I would be quite happy that I had it for some time, how long I can't be sure.
21 Q. 392 Right. Weeks or months but not hours or days if you are making that
22 distinction, isn't that right?
23 A. Definitely, yes.
24 Q. 393 And then, and I am only dealing now with what you lodged, you say that the
14:19:30 25 money that you lodged insofar as its sterling, wasn't necessarily all of what
26 Mr. Kilrowe had, it could have been less because you would have spent it over
27 time, is that right?
28 A. Yes, or it could have been more because I just added in some of my own.
29 Q. 394 Or it could have been more, right. And then as regards making the lodgement on
14:19:49 30 the particular day, do you remember whether you made that lodgement in a

- 14:19:58 1 particular form? In other words do you remember if Mr. Murphy came to you or
2 you went to Mr. Murphy?
- 3 A. I can't. I think we looked at that previously, I think I said on that occasion
4 I went to Mr. Murphy.
- 14:20:09 5 Q. 395 Well I am trying, as you will appreciate, Mr. Ahern, at this point in time to
6 take your evidence now for the purpose of the Tribunal. I am expecting that in
7 the responses you now give that each one of them will be your best considered
8 response from the knowledge you have gleaned over the period of time, the past
9 number of years, since this inquiry has started, and certainly reliance isn't
14:20:32 10 necessarily going to be placed on earlier communications you have had, do you
11 understand? I'd like to find out now what exactly --
- 12 A. I think I went to Mr. Murphy.
- 13 Q. 396 You think you went to Mr. Murphy, he would have been in the bank in O'Connell
14 Street, 37/38 O'Connell Street, isn't that right?
- 14:20:49 15 A. Correct.
- 16 Q. 397 And having gone down there, there is reference to there being an Irish pound
17 element of the lodgement, we know that?
- 18 A. Yes.
- 19 Q. 398 We know for certain that the lodgement represented by the Irish pound value
14:21:03 20 24,838.49 pounds, isn't that right?
- 21 A. That's correct.
- 22 Q. 399 And are you still of the view that the composition of that lodgement was both
23 sterling and Irish?
- 24 A. Yes, I am of that view.
- 14:21:13 25 Q. 400 And you now say that the sterling element could comprise the money you received
26 from Mr. Kilrowe and other funds, is that right?
- 27 A. Yes.
- 28 Q. 401 And in a the money that was represented by the Irish contribution was 16,500
29 pounds which was the money provided by your Irish friends by way of a goodwill
14:21:35 30 loan to you, is that right?

- 14:21:37 1 A. To the best of my recollection.
- 2 Q. 402 Right. Those Irish friends being Mr. Carrew and his associates and you
3 indicate the precise sums that each one of those contributed towards that fund,
4 is that right?
- 14:21:52 5 A. Yes, yes.
- 6 Q. 403 So do you see any other Irish funds, other than the Carrew second, the Carrew
7 and friends monies being part of the 24,838.49 pounds?
- 8 A. I could possibly, when I tried to put all this together back after the end of
9 1994, I certainly remembered, obviously remembered the Carrew funds and to the
10 best recollection of me and them that comes to 16,500, I can't be certain that
11 that's not 16,400, I can't be certain its not 16,600, I can't be certain I
12 didn't put in a few hundred or take out a few hundred, I can't recollect that
13 at the remove of 13 years.
- 14 Q. 404 So do you think at this point now, throwing your mind exclusively to the 16,500
15 pounds that is the second goodwill loan, do you have any doubt but that that
16 was the total amount of the loan, 16,500?
- 17 A. Having discussed it with the individuals I believe 16,500 to the best of their
18 recollection and mine is what I received, whether I lodged all of that or
19 lodged a bit more with it, I cannot recollect.
- 14:23:11 20 Q. 405 Right. And when did you first give consideration to the fact that you may have
21 lodged an additional sum in Irish pounds over and above the 16,500 pounds that
22 is represented as you say by Mr. Carrew's and the others' contributions?
- 23 A. Well I just can't be certain. You want me to be certain how much I lodged and
24 I cannot be certain how much I lodged.
- 14:23:34 25 Q. 406 Okay. Well can we review the manner which you provided the information to the
26 Tribunal at, over the period of time that has elapsed since the inquiry
27 started? Because I am suggesting to you that the account of events that you
28 gave initially didn't contain those reservations as regards the Irish element
29 of the lodgement, and perhaps it might be simplest if I just went through the
14:24:02 30 versions, the accounts of events as articulated by you, through Mr. Peelo and

14:24:11 1 in correspondence from your solicitors and in the interview which you attended
2 with me in connection with the make up of the 24,838.49 pounds.

3
4 Firstly, if we might look on screen at page 17837? Which is the statement that
14:24:37 5 was provided or report provided by Mr. Peelo. And on this occasion you will
6 see that the break down is as follows, well I will deal with both the sterling
7 and the English amounts so as we don't have to revisit these documents again.

8
9 In paragraph A: "At the end of the dinner unsolicited by Mr. Ahern he was
14:25:02 10 presented with a cash of circa sterling 8,000 made up by individual
11 contributions from the attendance. There is no list of contributors in this
12 regard" then Mr. Kennedy one of the Manchester businessmen involved and Senator
13 Kett who attended the dinner can confirm the following.

14
14:25:16 15 "The expect amount of sterling cash is not known. At the then sterling/punt
16 exchange rate of 0.9883, the sterling equivalent of Irish 7,938.49 was circa
17 sterling 7,445.61. Note: Irish 7,938.49 plus 16,500 equals 24,438.49. The
18 balance of Irish 16,500 in the lodgement was made up as follows." And it's
19 broken down as between the four individuals, isn't that right?

14:25:57 20 A. Correct.

21 Q. 407 Its immediately apparent from this of course that these figures do not coincide
22 with the lodgement which is made because Mr. Peelo's figure 24,438.49 pounds is
23 wrong, the actual lodgement was 24,838.49 pounds and his additions are
24 consequentially entirely wrong as well, isn't that right? And also the rate of
14:26:24 25 exchange, I think you'll accept from me is not the rate of exchange that was
26 applicable on the day, isn't that right?

27 A. Yes the calculation is wrong.

28 Q. 408 The calculation is wrong but its based upon an incorrect rate of exchange for
29 sterling that day amongst other things I suggest, you may not know that?

14:26:40 30 A. I don't know what the rate is.

- 14:26:41 1 Q. 409 Okay. But in any event on this account of events you are talking about
2 approximately 8,000 pounds in sterling and we then go on to deal with the Irish
3 and the balance of the Irish is 16,500 and its clear I think from that account
4 of events that what is intended to be portrayed by you is that there were two
14:27:02 5 components only of the lodgement. One represented by the entire of the funds
6 given to you in Manchester and the other represented entirely by the funds
7 given to you in Ireland by your friends, isn't that so?
- 8 A. That's correct.
- 9 Q. 410 There is no indication of there having been monies spent out of the fund so as
14:27:18 10 to reduce the sterling element, and there is no indication of additional
11 sterling possibly being added to it from the contents of your safe, isn't that
12 right?
- 13 A. That's correct.
- 14 Q. 411 Equally in relation to the 16,500 there is no indication that that sum was
14:27:32 15 either reduced or improved upon by additional funds within your safe or
16 otherwise, isn't that right?
- 17 A. I accept that.
- 18 Q. 412 Now, I want to turn to the account then of the further report of Mr. Peelo
19 which is at page 19636, this was the addendum, the charts that were provided
14:27:57 20 the day before your interview was to start, and again we see here that in so
21 far as there is a break down of the figure of 24,838.49 it is split in the top
22 right hand corner into two elements, 16,500 plus 8,338.49, that is a report
23 prepared by Mr. Peelo shortly before the 5th April of this year and could I
24 suggest it represents what you indicated to him was the component parts of the
14:28:29 25 lodgement as of that time, isn't that so?
- 26 A. That's correct.
- 27 Q. 413 So Mr. Peelo is told by you that there were two elements and they are exactly
28 these two figures, isn't that right?
- 29 A. Correct.
- 14:28:38 30 Q. 414 It follows therefore that he, he wasn't told that there was any division or

14:28:43 1 addition to either the sterling or the other element, isn't that right?

2 A. That's correct.

3 Q. 415 And if we turn now to the contents of the interview that took place with the

4 Members of the Tribunal legal team at page 19751.

14:29:02 5

6 Question 267 "If we move then to the next payment which was some months later

7 in October, and this is the lodgement of the sum of 24,838.49 pounds. This was

8 put into a deposit account on the 11th October 1994, and again its a lodgement

9 which was made personally by you, it is made up of a number of components two

10 in all. Well an accumulation of cash, an exact sum 16,500.

11 Answer: Yes." Isn't that so?

12 A. Yes.

13 Q. 416 There is no question in that response of you qualifying it anyway to say it was

14 either added to or reduced, isn't that correct?

14:29:37 15 A. That's correct.

16 Q. 417 Question 268 "And then the balance it have being a sterling amount which was

17 translated so as to allow for that lodgement, is that the position?

18 Answer: That's the position.

19 Question: I think with all due respects to Mr. Peelo his addition is somewhat

14:29:51 20 off in figures here.

21 Mr. Peelo: I calculated it the wrong way around, I accept that.

22 Question: We might address that first by looking at the report?

23 Answer: In Mr. Peelo's report he says that the sum of 24,838. 49 represents

24 the total of two sums, 16,500 pounds Irish and 7,938.49 pounds Irish, in fact

14:30:13 25 he is out by about 400 pounds on that tot. The figure that's required to bring

26 it up to the 24,838 is - and there are calculations made on the basis of

27 figures.

28 Mr. Peelo: I accept that by the way, there is no argument after I saw it, it

29 was only the other day.

14:30:32 30 Question: So that we are not talking about an Irish punt figure of 7,300, or

14:30:38 1 7,938.49 we are talking about an Irish punt amount of 8,338.49, the figure is
2 8,338.49.
3
4 Now the 16,500 is made up of a composite of differing figures two lodgements of
14:30:55 5 two contributions of 3,500 pounds each and one of 5,000 pounds and one of
6 Mr. Dermot Carrew's of 4,500 pounds. I do understand that, Mr. Carrew was
7 effectively the organiser of that particular gathering.
8 Answer: Yes.
9 Question 271: We it came to making the lodgement, the lodgement was
14:31:16 10 accompanied by a sum which was a sterling sum and it brings it up to the total
11 that we see here, is that correct?
12 Answer: That is correct."
13
14 If we turn to page 19756, at question 301, in dealing with the sterling element
14:31:39 15 "And in any event it was an even amount in sterling as far as you're concerned?
16 Answer: It was, as far as I can recall it was 8,000 pounds."
17
18 Could I suggest, Mr. Ahern, that you were certainty point in time, both as
19 regards the figures and as regards the components of those figures, a lot more
14:32:01 20 certain than you are now and certainly you didn't bring into the equation any
21 variations of either sum, isn't that fair?
22 A. Well I think what I said in that interview, you showed it had earlier on where
23 I said circa 8,000 pounds.
24 Q. 418 Yes.
14:32:18 25 A. Can we go back to that on the screen?
26 Q. 419 Yes, certainly. We can firstly find a reference to it being circa 8,000 pounds
27 to the report at page 17837, in the second paragraph, 18A "At the end of the
28 dinner unsolicited by Mr. Ahern, he was presented with cash of circa sterling
29 8,000 made up of individual contributions." That was the --
14:32:48 30 A. Yes, it was circa 8,000.

14:32:50 1 Q. 420 But can I move forward now to page 19757 at question 309, I put the question to
2 you "I mean you are certain of two things, firstly you are certain of the fact
3 that 16,500 was the Irish contribution?
4 Answer: Yes.

14:33:07 5 Question: And you can identify precisely?
6 Answer: Dermot Carrew definitely gave me that.
7 Question: Yes.
8 Answer: And definitely I had Senator Tony Kett, he was with me and I told him.
9 Question: Yes."

14:33:22 10 Then if we look at question 313 "So whatever isn't represented by the 16,500
11 Irish.
12 Answer: Yes.
13 Question: Is the sterling amount?
14 Answer: Yes. How they did it in the bank I don't know.

14:33:35 15 Question: So you believe it to be an 8,000 pounds sterling?
16 Answer: Yes.
17 Question: Do you actually have a memory of it being 8,000 sterling or
18 thereabouts or --
19 Answer: I do because I rang Tim Kilrowe the following week, I didn't know what
14:33:51 20 was in it even though it sounds like you are going around with this you're
21 probably going around with that.
22 Question: You didn't count it out?
23 Answer: No. He did tell me it was a financial contribution to me."
24

14:34:04 25 I think on the answers to whether you did or did not count it out perhaps you
26 may wish to qualify that and say that you didn't count it out when you received
27 it.
28 A. That's right.

29 Q. 421 But you did subsequently count it out, isn't that right?
14:34:16 30 A. That's correct.

14:34:16 1 Q. 422 You have no doubt but that you counted it out, is that correct?

2 A. That's right.

3 Q. 423 With regard to the timing of the, well firstly perhaps I should just deal with

4 the question of your best recall as to the composition. In the course of the

14:34:55 5 extracts that I have just read to you of your interview and in the course of

6 the detail which is provided to you and in turn, sorry provided to the Tribunal

7 by Mr. Peelo on your behalf, there is no reference whatsoever to there being

8 any qualification of the fact that the 16,500 pounds represented the entire of

9 the Irish contribution. That situation has now changed as and from your

14:35:28 10 evidence today and it is evident in the statement which you gave for the first

11 time to the Tribunal yesterday when giving your evidence, isn't that so?

12 A. Yes. You said earlier on, Mr. O'Neill, that I am giving evidence and you want

13 me to give a complete ...

14 Q. 424 I do.

14:35:43 15 A. A complete picture. Well I said always the sterling I couldn't be sure what it

16 was, circa sterling 8,000 pounds, that was absolutely consistent throughout

17 that's what I said. I said in the interview with you that it was thereabouts,

18 your own words were thereabouts. If I used some of that in between I could

19 have used it, may be I didn't. I can't be certain, we are talking about the

14:36:06 20 autumn of 1994, but I am fairly certain I got 8,000 pounds, did I use some of

21 it, did I put in some of the sterling? The same with the 16,500 pounds, I mean

22 that is the best of my recollection. You are asking me a question, the last

23 lodgement I made to the bank last week would I be absolutely sure and certain

24 how much that was, I wouldn't be certain either. So if you asked me, as you,

14:36:32 25 when I read the text you want to be absolutely precise, can I say, can I be

26 absolutely precise it was exactly 16,500, I can't be, but I believe that's what

27 I received from the others. But the 8,000 its quite clear that it wasn't

28 exactly 8,000, as I said every where that it was circa 8,000. So that's my

29 best estimate it have, when the Tribunal was asking me to make up what that

14:36:58 30 lodgement was, that was my best estimate then.

14:37:00 1 Q. 425 Yes. I take it when you approached the question of answering questions at the
2 interview conducted by the Tribunal legal team, you were exercising exactly the
3 same considerations as you are today, that is you were giving it your careful
4 consideration as to your best recollection what the situation was, isn't that
14:37:19 5 right?

6 A. Yes to the best of my knowledge.

7 Q. 426 To the best of your knowledge. And it follows from that that the two versions
8 of events should be identical in terms. You should be able to say on this
9 occasion what you said on the last occasion, that is and I will just repeat
14:37:34 10 what you said on the last occasion, "there were two components only". That now
11 has been qualified so as to suggest there could have any any number of
12 different components being partly sterling additions, being partly sterling
13 expenditure so as to reduce the additional amount. There could be a partial
14 addition of Irish cash over and above the Carrew 16,500 pounds which was a
14:37:59 15 certainty, there could be expenditure out of those amounts as well. So that
16 there is no question of it being solely two components, whereas in April it was
17 the case, unqualified, that whatever the sums were, as regards sterling, one
18 thing was certain, the amount was 16,500 Irish and the shortfall between that
19 and the amount lodged was represented by the sterling balance.

14:38:25 20

21 I suggest to you that you said that in the clearest possible terms?

22 A. Yes and I am saying today in the clearest possible terms as well. But ask you
23 ask me to be absolutely precise, did I lodge every pound of the 16,500 and
24 circa 8,000 pound I think that's clear in itself, to the best of my knowledge
14:38:45 25 that's what I would do have done. But to be able to say 13 years on, I have
26 been asked this question, that I exactly put 16,500 never touched that, put in
27 8,000 with other sterling there, I never touched that, I can't be absolutely
28 certain on that, Mr. O'Neill, I cannot be.

29 Q. 427 But with respect, Mr. Ahern, you are not being asked for a difference in
14:39:06 30 recollection which took place between an account given 13 years ago as to these

14:39:11 1 events an an account given at the moment, you are being asked to explain why
2 there is a considerable I suggest, variation between what you said in April
3 this year and what you are saying in your evidence here today in September, and
4 that difference is and I don't intend to go through it in detail again, but I
14:39:28 5 suggest to you its perfectly obvious that on the first occasion the account
6 that you gave is not consistent with the second account which you have given
7 today and would you accept that?

8 A. I think there is very little difference. What I am saying is that I had 16,500
9 that's the best recollection of me and the Carrew Group, that it was 16,500.
14:39:51 10 Did I take a bit of that out, did I put something in? Maybe yes, maybe no. I
11 cannot be certain.

12 Q. 428 Yes.

13 A. The 8,000 sterling, well I was quite clear in April, I am not making any change
14 in that because I was saying it was around 8,000. The fact that I might have
14:40:09 15 put in a bit more or a bit less, I just cannot be certain. You are asking me
16 to be of a lodgement I made on the 11th October 1994, to be absolutely precise,
17 and I don't think anybody in this room, in this Tribunal attending here today
18 could make that absolute call and I can't.

19 Q. 429 Yes. And in relation to the variation in those accounts, has it anything to do
14:40:32 20 with the fact that certain of the figures that have been put to you in the
21 course of the interview would indicate that a lodgement of exactly 8,000 pounds
22 for example could not as a matter of certainty translate into the sterling
23 element of 8,338.49 pounds which would have been the figure initially put
24 forward in Mr. Peelo's report as being the sum which was your contribution, was
14:41:06 25 there any connection that?

26 A. I think Mr. Peelo, in fairness to him, as it happened he put in the figures he
27 reversed the figures, but he didn't either say to me that it was circa sterling
28 7,845.61, I was not able to be that precise, I cannot be that precise.

29 Q. 430 Very good.

14:41:27 30 A. If you ask me this, Mr. O'Neill.

- 14:41:29 1 Q. 431 Yes.
- 2 A. If following all of this, when I give my best recollections to the Tribunal,
- 3 that then people come back to me with decimal points to where there is 9,999
- 4 combinations and say it was precisely this it could be that, quite frankly I
- 14:41:50 5 never did that. I never did that. What I did was try give my best
- 6 recollection.
- 7 Q. 432 Yes that's all that was ever asked of you, Mr. Ahern, and its, and you tell us
- 8 that on each occasion when those requests were made of you, you responded in
- 9 the way in which you did and I am merely drawing to your attention apparent and
- 14:42:11 10 obvious inconsistencies between the account which you have given to date and
- 11 the evidence which you are giving in, before the Tribunal at present.
- 12
- 13 You indicate in your evidence today that the lodgement could have taken place
- 14 and probably did, weeks or months after the event, rather than days or hours
- 14:42:30 15 after the event, isn't that so?
- 16 A. And there is no change in that.
- 17 Q. 433 No change in that. Could I ask you to look at page 19755, where at question
- 18 288 you were questioned "Now this lodgement is made on the 11th October 1994.
- 19 Answer: Yes.
- 14:42:48 20 Question: I can't say at the moment what day of the week that is" in fact I
- 21 now know it to be Tuesday "I assume that it was the next available opportunity
- 22 for to you make a lodgement in cash in the bank, is that right?
- 23 Answer: Yes."
- 24
- 14:43:01 25 Now, that is entirely inconsistent with you having kept the money in your safe
- 26 for weeks or months before lodging it, isn't that right?
- 27 A. Its not, as you know from my records because you have been looking at them
- 28 Mr. Peelo, its quite clear to you that I do not make regular lodgements, its
- 29 quite clear to you.
- 14:43:18 30 Q. 434 The question I think was unambiguous, Mr. Ahern, it was to try to establish

14:43:22 1 when it was that the money was lodged in the account by reference to the date
2 upon which it had been given to you. If we go to the first question at the top
3 of the page there 287.
4

14:43:37 5 "So you brought it back to Dublin in sterling in the same format?
6 Answer: Yes.
7 Question: Now this lodgement is made on the 11th October 1994.
8 Answer: Yes.
9 Question: I can't say at the moment what day of the week that is, I assume
14:43:52 10 that it was the next available opportunity for to you make a lodgement in cash
11 in the bank, is that right?"
12 A. Yes.
13 Q. 435 Do you understand that to be anything other than to ask you how soon after you
14 had received the money and come back to Dublin with it that you lodged it to
14:44:07 15 the bank?
16 A. No. I wouldn't accept that.
17 Q. 436 You wouldn't accept that that is what --
18 A. No I wouldn't. I assume that was the next available opportunity for to you
19 make a lodgement in cash to the bank.
14:44:16 20 Q. 437 Yes.
21 A. And I don't assume, you are making assumption that that's the following day.
22 You know, Mr. O'Neill, because you have my records for about 20 years that that
23 is not the practice I followed, perhaps what you do in your practice is that as
24 soon as you have cash you go to the bank the following day, but you know from
14:44:34 25 my records that I never did that.
26 Q. 438 The next available opportunity you are suggesting means from your point of view
27 weeks or months after the event?
28 A. Yes because you know my practice in some cases it was years.
29 Q. 439 With respect, Mr. Ahern, I don't see that you need to personalise it towards
14:44:50 30 me. I don't know what your practice is.

14:44:52 1 A. Any individual.

2 Q. 440 I have benefited looking at certain of the documentation which exists and like

3 yourself I am confused at the end of the day by doing so, and in your instance

4 as we see, you are speculating as regards the vast amount of monies lodged to

14:45:10 5 your account because in your response to the queries raised on the 25th October

6 2005, as to 96 lodgements, in the majority of cases you were only able to offer

7 a belief that you believe that they may be the accumulation of funds, and you

8 have very little in that to indicate any pattern or sequence or logic to your

9 lodgements. Isn't that so?

14:45:34 10 A. Yes, because I was cashing my cheques for a period of years.

11 Q. 441 Yes.

12 A. And paying for the bills that I had in cash during that period.

13 Q. 442 Yes.

14 A. So in relation to, again back to Mr.

14:45:49 15

16 MR. MAGUIRE: Sorry, Chairman, I think in fairness to the witness if My Friend

17 is taking him through a sequence of dates and the date of the lodgement to

18 establish a date of the lodgement he should also read question 272.

19 Q. 443 Yes. I am happy to do so, if we can put that on screen please. I'll get the

14:46:11 20 page number. Page 19752.

21

22 For completeness I think it might be best if we start at question 271. "When

23 it came to making the lodgement, the lodgement was accompanied by a sum which

24 was a sterling sum, and it bring it is up to the total that we see here, is

14:46:35 25 that correct?

26 Answer: That's correct.

27 Question: As regards to the sterling sum, we're told that its the proceeds of

28 a Manchester dinner presentation made to you at the time. It's in and around

29 the 11th October, does that mean that the dinner took place probably in October

14:46:49 30 or at the end of the September or not?

14:46:52 1 Answer: I've tried you know, obviously in the diaries to pin down exactly the
2 weekend. At the time I'd been over a good few weekends, but it was a Friday
3 night probably at the very end of September or in the first week of October.

4 Question: Okay, and at the end of that again an unsolicited amount of money is
14:47:14 5 presented to you?

6 Answer: Yes."

7

8 MR. MAGUIRE: That's the part.

9 Q. 444 So does that assist you in any way or do you believe it clarifies the
14:47:23 10 situation, Mr. Ahern?

11 A. Well as I pointed out earlier on, there was some dispute on when the date is,
12 but I don't think the date actually matters.

13 Q. 445 Certainly, but insofar as one can look at it, it seems in a way to relate the
14 lodgement much closer to September/October, there is no reference to it
14:47:46 15 possibly happening in April or anything of that nature?

16 A. That's what I raised myself at the interview, but there is some of the people
17 with me who believe it was earlier, but I don't think it matters. I don't
18 think there is any material difference if there was earlier or late, I don't
19 think it changes the position.

14:47:59 20 Q. 446 Well with respect if it is earlier it allows for the proposition to be advanced
21 that because the money was in your safe for so long it could be spent or mixed
22 with other currencies or what have you, whereas if it was made in the days or
23 in the next available opportunity thereafter the chances of it being either
24 spent or diluted with other funds is reduced, isn't that how it could be
14:48:23 25 material. I am not saying it is material, but to suggest it isn't material I
26 suggest is incorrect?

27 A. Well, as I pointed out this morning, if it was at the end of a season it
28 wouldn't have mattered until the start of the next season so I would have been
29 back over in August and September, so it would have been just that period that
14:48:42 30 I would have been spending some of the money, if I did.

14:48:45 1
2 JUDGE KEYS: Mr. Ahern, I wonder can I ask a question from you, this may sound
3 somewhat irrelevant but can you remember who Manchester United were playing
4 that weekend?

14:48:55 5 A. I can't.
6
7 JUDGE KEYS: You can't.
8 A. I can't, because I would have been over to several matches.
9

14:49:00 10 JUDGE KEYS: Because it could be very easy to trace back then whether it was
11 October or April.
12 A. I tried that, but I think as you know Judge from the summer of '92 to the
13 summer of '97, United won the Championship every year except for the '94/'95
14 season so I would have been over to several of the matches, so I'm afraid it
14:49:21 15 wouldn't.
16
17 JUDGE KEYS: Even if you looked at the fixture list for '94 which would be on
18 the website?
19 A. I did look back, I would be a regular attender it wouldn't necessarily, it
14:49:33 20 wouldn't strike me.
21
22 JUDGE KEYS: That wouldn't assist you? I see.
23 A. No. I did look.
24

14:49:39 25 JUDGE KEYS: I see.
26
27 CHAIRMAN: Just to summarise what we have been dealing with for the last while,
28 can we take it that your statement in the interview that you lodged it at the
29 next available opportunity, while it clearly was understood by Mr. O'Neill as
14:50:01 30 being within a day or two of the following banking week, whether its Monday,

- 14:50:09 1 Tuesday or Wednesday, but that you saw, you saw, your statement to the effect
2 that the next opportunity might have been weeks away or months away?
- 3 A. I don't think months. I don't think months, Chairman. I think it could be
4 weeks.
- 14:50:23 5
- 6 CHAIRMAN: But you don't think it was within a couple of days?
- 7 A. No, no. Because in the normal course of events I, looking through my records
8 when I was making lodgements I didn't tend to do it on a weekly basis or just
9 after a salary cheque.
- 14:50:39 10
- 11 CHAIRMAN: All right.
- 12 Q. 447 MR. O'NEILL: In your account of events as represented by Mr. Peelo's report at
13 page 17837, the indication was given at paragraph C, the lodgement was made
14 personally by Mr. Ahern the AIB bank official who received the lodgement was
15 either Phillip Murphy or Jim McNamara, is that right?
- 16 A. That's correct.
- 17 Q. 448 Did you mean to say in that, that the money, lodged personally by you was
18 lodged by you with either Phillip Murphy or Jim McNamara?
- 19 A. Yes, they are the two officials I normally dealt with.
- 14:51:05 20 Q. 449 Yes. Could I suggest to you, Mr. Ahern, that you cannot have had dealings with
21 Mr. Jim McNamara because he has indicated and I think you agreed in the course
22 of your interview that you never had a dealing with Mr. Jim McNamara, you never
23 met with Mr. Jim McNamara at any time?
- 24 A. No. I had several dealings with Mr. McNamara, I never personally met him, it
14:51:48 25 was always on the phone.
- 26 Q. 450 Yes, how can you make a lodgement over the phone of cash with Mr. McNamara?
- 27 A. No. I never made lodgements over the phone. I'm not sure if you can do that
28 yet.
- 29 Q. 451 Sure. We will look again at paragraph C "The branch official who received the
14:52:03 30 lodgement was either Phillip Murphy or Jim McNamara". We know that you had

- 14:52:07 1 dealings with Mr. Phillip Murphy, he received monies from you, you acknowledged
2 that you never met with Mr. Jim McNamara though you had telephone dealings with
3 him, and I am again asking you how it is that if you made the lodgement
4 personally how that could have been received by the AIB bank official Jim
14:52:30 5 McNamara if you never met him, do you understand the question?
- 6 A. That's right, I never personally met him. That's if I did go in and I assume I
7 did go in, at other stages I asked people to go in, as you asked me this
8 morning. Sandra from my office had been in with Jim McNamara, had received
9 documentation from Jim McNamara, was putting the queries to Mr. McNamara, so if
14:52:55 10 I was in personally I didn't deal with Mr. McNamara, if somebody else was in
11 they did deal with Mr. McNamara.
- 12 Q. 452 I accept that was so, Mr. Ahern, but I am not making assumptions. The Tribunal
13 is receiving information from you in which you are setting out how this
14 lodgement came to be made. The Tribunal hasn't assumed that you personally
14:53:14 15 made this lodgement it has been told that by you "The lodgement of 24,838.49
16 was made personally by Mr. Ahern" that is unqualified in this report, isn't
17 that right?
- 18 A. Yes.
- 19 Q. 453 Yes. Is that correct, is it correct that you made the lodgement?
- 14:53:30 20 A. I personally don't remember making a lodgement but I have obviously, I remember
21 Mr. Murphy coming out to St. Luke's on at least two occasions, on that occasion
22 I don't remember going out so, I must have went in, or as sometimes I did, I
23 gave it to somebody else, but I came to the view on that one I probably went
24 in.
- 14:53:49 25 Q. 454 But if you did went in, go in, you couldn't have given the money to
26 Mr. McNamara because you never met him?
- 27 A. That's correct, that's correct.
- 28 Q. 455 Right. So in this account of events here that simply couldn't have happened in
29 so far as Mr. McNamara was no --
- 14:54:09 30 A. That's correct, that's correct.

14:54:10 1 Q. 456 So why did you say that in this statement?
2 A. I think because the two officials that I always dealt with were Phillip Murphy
3 and Jim McNamara and I think that's all that was.
4 Q. 457 So it was an error that happened to escape you when read Mr. Peelo's report
14:54:24 5 before it came to be furnished to the Tribunal is that what happened?
6 A. Well I think it was after that, wasn't it, that Mr. McNamara made the point
7 that he never met me and I didn't dispute that, in fact I don't know what
8 Mr. McNamara looks like, I never met, you know, so I can't tell you if I met
9 the man or not.
14:54:46 10 Q. 458 Yes, I appreciate that --
11 A. When he said he didn't meet me I accepted that.
12 Q. 459 Of course, yeah. But you didn't know that he was going say that apparently
13 until after this statement is prepared by Mr. Peelo, is that right?
14 A. I assumed over the years all the times I went to the bank that I had met
14:55:06 15 Mr. McNamara, but Mr. McNamara -- in fact he didn't say he didn't meet me, he
16 said he met me at some bank function but didn't actually meet me in business
17 and I accept that.
18 Q. 460 Now as regards the making of the lodgement, you were questioned in the course
19 of the interview about that, obviously in page 19755, we see at question 290.
14:55:25 20 "Question 290: And when you made this lodgement did you follow the procedure
21 of ringing the bank and saying that you would be down you were going make a
22 lodgement?
23 Answer: Yes or might have sent somebody down, sometimes I would have done
24 that.
14:55:36 25 Question: Do you think you mightn't have made the lodgement?
26 Answer: I don't recall making the lodgement.
27 Question: Yes.
28 Answer: And I've tried to check the papers in the bank to see if I made the
29 lodgement. I don't recall Phillip Murphy coming out to me and I don't recall"
14:55:54 30 then your attention is drawn to Mr. Peelo's report.

- 14:55:57 1 "Question: Right. Mr. Peelo's report dealing with this.
- 2 Answer: Mm-hmm.
- 3 Question: Says that the lodgement was made personally by Mr. Ahern.
- 4 Answer: Yeah well its normally on the bank sheets Phillip Murphy's name is on
- 14:56:10 5 it, its not.
- 6 Question: Well that's Phillip Murphy's side of things.
- 7 Answer: It is.
- 8 Question: Your own making of the lodgement.
- 9 Answer: I must have went in that's the only conclusion I can come to. I don't
- 14:56:22 10 recall."
- 11
- 12 But how is it, Mr. Ahern, that in giving the account of events that is
- 13 contained in Mr. Peelo's report that that can be consistent with you having no
- 14 recall of having made the lodgement at all?
- 14:56:35 15 A. Well I think its set out there saying that my practice was sometimes I went in
- 16 or sometimes I asked somebody else to go in, but I remembered Phillip Murphy
- 17 coming out to St. Luke's on a few occasions, I don't remember on that occasion,
- 18 so I assume that I went in.
- 19 Q. 461 Well then the appropriate response to Mr. Peelo's report to revert back to that
- 14:56:58 20 at 17837 at paragraph C, would have been that the lodgement was made to the
- 21 account of Mr. Ahern in circumstances in which Mr. Ahern has no recall as to
- 22 who made the lodgement, is that right?
- 23 A. Yes but I'm not disputing it. I am not disputing the fact that it looks and in
- 24 discussing this with Mr. Peelo at the time it looks in this case that I did go
- 14:57:25 25 in.
- 26 Q. 462 Yes. We are agreed on the facts, I am just wondering why it is that the
- 27 account of events being given to the Tribunal in that instance is incorrect at
- 28 a minimum?
- 29 A. Which bit is incorrect, that Jim McNamara?
- 14:57:41 30 Q. 463 The bits that are incorrect are firstly, that you can positively say that the

- 14:57:44 1 lodgement was made personally by Mr. Ahern, that's at the start of paragraph C
2 there?
- 3 A. That's the assumption that Mr. Peelo and I came to, that I did make the
4 lodgement, because if Mr. Murphy didn't come out and if I don't recall anybody
14:57:56 5 else going in, that I made the lodgement.
- 6 Q. 464 Mr. Ahern, Mr. Peelo cannot make assumptions as to what did you on a particular
7 day. He has to be relying on what you said to him and it was clarified with
8 your solicitor, extensively in correspondence that you were adopting this
9 particular report as being your account of events and that in the event that
14:58:18 10 there was any error between what was happening, between what was contained here
11 and what ultimately might transpire, that that was a matter which you would be
12 effectively responsible for and not Mr. Peelo, isn't that right?
- 13 A. Yes, that's correct.
- 14 Q. 465 Yes. So leave Mr. Peelo out of it for a moment and treat this as being your
14:58:38 15 account to the Tribunal as to how you came to make this lodgement which was
16 being questioned by the Tribunal, you are being asked very simply how it was
17 that it was made, who made it, who it was made to in the bank, we went through
18 that series of questions yesterday. It was capable of an answer insofar as you
19 knew the facts setting out the facts or it was capable of an answer which said
14:59:01 20 simply I cannot recall who this lodgement was made to.
21
- 22 You elected to respond to in terms where we see here the lodgement was made
23 personally. Now that, as you subsequently say, you cannot agree with because
24 you have no recollection whatsoever of those events, and that is something
14:59:19 25 which emerged for the first time in the course of the interview, isn't that a
26 correct summary of the circumstances?
- 27 A. Yes, Mr. O'Neill.
- 28 Q. 466 Now that being so what's the explanation?
- 29 A. I am trying to be helpful, I am trying to be helpful in doing the work for the
14:59:34 30 report, I won't mention Mr. Peelo, if that's a bad word. But I have done my

14:59:41 1 best to work out on these lodgements what happened in each of them and in this
2 one I came to the conclusion that I probably lodged it myself. I cannot recall
3 everything that I did on the 11th October 1994 and I do not recall that that
4 was a day that I walked into the AIB branch in O'Connell Street, but I do
15:00:01 5 recall being in the AIB branch in O'Connell Street and I do recall being there
6 with Phillip Murphy on a number of occasions. I thought I would have met Jim
7 McNamara but he made a point that I never actually met me. So you know I don't
8 know what the issue is, but if the issue is I should say just said I don't
9 remember anything about this and I don't remember the 11th October 1994 and I
15:00:23 10 don't remember anything to do with Phillip Murphy, I could have said that, but
11 I am trying to be helpful to the Tribunal.

12 Q. 467 But I mean if you'd said that it certainly would have been helpful to the
13 Tribunal, Mr. Ahern, because obviously it would mean that part of the
14 circumstances surrounding this lodgement were matters of which you had no
15:00:42 15 recall, notwithstanding that this is a significant cash lodgement of an amount
16 of some 25,000 pounds or so, certainly even today its a large amount, but in
17 those days it equated to probably half your salary, being lodged in cash on a
18 particular day, isn't that right?

19 A. I am not saying I have no recall of it, I am saying I remember how it was made
15:01:06 20 up, I'm saying I assume that I did lodge it. The only other assumption is I
21 gave it to somebody else, but I think the bank officials have said that I
22 called in that day and I probably did. I probably did.

23 Q. 468 But, Mr. Ahern, can I put the following to you? It would be most unusual if
24 somebody had made a lodgement of 25,000 pounds or thereabouts in cash in a
15:01:30 25 bank, that they wouldn't recall the fact of having done so, isn't that right,
26 would you agree with me on that?

27 A. No, I wouldn't agree.

28 Q. 469 You would disagree?

29 A. I wouldn't agree.

15:01:40 30 Q. 470 I see.

- 15:01:40 1 A. I wouldn't agree. I would remember that I lodged, I would lodge money at
2 different times but I wouldn't remember the precise issue whether I went in and
3 lodged a sum of money like that. I wouldn't recall that.
- 4 Q. 471 But in your life time, Mr. Ahern, how many times have you made a lodgement in
15:01:56 5 cash of 25,000 pounds in a bank or withdrawn it, can it be more than a handful?
6 A. Only a hand handful.
- 7 Q. 472 Yeah. In each of those instances, sure three would be a matter of significance
8 and if one was being asked about a specific lodgement, which you were in this
9 instance?
- 15:02:16 10 A. Yes.
- 11 Q. 473 You started to respond to the query of the Tribunal which was framed in terms
12 that this appeared to be a transfer of funds to an account on a particular day,
13 the amount and you had the date upon which it was made and based on that, that
14 would have eliminated any of the other significant, and I don't want to
15:02:42 15 particularly pry into dates or issues that are outside the timescale we are
16 talking about here, but that would have eliminated the majority of them, isn't
17 that right? There isn't another 25,000 pounds cash lodgement, when I use the
18 word 25,000 here I should say its only to avoid having to go through the whole
19 sequence of figures again, but of a figure of 25,000 odd, its not something I'm
15:03:08 20 suggesting, that you could forget having done, isn't that right?
21 A. No I'm --
- 22 Q. 474 Sorry. I interrupted you.
- 23 A. Sorry go on.
- 24 Q. 475 Sorry. Having remembered or having been brought to your attention that this is
15:03:21 25 the lodgement, could I suggest then that it is equally remarkable if one didn't
26 remember making that lodgement, do you understand?
27 A. Mm-hmm.
- 28 Q. 476 Do you agree with that?
- 29 A. No, I don't.
- 15:03:33 30 Q. 477 I see.

- 15:03:34 1 A. I don't. I recall Phillip Murphy coming out to St. Luke's on at least two
2 occasions and me giving him money to lodge and he taking away the money. I
3 recall other lodgements that I would have made, but I don't recall every
4 lodgement.
- 15:03:52 5 Q. 478 No and I'm not for a moment suggesting you should.
- 6 A. But to the best of my recollection I have narrowed down, you know, what -- I
7 have looked at the 11th October in my diary and there is, it was a Dail day,
8 there was a whole range of things, meetings, you have my diaries as well, no
9 doubt that you have looked at it. But you are asking me would I recall going
15:04:14 10 in? You know, it wasn't some huge day of my life that I was walking in and I
11 was going to remember forever more.
- 12 Q. 479 Well it was remarkable to this extent, Mr. Ahern, that you had 25,000 or
13 thereabouts in cash, and you had decided take the money from your bank, sorry
14 from your safe and put it for some reason in a bank account, isn't that right?
- 15:04:45 15 A. That's correct.
- 16 Q. 480 And as you have told us, your practice had been to keep large amounts of cash
17 in your safe, isn't that right?
- 18 A. Yes, over that period for the reasons that I explained.
- 19 Q. 481 All right. Now, is it possible that this was a lodgement made on this day by
15:05:01 20 Ms. Celia Larkin?
- 21 A. No, I don't believe it was.
- 22 Q. 482 You don't believe it to be?
- 23 A. My belief was that I made it, I just don't recall the event.
- 24 Q. 483 You see we see that she was at this point in time or shortly thereafter,
15:05:17 25 involved in the accounts, both of yourself in your name and also the accounts
26 that were subsequently opened in her name with your money, isn't that right?
- 27 A. That's correct.
- 28 Q. 484 We can see from page 19645, that Ms. Larkin was dealing with her own
29 transactions in the bank on that day, the 11th October 1994 in O'Connell
15:05:44 30 Street. She put through a lodgement of 800 pounds to her account, her

- 15:05:53 1 masterplan account on that day. Have you ever a recollection of being in the
2 bank with Ms. Larkin or is it perhaps purely coincidental that both of you were
3 in the bank on that day conducting your own affairs?
- 4 A. Well Celia Larkin's accounts are in that bank for I think as long as mine, may
15:06:14 5 be even longer.
- 6 Q. 485 Longer I think?
- 7 A. Sorry.
- 8 Q. 486 I think its longer?
- 9 A. Longer than mine, that's the bank that she deals in. I have been in the bank
15:06:23 10 with Celia Larkin.
- 11 Q. 487 Right.
- 12 A. But I can't recall being there on the 11th October, I can't recall being there
13 on my own, so I can't recall being there with her.
- 14 Q. 488 I see. You do know I take it, Mr. Ahern, albeit perhaps through the
15:06:37 15 documentation provided in the brief, that the lodgement of the particular
16 amount of 24,838.49 is represented by one lodgement docket to an RDC account,
17 isn't that right?
- 18 A. That's correct.
- 19 Q. 489 Yes. It doesn't indicate that it is made up of two sums, either large notes,
15:07:01 20 cash or otherwise, it is one composite sum, isn't that right?
- 21 A. That's correct.
- 22 Q. 490 And equally on the face of the document it doesn't indicate that it is a
23 sterling sum as to 8,000 or any combination, isn't that right?
- 24 A. That's correct.
- 15:07:15 25 Q. 491 We do see that some other documentation, in relation to the lodgement for
26 example of the 11,743.47 that that lodgement slip divided as between what you
27 now accept to be the 10,000 sterling and the Irish pound element the even 2,000
28 pounds, is that right?
- 29 A. That's correct.
- 15:07:41 30 Q. 492 And it shows the Irish amount. So that on the face of the document certainly

- 15:07:43 1 it doesn't assist in establishing whether there was a combination of monies
2 making up that lodgement, isn't that right?
- 3 A. That's correct.
- 4 Q. 493 Equally I think you are aware from having perused the bank documentation that
15:07:55 5 the bank keeps records of the foreign currencies which it transacts on a daily
6 basis in the Foreign Currency Held accounts, isn't that right?
- 7 A. That's correct.
- 8 Q. 494 I think from the Foreign Currency held accounts of the day upon which the
9 lodgement was made to your account in O'Connell Street on the 11th October
15:08:19 10 1994, the total sum of sterling lodged that day is the Irish punt equivalent,
11 or sorry the Irish punt amount of the sterling equivalent is 27,491.95 pounds
12 if we look to document 21285. I think its part of the documentation circulated
13 in the brief, isn't that right? You may not, I will remind you anyway of the
14 detail of it. You will see the narrative as its called, is in the bottom there
15:08:53 15 where it says STG, BN, which is sterling notes which were acquired by the bank
16 on that day, the 11th October 1994?
- 17 A. Yes.
- 18 Q. 495 I think you may have heard the evidence of the bank to the effect that the
19 average on taking a six monthly average of sterling transactions in which the
15:09:20 20 bank had taken in cash in sterling was approximately 2,000 to 2,200 pounds
21 worth in Irish terms of sterling on a daily basis, isn't that so?
- 22 A. Yes.
- 23 Q. 496 And consequentially it follows that this particular sterling transaction total,
24 and that is what it is, its not individually specific to a transaction, its the
15:09:48 25 total of all transactions, it represents a very significant increase in the
26 average sterling transactions that would be conducted on the day, isn't that
27 right?
- 28 A. Yes, that's correct.
- 29 Q. 497 And it is in effect 25,000 odd more than would be normally expected, isn't that
15:10:05 30 right?

- 15:10:05 1 A. Yes.
- 2 Q. 498 And your best recollection of events is that the sterling which you lodged was
3 in and around 8,000 pounds, isn't that right?
- 4 A. Correct.
- 15:10:16 5 Q. 499 If that were to be taken from this figure it would mean that some other
6 customer had come in, or customers or series of customers, again to conduct
7 significant sterling cash transactions on the day, isn't that right?
- 8 A. Correct.
- 9 Q. 500 Now, I don't expect for a moment that you are familiar with the amount of
15:10:40 10 activity that was going on in the bank in the day, particularly you have no
11 recollection of being there at all, isn't that right?
- 12 A. Correct.
- 13 Q. 501 But what I might say is that this total money of sterling transactions which
14 took place on the day is of itself out of the ordinary and unusual in the
15:11:00 15 context of the totality or value of sterling transactions, isn't that right?
- 16 A. According to the figures.
- 17 Q. 502 According to the figures and I am only asking you to agree with that
18 proposition. If we look to the other figures we can see at page 20678, on a
19 daily basis that's showing a week between the 4th October and 11th by way of
15:11:34 20 example. Now, if you look to the left-hand margin where ever there is STG BN
21 that indicates the amount of money which the bank took in in sterling cash over
22 that week, on the Monday they took in 1,510, on the sorry that might be the
23 Tuesday, 1,510. On the 6th they took in 601.88. On the 7th, 3,313, 678 on the
24 10th and then 27,491.95 on the 11th, the following day, that is the day you
15:12:17 25 made your lodgement, isn't that right?
- 26 A. Correct.
- 27 Q. 503 And I think you know equally that the rates of exchange for sterling
28 transactions in the bank are such that there are a number of different rates of
29 exchange which apply to transactions which are dependant upon the --
15:12:39 30 essentially the value of the currencies being exchanged, isn't that right?

- 15:12:45 1 A. Correct.
- 2 Q. 504 From the customer's point of view, the more money he changes the better rate he
3 gets, isn't that so?
- 4 A. (Nods head)
- 15:12:54 5 Q. 505 And we will see that if we look to a document at page 22065, which is a
6 Tribunal document prepared on the basis of various figures, we will see firstly
7 that the rates of exchange which would have applied had a person presented
8 themselves with sterling of 25,000 pounds cash for the purpose of exchange in
9 the bank is shown in the top series of numbers.
- 15:13:41 10
11 If we start at the left we have foreign notes, then there is the date, then
12 there is the amount and then there are the rate of exchange for exchanges of a
13 value up to 500, isn't that right?
- 14 A. That's correct.
- 15:13:55 15 Q. 506 Then we move across that and it gives the rate of exchange that would be
16 appropriate and it shows then what the gross amount in Irish terms would be
17 that the customer would receive without there being a deduction of a five pound
18 discretionary charge, isn't that right?
- 19 A. That's correct.
- 15:14:12 20 Q. 507 And then after that we see once you subtract the five pound charge in the event
21 that that had happened you see the end result that have process, isn't that
22 right?
- 23 A. That's correct.
- 24 Q. 508 And again the one beneath that then has the same criteria moving across the
15:14:28 25 page and you get a figure at the end of that particular transaction which is
26 24,838.49 pounds which equates exactly to the sum or the figures amounting to
27 the lodgement which was made to your account on that day, isn't that right?
- 28 A. That's correct.
- 29 Q. 509 Now, that of course would involve two things happening, the first of them being
15:14:54 30 that 25,000 pounds in sterling was being tendered for that transaction, isn't

- 15:15:00 1 that right?
- 2 A. Correct.
- 3 Q. 510 But secondly it would also involve the use of the rate of exchange of up to
- 4 2,500, sorry 2,500 Irish pounds, that was set by the bank on that day and that
- 15:15:15 5 on its face is an inappropriate rate for the bank to use, isn't that right?
- 6 A. That's correct.
- 7 Q. 511 In the event of using that inappropriate rate however, the consequence would be
- 8 that you would end up exactly with the figure that we have looked at, isn't
- 9 that right?
- 15:15:31 10 A. That's correct.
- 11 Q. 512 And I think as was rightly pointed out by you, in your review of these figures,
- 12 the reflection of there being 25,000 pounds sterling would be dependant upon
- 13 some bank official electing to use the wrong rate on the machine rather than
- 14 the right rate on the machine, isn't that right?
- 15:16:00 15 A. Yes, overriding the rate.
- 16 Q. 513 Yes and the overriding words you used there is one which is something we might
- 17 look at in the context of the machine itself, you heard the evidence that when
- 18 you automatically enter into a machine, into the machine a figure which falls
- 19 within the two ranges or three ranges for that currency it automatically gives
- 15:16:23 20 you the Irish punt equivalent. If I can explain that in brief terms if I may?
- 21
- 22 If you were to go in for example with 499 pounds in, sorry with a sterling
- 23 amount that was to a value of 499 pounds that would automatically print off the
- 24 end figure using the rate of exchange of up to 500, isn't that right?
- 15:16:52 25 A. (Shrugs).
- 26 Q. 514 That's what the evidence of the bankers has been. But in the event that you
- 27 were putting a figure of 25,000 pounds sterling, no automatic figure would be
- 28 printed out because its not programmed into the machine to produce a rate.
- 29 What has to happen is that the teller has to manually enter the rate at which
- 15:17:17 30 the money is to be changed and having manually entered it the process is

- 15:17:22 1 complete, do you understand that to be the process?
- 2 A. Yes, yes.
- 3 Q. 515 That's what you scribe as the overriding, but could I suggest that overriding
- 4 means the supplanting of an existing means of calculation with a new one,
- 15:17:37 5 whereas in the case of a 25,000 pounds lodgement you are not supplanting it,
- 6 you are putting in a rate for the first time which results in the figure being
- 7 printed out, do you understand what I am putting to you?
- 8 A. No -- I don't know how a Forde money maker works but I know what you are
- 9 saying.
- 15:17:58 10 Q. 516 Right. I am quite sure that you have taken considerable time and effort and
- 11 sought considerable amount of expertise and advice apparently as to the
- 12 workings of the system and I take it that being a person who has numerate and
- 13 familiar with calculation, and I am making that assumption, you can readily
- 14 understand how it is that one gets to these figures?
- 15:18:25 15 A. Yes.
- 16 Q. 517 Its the use of a calculator, Mr. Ahern, albeit a calculator that is
- 17 pre-programmed to produce a result provided an amount falls within three
- 18 categories. If the amount doesn't fall within that three categories you have
- 19 to enter a rate in order to get the end result, isn't that so?
- 15:18:44 20 A. I understand the procedure is if its not within the rates.
- 21 Q. 518 Yes.
- 22 A. That they ring their currency department and get the rates.
- 23 Q. 519 Yes and having got the rate, do you understand that they then tap in that rate
- 24 into the Forde Money Changer machine so that it produces a till roll showing
- 15:19:02 25 the foreign currency involved, the rate of exchange and the end product, isn't
- 26 that so?
- 27 A. I didn't, yes.
- 28 Q. 520 Now, in those circumstances that is not an overriding of anything, that is the
- 29 use of the Forde Money Changer machine by putting in a rate which is not a set
- 15:19:17 30 rate for other figures, there are set rates for figures up to 500, set rates

- 15:19:23 1 for figures up to 2,500, set rates for figures up to 10,000, there is no set
2 rate for a figure up to 25,000?
- 3 A. No.
- 4 Q. 521 It require as rate to be put in.
- 15:19:33 5 A. Yes.
- 6 Q. 522 Could I suggest to you that in other words to produce the figure of 24,838.49
7 it does not mean overriding the machine, it merely means putting in a rate of
8 exchange which will result in that figure being produced, isn't that so?
- 9 A. As I understand the procedure.
- 15:19:55 10 Q. 523 Yes.
- 11 A. If a bank official gets the sterling amount.
- 12 Q. 524 Yes.
- 13 A. As has been explained to me, there is a rate for the day up to 500, a rate up
14 to 2,500 and a rate up to 10,000.
- 15:20:09 15 Q. 525 Yes.
- 16 A. If that's not, if the figure is over that they ring into their currency Head
17 Office, they get the rate and calculate on that rate.
- 18 Q. 526 Yes.
- 19
- 15:20:20 20 CHAIRMAN: But they then manually insert the rate into the machine?
- 21 A. Into the machine.
- 22
- 23 CHAIRMAN: I think that's what you are referring as overriding the machine?
- 24 A. Override, well its a different rate.
- 15:20:31 25
- 26 Q. 527 MR. O'NEILL: Its a different rate but it does not involve overriding. I am
27 just wondering why you chose to use the word overriding the system as part of
28 your statement?
- 29 A. I was told that that's what the process is.
- 15:20:48 30 Q. 528 The figures also I think indicate to you, you probably would agree with this,

- 15:20:58 1 that an even sterling amount of 8,000 pounds would not produce the figures that
2 allow for 24,838.49 to be imputed as a lodgement, if the Irish pound element
3 of that was 16,500 pounds, isn't that right?
- 4 A. Yes, there are a number of combinations. I have looked at the figures, can I
15:21:28 5 just say on that figure first of all.
- 6 Q. 529 Yes.
- 7 A. Because I don't think you are making clear so I better, the 25,000 rate on the
8 assumption on No. 2 in the foreign note is an assumption that the 11th October,
9 that's a 25,000 lodgement at a rate that the bank would give up to somebody
15:21:51 10 giving in under 2,500 that would give you 24,838. That would mean that the
11 official for the day would give a rate that is only one tenth of the amount of
12 the rate of that day, that they would ignore what they get from their foreign
13 currency department and that they would knock off 22,500 from the individual
14 and give an entirely wrong rate and excessively take that profit to get to that
15:22:23 15 figure. That's what that means.
- 16 Q. 530 You are suggesting they would knock off 22,500?
- 17 A. I'm suggesting, because 22 and a half and two and a half is 25.
- 18 Q. 531 They would shift between the two rates, there would be a number of points
19 difference in that rate, there would be a less favourable rate on the
15:22:40 20 assumption that that the rate that was coming down from the money room was an
21 improved rate over any of the published rates of the day, isn't that right?
- 22 A. Yes, but the point is to get the calculation that you have highlighted in the
23 brackets 24,838.49.
- 24 Q. 532 Yes.
- 15:22:58 25 A. It would mean that the individual ignored the process, didn't take the rate,
26 didn't go looking for a rate for a sum of 25,000 pounds, took a rate that was
27 for customers between 500 and 2,500 and only pay on that assumption a rate for
28 2,500, so I mean it isn't a valid assumption.
- 29 Q. 533 I see. Isn't it exactly that, didn't exactly that or the equivalent take place
15:23:31 30 in relation to the last of the lodgements which was made to your account, which

- 15:23:34 1 we know was 20,000 pounds in sterling?
- 2 A. No it didn't.
- 3 Q. 534 You remember --
- 4 A. It didn't.
- 15:23:41 5 Q. 535 It didn't? Okay we'll just review those because that transaction is again at
- 6 the very bottom of the page there on the 1st December of 1995, we know that
- 7 20,000 pounds -- we know on that date 20,000 pounds sterling of your funds was
- 8 tendered into the bank for exchange, isn't that right?
- 9 A. That's correct.
- 15:24:09 10 Q. 536 And we see that there are the three rates of exchange, the up to 500, the up to
- 11 2,500, the up to 10,000, isn't that right?
- 12 A. That's correct.
- 13 Q. 537 And we see that the up to 2,500 rate equates to 19,002.79 pounds if the charge
- 14 is made, isn't that right?
- 15:24:33 15 A. That's correct.
- 16 Q. 538 We know from the documentation presented, produced by the bank in relation to
- 17 this lodgement that they initially entered the lodgement of your exchange of
- 18 20,000 pounds sterling as 19,002.79, are you aware of that?
- 19 A. That's correct, yes.
- 15:24:53 20 Q. 539 Which means that when dealing with an amount which was over the 10,000 rate and
- 21 which ought to have merited a rate being obtained from the Currency Services
- 22 department and then entered into the Forde Money Changer, they applied the rate
- 23 appropriate to a 2,500 pound transaction, and I look to document 19293 where
- 24 that is apparent, 19293, the very bottom there, its struck out, you see that
- 15:25:32 25 Mr. Ahern?
- 26 A. Yes.
- 27 Q. 540 Some bank official prepared this document to reflect the foreign exchange
- 28 transaction of 20,000 pounds in sterling which was being conducted through
- 29 O'Connell Street branch on that day, isn't that right?
- 15:25:46 30 A. That's correct.

15:25:47 1 Q. 541 And they made that error, and they applied the 2,500 pound rate and they
2 resulted in a figure of 19,002.79 pounds being entered there, isn't that right,
3 which they struck out?
4 A. That's the point. You said they made the error they didn't make the error,
15:26:06 5 they struck it out.
6 Q. 542 Well they made the error first then they corrected the error.
7 A. Yes.
8 Q. 543 Let's look at the correction of the error.
9
15:26:13 10 MR. MAGUIRE: Just before you go to that, Chairman.
11
12 MR. O'NEILL: I do wish I could continue examining the witnesses without these
13 interruptions at inappropriate times by My Friend.
14
15:26:24 15 MR. MAGUIRE: Its a matter for the Chairman as to whether my interruption is
16 appropriate or not. Mr. O'Neill is not having regard to the evidence of the
17 bank official who was asked to deal with this Mr. John Garrett, and did he not
18 accept the proposition that was put to him on this particular theory that's now
19 being put to this witness, I'd refer you Mr. O'Neill --
15:26:44 20
21 MR. O'NEILL: I accept that. Mr. Garrett is not the witness who conducted this
22 transaction, his evidence as to what it means or what it doesn't mean, is no
23 more relevant than anybody else's. I am perfectly entitled to examine the
24 witness on the face of the document and what the face of the document shows.
15:27:01 25
26 CHAIRMAN: This is the, what's being put to Mr. Ahern is what the document
27 appears to show.
28
29 MR. MAGUIRE: But Mr. Garrett was called as a banker and as an expert and this
15:27:09 30 particular question was put by Mr. O'Neill and its on the transcript and the

15:27:13 1 transcript reveals his answers and in fairness to this witness, if the theory
2 is being put to.

3

4 CHAIRMAN: All right. We better see what the witness --

15:27:22 5

6 MR. MAGUIRE: I am referring questions 659 and onwards on page 96 of the
7 transcript of Mr. Garrett which I understand was the 16th, it was the first day
8 of his evidence, day 747.

9

15:27:47 10 And while that's being put up, this is all the more serious if Mr. O'Neill
11 realised Mr. Garrett gave this evidence and gave a contrary answer.

12

13 MR. O'NEILL: Mr. Garrett's evidence has no weight as to interpreting a
14 document which was not prepared by him.

15:28:02 15

16 MR. MAGUIRE: He's an expert.

17

18 MR. O'NEILL: He's an expert in what? Mistakes.

19

15:28:07 20 CHAIRMAN: Mr. Maguire where is the question that you are referring to?

21

22 MR. MAGUIRE: Just before we get to that, Chairman, that facetious comment that
23 was made by Counsel for the Tribunal should be withdrawn. The point is that
24 Mr. Garrett, as the Tribunal knows and he was a Tribunal witness.

15:28:23 25

26 MR. O'NEILL: Everybody is a Tribunal witness.

27

28 MR. MAGUIRE: He was a Tribunal witness and he was brought here, he was
29 questioned on this topic, and its at page 747 and its page - sorry page 96 day
15:28:35 30 747 and its question 659 onwards. Up to 664.

15:28:54 1
2 MR. O'NEILL: So that the stenographer might take the record I am happy to read
3 it or allow Mr. Maguire to read it if he wishes and comment on it.
4

15:29:02 5 MR. MAGUIRE: Mr. O'Neill can read it.
6

7 MR. O'NEILL: Fine. If I start at question 648.
8

9 "Question: All right.
10 Answer: This is a procedure where when the value of a transaction went above a
11 certain floor limit, the procedure was you rang the note room and you got the
12 rate. And the rate was based on market forces at the time, the value of the
13 transaction, whether the currency was coming up to the note room or not, there
14 was a number of variables in whatever rate you would have got back from the
15 note room to conduct the transaction.

15:29:29 16 Question: We will see in one of these transaction certainly that the rate,
17 that is the last of the transactions on the 1st December as you know, the Forde
18 Money Changer rate appropriate to two transactions at the, up to 2,500 rate and
19 the up to 10,000 pounds rate was applied to a transaction which had an actual
20 value of 19,000, isn't that so?

15:29:54 21 Answer: If its part of the transactions we are going to look at, yes.
22 Question: Yes it is.
23 Answer. Yes.

24 Question: It does indicate certainly at some point in that process, a rate of
15:30:10 25 exchange, two rates of exchange which were the Forde Money Changer rates of
26 exchange appropriate to transactions of up to 2,500 and 10,000 were applied to
27 a transaction having an actual value of 19,000, isn't that so?
28 Answer: That's correct, yes."
29

15:30:30 30 CHAIRMAN: Is that the point, Mr. Maguire?

15:30:32 1
2 MR. MAGUIRE: No. Its the next question.
3
4 MR. O'NEILL: Oh I see.
15:30:36 5
6 MR. MAGUIRE: Does Mr. O'Neill have a problem.
7
8 MR. O'NEILL: I have a problem with interruptions in cross-examination of a
9 witness. Yes.
15:30:41 10
11 CHAIRMAN: I just want to finish reading.
12
13 MR. O'NEILL: Question 622:
14 "Do you say that that is consistent with the procedure of the bank being
15:30:50 15 implemented.
16 Answer: Yes I would because the procedure would be that you would ring the
17 note room and may well get what I would refer to as the "spot rate" of the day,
18 which in that case is probably the 10,000 pounds rate of the day and that rate
19 is actually applied to the transaction.
15:31:06 20 Question: If that were so of course there would be no reason to put in the
21 rate for up to 2,500 as well, isn't that right?
22 Answer: That could have been an error in that the cashier when they were told
23 to put in the spot rate picked the incorrect spot rate, realised that and then
24 applied the correct spot rate afterwards."
15:31:27 25
26 CHAIRMAN: Well that's Mr. Garrett saying that the crossed out rate could have
27 been put in in error, but the question being put to Mr. Ahern was did he agree
28 that on the docket it would appear that, for whatever reason, the teller was in
29 the process of applying the lower rate and then it was changed to the higher
15:31:54 30 rate, that's the only basis on which the question was put.

15:31:54 1
2 MR. MAGUIRE: But it was suggested that the question of a breach of procedure
3 arose in the lodgement under question, which Mr. Garrett is dealing with and
4 Mr. Garrett clearly says that he doesn't accept that is so and he gives an
15:32:05 5 explanation for it.
6

7 CHAIRMAN: My understanding of the basis of the question put to Mr. Ahern is
8 that the, that some teller initially put in a rate, an inappropriate rate for
9 the amount that was being lodged and that it was corrected, so.

15:32:23 10
11 MR. MAGUIRE: No, Chairman, the context of my interruption is on the following
12 basis, that similarity was being made between the two lodgements and the
13 treatment of the two lodgements and Mr. Garrett was asked in respect of the
14 second lodgement and that's the one we are talking about here, which he
15:32:41 15 explains exactly that there was no procedure, no breach of procedure.
16 The witness has dealt with what he believes to be the position, that you would
17 have to have had in respect of the first lodgement.
18

19 CHAIRMAN: But Mr. Garrett accepted that the teller had put in the low rate
15:32:57 20 initially and had crossed it out, presumably because some error had been made.
21

22 MR. MAGUIRE: Yes, Chairman, without labouring the point, the essence of it is
23 that in respect of the first lodgement, the witness has said that for the first
24 lodgement to have arrived at the figures that Mr. O'Neill is putting to him, he
15:33:19 25 would have had to ignore the proper procedures to be abided by on the day. And
26 Mr. O'Neill was putting to the witness that the same thing happened in respect
27 of this lodgement, now he was being examined about this lodgement, Mr. Garrett
28 was, being examined about this lodgement and he was being asked precisely that
29 point was there a breach of procedure and he said no, he didn't accept that
15:33:41 30 there was.

15:33:42 1
2 CHAIRMAN: Because it was corrected. That's my understanding. All right, but
3 I don't think its --
4

15:33:48 5 MR. MAGUIRE: Section, the section of the transcript that has been read out
6 explains the matter.
7

8 CHAIRMAN: Yes. I understand the point being made but I don't think that, I
9 think the question of Mr. Ahern is appropriate I think he is well able to deal
10 with it. Go on.
11

12 Q. 544 MR. O'NEILL: In furnishing your opinion in relation to the reasons for
13 24,838.49 pounds equating exactly to a transaction which could have been
14 conducted using the rate appropriate to up to 2,500 pounds, your conjecture Mr.
15 Ahern is that that, if it had happened would have involved somebody breaching a
16 procedure of the bank, isn't that right?
17 A. That's correct.

18 Q. 545 But equally it could have been somebody making an error on the part of the bank
19 in doing so, making an error in their calculations, isn't that right, its a
20 possibility I'm not saying it happened?
21 A. Its a possibility but can I just make one point.

22 Q. 546 Of course you may.
23 A. I have listened to the -- you said to me, if you -- can we put up the original
24 chart that we were? The original one which showed the --

15:35:10 25 Q. 547 Yeah, 22065 and the top left hand corner please.
26 A. Now, the basis of your question you put to me is that the 24,838.49 was got at
27 by the 25,000 sterling, but taking a customer having a rate, getting a rate
28 that was only for sums up to 2,500 pounds. Now I don't accept that and I think
29 having read all the bank evidence, to think that somebody would only get a rate
15:35:52 30 up to 2,500 pounds where its a 25,000 loan, where its ten times the amount,

15:35:59 1 would be extraordinary.

2

3 CHAIRMAN: No I think that's --

4 A. Now your point, your point, Mr. O'Neill, was when I said that, I said what the

15:36:08 5 procedure was, whatever about how you do the calculation, money machine, I have

6 never try it had, but I just accept what you said on that, you said there is

7 three rates, one up to 500, one up to 2,500, one for up to ten, the person then

8 has to check the currency department, the currency department would clearly

9 give a rate that would be better than something up to 2,500 pounds and you

15:36:31 10 immediately said oh but that's what happened in the case of another lodgement.

11

12 As I read it, based on your own analysis to me that isn't what happened. There

13 was an error on a person up to 2,500 as the Chairman has said, I accept that,

14 but they didn't use that rate. They used the rate up to 10,000 so the way you

15:36:54 15 presented it very carefully and at length, was that they were the same, they

16 are not the same. There was a rate up to 2,500 the other rate was 10,000. Now

17 the question arises, why would the 10,000 rate be an error? That's where the

18 expert for the bank that sat in this Tribunal for some considerable time stated

19 that if somebody rang in they would have been told that the spot rate for the

15:37:18 20 day could have equalled the rate of 10,000.

21

22 Now I never was a bank official, I don't know how the bank procedures work, but

23 on your own presentation, and thankfully I am, your own presentation doesn't

24 stand up Mr. O'Neill, not to mind the fact that the thing is nonsense anyway.

15:37:38 25 Q. 548 I see.

26 A. But the fact that a person going in with 25,000 gets a rate for under 2,500

27 entirely screwed by the bank, for 22,500 pounds, ignoring their procedures,

28 ignoring the fact that they ran the currency system and then when I said that

29 was wrong, you brought in saying but it happened in the 1st of December rate.

15:38:04 30 It didn't happen, Mr. O'Neill, it did not happen in that case. Two

15:38:09 1 fundamental -- you did say it, you did say it. I don't pull you up much I go
2 along with saying yes you are correct for a lot of things but you did say that.
3 It clearly said that the 20,000 at that stage which I told you it was my belief
4 all along was a 20,000 sterling but I couldn't prove because I couldn't get the
15:38:28 5 rates in the bank, but the bank on that occasion did not choose a rate of up to
6 2,500 if the official put it in they crossed it out, the Chairman made that
7 point. They went to a rate of 10,000, I would have thought that rate was also
8 incorrect but Mr. Garrett who is the expert, who put forward by Allied Irish
9 Banks explained in detail how the spot rate could be used.

15:38:50 10
11 Now I am not, I am an accountant but not a bank official can I don't know the
12 procedures but I have had to painfully read all of these, so I would contend,
13 Mr. O'Neill, just for fairness and honesty, that the presentation as you put it
14 is both unfair and wrong.

15:39:05 15 Q. 549 I see. Well I note your criticism, Mr. Ahern, and undoubtedly the Tribunal in
16 analysing the documentation will give due regard to everything you have said in
17 relation to it, but I think it is the case, and it applies to anybody who is
18 looking at these figures, without there being a bank official who records
19 exactly what they did in relation to the transactions, it is somewhat difficult
15:39:39 20 to comprehend exactly what this evidence means. It has to be nonetheless
21 analysed, isn't that right?

22 A. Yes.

23 Q. 550 If one is looking at it from a purely mathematical point of view, I am saying
24 looking at it, I mean now the figure of 24,838.49 pounds in the top corner
15:39:58 25 here, the one that's contained with in the box, it is of itself a very
26 remarkable combination of figures really isn't it, its not an even amount for a
27 start, right? It involves five digits before the decimal point and two digits
28 after the decimal point, isn't that right?

29 A. (Nods head)

15:40:22 30 Q. 551 It coincides exactly with the figure that happened to be lodged, right?

- 15:40:27 1 A. (Nods head)
- 2 Q. 552 We know for certainty that a figure in that amount was lodged to the account?
- 3 A. Correct.
- 4 Q. 553 What is not known by your account and by the Tribunal's account is exactly how
- 15:40:44 5 the actual lodgement was made up, that is that lodgement of 24,838.49. The
- 6 Tribunal has endeavoured to establish how it was made up and you have indicated
- 7 to the Tribunal initially that it was the combination of two sums, a certain
- 8 amount of 16,500 pounds in Irish, which when subtracted from this figure leaves
- 9 a figure of 8,338.49 pounds as the balance. On your evidence that amount of
- 15:41:18 10 8,338.49 pounds must therefore have represented the Irish amount of the
- 11 sterling sum which was given to you by Mr. Tim Kilrowe on the day.
- 12
- 13 I am saying this now in the context of the initial explanation given to you in
- 14 Mr. Peelo's report for this transaction, isn't that right?
- 15:41:43 15 A. Yes.
- 16 Q. 554 Albeit that Mr. Peelo had made an error in that he had been 400 pounds shorts
- 17 in his addition and therefore when he calculated the amounts he was wrong in
- 18 that, but the principle he was advancing at that time and which you adopted,
- 19 was clear. That whatever the amount was that represented the sterling element,
- 15:42:08 20 it translated into an Irish value of 8,338.49 pounds. Now, I have to suggest
- 21 to you that that is how it was presented to the Tribunal and we have found
- 22 ourselves in this analysis of these figures because of the fact that the sum of
- 23 8,338.49 pounds cannot produce an even sum in sterling at the rates of exchange
- 24 that were applicable on the day. Would you appreciate that?
- 15:42:40 25 A. Yes.
- 26 Q. 555 You accept that that is so. And while you have now indicated in your
- 27 subsequent and more recent information to the Tribunal, and more particularly
- 28 your evidence to the Tribunal here today, that the Tribunal would probably be
- 29 unsafe in assuming that the 8,338.49 pounds is in fact the sterling amount for
- 15:43:08 30 reasons that firstly you may have spent some of the money that you had received

15:43:13 1 in England or secondly, you may have added it to other sterling amounts in your
2 safe or thirdly, that the 16,500 may not be accurate or fourthly, that added to
3 the 16,500 may have been another sum in Irish, a sum which therefore means that
4 there are more than two components.

15:43:35 5
6 That, if that is the correct sequence of events means that these tables are
7 meaningless as regards the interpretation or otherwise of whether the 8,000 was
8 8,338.49 sterling, Irish or not, isn't that so?

9 A. That's so.

15:43:52 10 Q. 556 Absolutely. But this document was prepared on a different premise, isn't that
11 right?

12 A. I accept --

13 Q. 557 On a limited premise and that premise came from you.

14 A. Yes. I'm not, well I don't think the premise of 25,000 sterling at a rate of
15:44:09 15 the 2,500 came from me, but I accept the 16,500 and approximately eight.

16 Q. 558 Sure.

17 A. But I think you would also appreciate, Mr. O'Neill, that what I was
18 endeavouring to do was to give the best position that I could. I then didn't
19 think that doing that, that immediately it would move to a position where you
15:44:34 20 were trying to calculate out that my figures couldn't be right. I mean, I then
21 looked, its a very easy exercise to look, slight variations in my figures would
22 bring precisely to what you have done. Slight variations of my figures, there
23 are many combinations that will bring to 24,838.49 and then I have to question
24 myself with certainty, when I said circa 8,000 and I accept that it may be down
15:45:03 25 to fine precision of Mr. Peelo did his figures, as he refers to the sums, but
26 when you slightly adjust the figures which is almost certainly what happened,
27 then you get to 24,838 in a sum of ways, in a number of ways.

28 Q. 559 Absolutely. I don't disagree for a moment, Mr. Ahern.

29 A. My only dispute with your figure is that you are asking, you are coming to a
15:45:28 30 figure of 24,838.49 I know you are not saying it but its based on a premise of

- 15:45:33 1 an official giving an entirely false rate for the day to get to that particular
2 figure, that's my only objection to it.
- 3 Q. 560 Two things you agree with I think, Mr. Ahern, in this last question of yours,
4 and that is firstly that if the information originally provided to the Tribunal
15:45:58 5 is correct in relation to there being 16,500 pounds and 8,338.49 pounds being
6 the balance represented by a sterling sum, that that 8,338.49 pounds cannot be
7 the result of an even sterling sum being changed, isn't that right?
- 8 A. That's based at the --
- 9 Q. 561 I'm talking in AIB, at any of the AIB rates, be it the appropriate AIB rate or
15:46:32 10 an inappropriate rate, isn't that right?
- 11 A. Yes, that's based on a calculation of 8,000 sterling.
- 12 Q. 562 No its based on a calculation of 8,338.49 pounds, that is the difference
13 between 16,500 and 24,000, its based on that, isn't that right?
- 14 A. Yes, that's correct.
- 15:46:53 15 Q. 563 If you accept that that information had been correct in the first instance as I
16 take it you believed it was when you gave it to the Tribunal in the first
17 instance?
- 18 A. Yeah.
- 19 Q. 564 You believed at that time that the amount in sterling translated into an Irish
15:47:11 20 amount when exchanged, which represented the difference between 16,500 pounds
21 and 24,838.49 pounds Irish, isn't that so?
- 22 A. Yes.
- 23 Q. 565 And Mr. Peelo proceeded on that basis in providing the information to the
24 Tribunal, albeit that he got his figures wrong because he was 400 pounds out.
15:47:36 25 Now, having done so one then looks to the rates of exchange that were
26 applicable in Allied Irish Banks on the 11th October, the date when we know
27 that the exchange took place, isn't that right?
- 28 A. That's correct.
- 29 Q. 566 And if we look to the left-hand section of the document which is on screen,
15:48:01 30 that is moving across there, again we see that there are the three rates of

- 15:48:09 1 exchange which apply to figures, to exchanges of up to 500, 2,500 and 10,000,
2 but in this instance the exercise is designed to establish what sum in sterling
3 would have to be changed at AIB's rates of exchange that day in order for it to
4 result in 8,338.49 pounds being given to the customer, isn't that what the
15:48:39 5 exercise is?
- 6 A. Yes.
- 7 Q. 567 And that exercise would be an entirely appropriate exercise to conduct if it
8 was the case that the difference between 16,500 pounds and 24,838.49 was the
9 amount of the lodgement made, because it could distinguish or identify the
15:49:00 10 sterling amount, isn't that so?
- 11 A. That's correct.
- 12 Q. 568 So that exercise we see demonstrated here on screen at the moment, and of
13 course the appropriate rate for a bank to apply in circumstances where the
14 transaction would have a value of up to 10,000 Irish pounds would be the third
15:49:19 15 of those rates it, wouldn't be necessary to ring the money room to get any form
16 of rate, it was within the Forde Money Changer machine itself, isn't that so?
17
- 18 And this I agree is a speculative exercise, but speculating on certain material
19 facts. It is a mathematical exercise and not speculative to that extent. So
15:49:44 20 that we will see if we move to the third figure down in this column that a sum
21 of 8,333.48 pounds sterling if there was no charge made, we are talking about
22 the five pound charge here or 8,328.48 pounds if there was a charge would be
23 the amount of sterling that would necessarily have to be presented at the bank
24 in order to obtain the figure of 8,338.49, isn't that so?
- 15:50:28 25 A. That's correct.
- 26 Q. 569 When we look to those figures we see that firstly they wouldn't represent an
27 even sterling amount, whether the charge was deducted or not, isn't that right?
- 28 A. That's correct.
- 29 Q. 570 So that eliminated, as a matter of certainty, the possibility that the
15:50:50 30 lodgement of the sterling amount, and I'm accepting of course that we are

15:50:56 1 working off the figures that were given, based on Mr. Peelo's initial report,
2 the sterling amount that was identified there could not have been the amount
3 which was tendered for two reasons, firstly because the bank doesn't take coins
4 and you'd have to use coins in order to achieve this. But secondly on the
15:51:19 5 account of events that you had given that these were large sterling notes, one
6 could hardly apply that description to the sum 8,333.48 or to 8,328.48, they
7 were uneven sums and they would involve the use of coins, certainly for the
8 pence and as a high probability the use of coins also to make up the two or
9 three there is that, isn't that so?

15:51:54 10 A. That is so.

11 Q. 571 Yes. So on that basis one can safely say that the premise that the sum was
12 made up of 16,500 Irish and 8,338.49 pounds Irish being the equivalent of
13 sterling could conclusively be established to be an impossibility, isn't that
14 so?

15:52:19 15 A. That's correct.

16 Q. 572 Yes. Now, you agreed that if one has minor variations one can come up with the
17 combination of figures that would allow for a sum of 24,838.49 pounds to be
18 lodged, isn't that so?

19 A. That's correct.

15:52:42 20 Q. 573 And everybody accepts?

21 A. Doing the same mathematical exercise as this, with the slight variations you
22 come up with several combinations.

23 Q. 574 Right. Am I correct in saying that your variation in your account of the
24 figures involved follows upon the fact that it has been demonstrated that the
15:53:02 25 figures initially propounded by you as being the composite of this lodgement
26 have been impossible to verify, in fact have been disproved as being a
27 possibility, that sent you back to the drawing board did it?

28 A. Exactly. Because I was being precise as best I could, but not to the stage
29 where I said circa 8,000. I said 16,500 to be helpful to the Tribunal but as
15:53:31 30 soon as you work those figures out you don't get to that figure but slight

15:53:36 1 variations, can give that you figure in a number of combinations.

2 Q. 575 I see. Again, have you sat down with any of your experts to indicate how it is

3 that sums which involve 50 pounds sterling or large sterling notes can

4 translate into there being a lodgement which could be accounted for by

15:54:02 5 24,838.49?

6 A. There are a number of combinations.

7 Q. 576 Well I am sure there are, but what I was asking you, because it seems that you

8 have been conducting some form of investigation through or experiments through

9 financial persons, that comes up with a combinations of figures, I am wondering

15:54:23 10 if there is a combination that you have put together that could account for

11 there being a lodgement which involved large sterling notes, and it would

12 result in there being a figure of 24,838.49 as the lodgement?

13 A. I have got, I mentioned yesterday that I have got an individual to go through

14 the figures, I don't have all the figures, but the point is once you -- I said

15:54:54 15 large notes, but as I said today if you change those notes the figures change

16 straightaway.

17 Q. 577 If you change from large notes to small notes?

18 A. Only a combination. I didn't do it on an equal amount I have done some of

19 these myself, based on these kind of calculations and there is a number of

15:55:14 20 combinations.

21 Q. 578 Sure. I am asking you, Mr. Ahern, specifically because I know that you have

22 indicated in the statement you made yesterday before you gave your evidence

23 that you had somebody look to the figures that were involved in the next

24 lodgement that we will be dealing with, that's the 27,000, sorry 28,772.90, I

15:55:40 25 know that you have carried out an exercise or had it carried out for you in

26 relation to those figures.

27

28 My question is specifically directed towards establishing whether you carried

29 out a similar exercise in relation to the sterling content insofar as you can

15:55:57 30 ascertain it, of this lodgement of 24,838.49 or whether that exercise by the

15:56:06 1 expert you have named was confined to the next lodgement, do you understand the
2 question?

3 A. Most of the work was based on the next lodgement but I have done some
4 calculations.

15:56:15 5 Q. 579 Well I am asking whether your expert did the calculations in relation to the
6 first figure, I know you say you have, but --

7 A. Well I have given the figures that I did to my expert, I think he would verify
8 my own figures.

9 Q. 580 Well did they produce figures for you which allowed you to be in a position to
15:56:36 10 say that there is a particular combination of large sterling notes of
11 approximately 8,000 pounds that would combine so as to result in this
12 lodgement?

13 A. With sterling.

14 Q. 581 With sterling yeah?

15:56:49 15 A. Of circa 8,000.

16 Q. 582 Okay. What is that figure then? What is the best estimate based on that of
17 what your sterling contribution was in this lodgement?

18 A. I don't have the exact figures but I think it has to be somewhere under, just
19 under 8,000, it can be just under 8,000 or over 8,000.

15:57:15 20 Q. 583 Well just under by a pound, by ten, by 100? Are we talking about even figures
21 uneven?

22 A. We are talking about even figures.

23 Q. 584 Even figures?

24 A. Because I accept what you said that in the case of coin you can't have coin.

15:57:33 25 Q. 585 So that is automatic. We can rule everything out on coin.

26 A. I accept that.

27 Q. 586 But between comes to large sterling notes, are you saying that --

28 A. With sterling notes, I will explain earlier on that if I had, as I believe when
29 you look at this and you see the detail that you are going into, if you take
15:57:54 30 large sterling notes with some of that being spent or added to some, then you

- 15:57:58 1 get different combinations, and clearly to come to what I believe is a false
2 basis of your figure, I have tried to calculate that. Its not very difficult
3 to do, it can be just under 8,000 or over 8,000.
- 4 Q. 587 Yes. Well are we still talking about large notes when we are talking about the
15:58:20 5 difference between under 8,000 or over 8,000 or is it that there is a small
6 amount of currency under eight that will allow for this to occur?
7 A. Yes, if you have large notes but some of it as I said earlier on would be added
8 to by some of the money that I would have had when you change some of those
9 notes.
- 10 Q. 588 So that when you add it, do you still end up with large sterling notes or do
11 you end up with fragmented sums of small sterling notes?
12 A. You would have some fragmented, you would have some smaller amounts.
- 13 Q. 589 I see, if you were to leave out of the equation for a moment, Mr. Ahern, the
14 addition of additional sterling and if one was to leave out of the equation the
15:59:04 15 expenditure of part of the sterling so as to reduce the original sterling
16 amount, are you saying that on that basis that there is a large sterling note
17 figure of just under 8,000 pounds that allows for this calculation to take
18 place?
19 A. Yes. Somewhere in around, subject to correction, but somewhere around 7,900
15:59:31 20 and something.
- 21 Q. 590 But if its 7,900 isn't something the 900 something wouldn't surely be large
22 notes unless you are talking about 950?
23 A. It would be large notes, it would be 7,500 would be large notes and then ...
- 24 Q. 591 Yes of course.
- 15:59:46 25 A. Its not much of a change in the figures.
- 26 Q. 592 Right.
27 A. But the point is, to answer your question, its a fair question, you don't have
28 to in some cases it could be over or under, you don't have to go much under an
29 8,000 sterling figure to get that combination. If you start to do mathematical
16:00:13 30 calculations to do the same as you did here.

- 16:00:13 1 Q. 593 Because I take it of the fact that on your evidence, you are unable at this
2 point in time to accurately fix the Irish pound amount of that lodgement it
3 follows that you equally can never establish with any certainty what the
4 sterling element of the lodgement was as well, isn't that so?
- 16:00:27 5 A. That's the point.
- 6 Q. 594 And because that is so one therefore, working backwards, can not work out
7 exactly what the amount is that Mr. Tim Kilrowe handed you in the bar of the
8 Four Seasons Hotel on a date prior to the 11th October 1994?
- 9 A. Yes, but I'd argue, Mr. O'Neill, that I never stated, ever that it was exactly
16:00:54 10 8,000. I always said circa 8,000. In your own interview of me you said
11 thereabouts. I think you accept that. You would accept that.
- 12 Q. 595 I accept exactly what is put in the transcript where each question is put to
13 you and each response is given and on occasion you you indicated that it was
14 exactly and on other occasions you have indicated --
- 16:01:14 15 A. Well in your own summary, I notice yesterday you like to summarise, in your own
16 summary you said "thereabouts" so let's take that you are always right and I'm
17 not.
- 18 Q. 596 I don't think we can do that, Mr. Ahern.
- 19 A. You said "thereabouts" in your summary and I normally agreed with your summary
16:01:29 20 yesterday. In taking that thereabouts, when I was trying to help the Tribunal
21 and to say the approximate figure, Chairman, that I had got from four friends
22 and the approximate sterling figure, I was trying to be helpful to the
23 Tribunal.
24
- 16:01:45 25 What counsel to the Tribunal, what their mathematicians and accountants did
26 which I didn't do because I was just trying to provide the information, if I
27 hadn't just been trying to do the information I could have done this in half an
28 hour it, took me about 20 minutes when I did the calculations myself, was to do
29 what you have done here, how you get to 24,838 and all that happens is you have
16:02:09 30 to drop in under eight or over eight with a slight variation on the 16,500.

16:02:14 1 Now it wasn't within my powers in 2005 and 2006, or when I was doing the Peelo
2 report on the 20th of April 2006, to be able to say this is precisely what I
3 got from four friends, precisely to the last pound, and did I take some of that
4 out and spend? Or in the sterling figure, did I go to another match or did I
16:02:37 5 put some money in?

6
7 When I realised, Mr. O'Neill, that what you were doing to get the figure, then
8 I did the same. And what I am saying, Chairman, is with no difficulty, there
9 are a number of combinations that give you that figure when you do that. But I
16:02:54 10 didn't realise I was going into a mathematical power game into what the figures
11 were. But if I am into that I can demonstrate quite clearly that the figure of
12 24,838.49 is not got by a bank official giving a rate to a customer of under
13 2,500 pounds, of ignoring the rate up to 5,00 pounds, of ignoring the rate up
14 to 10,000 pounds. Of ignoring going to the currency exchange and then coming
16:03:25 15 up with this figure, it can be done another way.

16
17 And I think, Chairman, I think Chairman, when you come to look at how I did
18 this, I think may way is far more likely, particularly having listened to all
19 of the senior officials that have been in front of this Tribunal for the last
16:03:42 20 number of weeks.

21 Q. 597 Yes. Well if we look to page 19757, Mr. Ahern, I think it indicates what your
22 knowledge and belief was at the time of the interview on the 5th April 2007,
23 when dealing with the certainties or otherwise of figures. At question 309 you
24 say "I mean, the question is I mean you are certain of two things. Firstly you
16:04:08 25 are certain of the fact that the 16,500 was the Irish contribution?

26 Answer: Yes."

27
28 Now you are now uncertain about that, isn't that right? So that certainty has
29 left your framework, isn't that right?

16:04:23 30 A. Well even, Mr. O'Neill, if I accept, even if I accept the certainty on the

16:04:29 1 16,500.

2 Q. 598 Yes.

3 A. That that's what I got from four colleagues.

4 Q. 599 Mr. Ahern, my difficulty is really that in giving you a response when you are

16:04:40 5 asked a question as to whether or not a matter is certain as a matter of

6 certainty, I mean you are certain of two things. Firstly, you are certain of

7 the fact that 16,500 was the Irish contribution and where you agree with that

8 and say that is yes, how is it that one can now be facing a situation where on

9 any interpretation it has to involve you being uncertain about the 16,500 pound

16:05:16 10 contribution to the lodgement?

11 A. What question were you asking me in that?

12 Q. 600 I was asking you in connection with the lodgement, it was one of the series of

13 questions in relation to the lodged figure of the 16 - of 24,000.

14 I will start if you want, just to go back one page to 19756, at question 299:

16:05:39 15

16 "How much sterling was there, do you know, what format?

17 Answer: It was large notes.

18 Question: Right. I would have thought so.

19 Answer: Large ones.

16:05:46 20 Question: And in any event it was an even amount in sterling as far as you're

21 concerned.

22 Answer: It was, as far as I can recall it was 8,000.

23 Question: About 8,000? Do you think it was exactly 8,000? Whatever 8,000

24 translated into, is that it?

16:06:00 25 Answer: Yes.

26 Question: So that again wouldn't have been a counter transaction?

27 Answer: No.

28 Question: You were never at a bank counter?

29 Answer: No.

16:06:09 30 Question: And when they dealt with that it was in a back room, it wasn't dealt

16:06:12 1 with you in front of you other than to receive the money from you. And did
2 they give you a receipt for it?
3 Answer: They normally did, they normally give you the blue receipt, they just
4 take the money.

16:06:23 5 Question: Right.
6 Answer: Any time I went in I think I got the little receipt.
7 Question: Okay. Our next payment if we were to deal --
8 Answer. I should say I tried my best in the banks but I couldn't but like a
9 lot of these things, you might have more success. I found it very hard to get
16:06:41 10 issue notice from the bank. They were telling me that they couldn't, they
11 didn't actually have a sterling figure on that.
12 Question: Right.
13 Answer: I mean that's their problem.
14 Question: I mean you are certain of two things, firstly you are certain of the
16:06:52 15 fact that the 16,500 pounds was the Irish contribution?
16 Answer: Yes.
17 Question: And you can identify precise?
18 Answer: Dermot Carrew definitely gave me that.
19 Question: Yes.
16:07:05 20 Answer: And I definitely had Senator Tony Kett he was with me and I did told
21 him.
22 Question. Yes.
23 Answer: But I did not to the best of my knowledge I put that in. The bank
24 showed us one amount and they don't show it as a sterling amount. But I'm
16:07:20 25 quite convinced.
26 Question: So whatever isn't represent by the 16,500 Irish?
27 Answer: Yes.
28 Question: Is the sterling amount?
29 Answer: Yes. How they did it in the bank I don't know.
16:07:32 30 Question: So you believe it to be 8,000 pound sterling?

16:07:36 1 Answer: Yes.

2 Question: Do you actually have a memory it have being 8,000 sterling or

3 thereabouts or --

4 Answer: I do because I rang Tim Kilrowe the following week I didn't know what

16:07:48 5 was in it even though it sounds like you are going around with this you are

6 probably going around with that.

7 Question: You didn't count it out?

8 Answer: No. He did tell me it was a financial contribution to me."

9

16:07:52 10 I think that sequence of question and answers establishes I think for you at

11 this point in time, what was being discussed at that in time of the interview,

12 isn't that right?

13 A. Correct. And my point, Mr. O'Neill, is that my recollection and having checked

14 with the four individuals is that I had received 16500 from them, and that I

16:08:12 15 had circa 8,000 sterling from them. What precisely I lodged, if I had taken

16 the amount and lodged it maybe five minutes later, maybe it would be exactly

17 the amount. But to be able to say in 2006, in April 2006, sorry April 2007,

18 what I was lodging on the 11th October 1994 is something that is impossible. I

19 was doing it to the best of my recollection on the basis that that, if I had

16:08:42 20 said to you that day "no, I think it's 16,4392 -- I hadn't, I didn't go working

21 that out, I was just giving you the best estimate.

22 Q. 601 No, but your answer to a question as to whether you were certain about this is

23 "no, I'm not certain, how could I be certain? It happened 14 years ago. I

24 have a recollection of getting some money from my friends". But you didn't do

16:09:03 25 that. You agreed with the fact that you were certain of the fact that 16,500

26 pounds Irish was the Irish element of this. I am just somewhat baffled I have

27 to say as to why that position has changed in the interim, Mr. Ahern?

28 A. It's not changing. It's a fact that I believe I got 16,500 from four friends

29 and I had approximately 8,000 sterling. When some of that money is used or

16:09:30 30 some is added to it, it gives you a different combination. I don't think

16:09:34 1 making a lodgement of 13 years ago is an unreasonable position for me, or
2 making that lodgement within the 8,000 to put in 16,500 or have taken some in
3 and out, for me to remember precisely what I would have done in that is -- I
4 don't think that's an unreasonable position.

16:09:58 5
6 CHAIRMAN: All right. It's five past four, we said we'd let Mr. Ahern go
7 around this time. We will -- we're conscious of the fact that Mr. Ahern has a
8 very busy, sorry?

16:10:05 9
10 MR. MAGUIRE: Chairman, if possible we'd like to fix that today, Chairman? We
11 made efforts to get some information in relation to availability and if
12 possible we'd like to have matters fixed today. I understand that it may be
13 possible to do that.

16:10:22 14
15 MR. O'NEILL: If it's of assistance to Mr. Maguire, next week on Tuesday and
16 Wednesday are half days of hearing, but they can be re-scheduled if necessary
17 so as to allow full days.

18
19 CHAIRMAN: Do you want to nominate a day, Mr. Maguire?

16:10:36 20
21 MR. MAGUIRE: I think if Mr. Guidera and Ms. Gilvarry get together.

22
23 CHAIRMAN: All right. We can rise for a few minutes. Mr. Ahern can go.

24
16:10:46 25 MR. MAGUIRE: He is actually necessary to this exercise, but he understands
26 that.

27
28 CHAIRMAN: No, but he won't be back in the witness box today.

29
16:10:53 30 MR. O'NEILL: No.

16:10:54 1
2 MR. MAGUIRE: Not today.
3
4 MR. O'NEILL: I suggest we put it on the web once it has been determined, I
16:10:59 5 don't know that it's necessary for the Tribunal to sit to know what the day is.
6
7 CHAIRMAN: All right.
8
9 MR. MAGUIRE: I accept that.
16:11:06 10
11 CHAIRMAN: The Registrar can do that.
12
13 MR. MAGUIRE: The registrar can. Mr. Ahern will be available to us for some
14 minutes now to sort this out.
16:11:17 15
16 CHAIRMAN: Certainly, so.
17
18 **THE TRIBUNAL THEN ADJOURNED TO TUESDAY**
19 **18TH SEPTEMBER 2007 AT 10.30 AM.**
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