

**Cory
Collusion Inquiry
Report**

**Lord Justice Gibson
and
Lady Gibson**

Delivered 7 October 2003

Lord Justice and Lady Gibson

Preface	1.1
The victims: Lord Justice and Lady Gibson	1.4
The importance of courts and judges to communities	1.10
Definition of collusion	1.19
Lord Justice Gibson as a target of terrorists	1.27
Earlier successful escort duties performed by the Garda for the Gibsons	1.37
The last holiday	
A. The itinerary	1.38
B. The Liverpool to Dublin ferry and journey from Dublin to the border	1.48
C. The explosion	1.52
Avenues of investigation	
A. The RUC inquiries regarding the B&I ferry line	1.68
B. Inquiries regarding hotel bookings	1.76
C. Other investigations	1.83
The allegations of state collusion	
A. Publications	1.86
i. The interviews with Mr Harnden	1.89
ii. The interviews with Mr Myers	1.113
iii. Summary of the conclusions of the Garda investigation report	1.136
B. Intelligence	1.147
What evidence, if any, is there of collusion?	1.151
Conclusion: Is there any evidence of state collusion in the murder of Lord Justice and Lady Gibson?	1.161

Preface

- 1.1 At the outset I would like to express my thanks to the Garda and the PSNI who gave me their complete cooperation. I believe that all relevant material was produced and given to me for review. This was done quickly and efficiently and both forces are to be congratulated for their work. I would like to particularly thank Chief Superintendent Martin Callinan and Detective Inspector Gerard McCarrick.
- 1.2 I would like to thank Counsel to the Inquiry, Renee Pomerance. She was, as she has been in all of the cases, extremely industrious, very efficient and dedicated. She really has undertaken and completed the onerous task of Counsel in an exemplary manner.
- 1.3 I would like to thank Anne Flynn for the very careful, speedy and efficient way in which she completed all the secretarial work involved in connection with this report.

The victims: Lord Justice and Lady Gibson

- 1.4 Lord Justice Gibson and Lady Gibson were a very fine and loving couple who cared for and contributed greatly to their society and their community. On 25 April 1987 they were cruelly killed in a very carefully planned and executed bombing attack. At the time Lord Justice Gibson was just a week short of his 74th birthday and his wife of 42 years, Lady Cecily Gibson, was in her 67th year.
- 1.5 Lady Gibson had served as a radio operator with the W.R.N.S. during the war. Like her husband she was vitally interested in youth work. She was a lifelong supporter of the Girl Guides and served a term as a greatly respected Chief Commissioner in Northern Ireland. She was a staunch and loyal supporter of her husband in his work as a leading counsel, then Chancery Judge and finally Lord Justice. She and her husband raised two children with care, pride and love.
- 1.6 Lord Justice Gibson graduated in law from Queen's University in 1937 and was called to the Bar in the following year. He was an outstanding lawyer and counsel on many leading cases. He was chairman of the Northern Ireland Legal Quarterly. He was elected a bencher in 1961. He was described by Lord McDermott in 1968 as the best lawyer at the Bar. In 1968 he became a Chancery Judge and in 1975 Lord Justice.
- 1.7 He too was passionately interested in youth work. He worked with the Boys Scouts all his adult life. He fostered and indoctrinated boys and young men in the ideals of service to others and self-reliance.
- 1.8 He was a well-respected, talented, conscientious and courageous judge. He presided on high profile cases. Yet he never flinched from making difficult decisions which he must have known would be extremely unpopular with one faction or another of Northern Ireland society. He was independent minded. I am sure that, like all judges, he struggled to achieve impartiality and fairness in his decisions. He served with distinction in the difficult, demanding and dangerous role of a Judge in Northern

Ireland. His death was a great loss to his family and friends, to the Bench, to the Bar and, whether they appreciated it or not, to all residents of Northern Ireland.

- 1.9 Tragically and incomprehensibly, the murderers took great pride in killing this elderly, decent, caring and contributing couple.

The importance of courts and judges to communities

- 1.10 For centuries it has been recognized that the courts are of fundamental importance to even the most rudimentary democratic societies. It is the courts which provide the means and process for the resolution of disputes between citizen and citizen and citizen and the State. They have been the foundation stone of human liberties. The ancient writ of Habeas Corpus was a fundamentally important early step in ensuring the rights of individuals. It was the principal weapon in the struggle against arbitrary and wrongful imprisonment. In the earliest times Judges established the importance of the role of the court by demonstrating fairness and courage in the face of threats from members of the nobility and, indeed, the monarchs. Criminal law is really the basis for all human rights cases. For example, it recognized the importance of the individual and his home. It was a court which, centuries ago, proclaimed that “A man’s home is his castle”.
- 1.11 It is true that the courts can only properly function if independent counsel fearlessly and carefully put forward the case on behalf of their client, whether the dispute be between citizen and citizen or citizen and the State. The trial process might be thought of in terms of an equilateral triangle, that is to say, the court functions best when it operates in the form of an equilateral triangle with equal force and weight given to the role of the Judge and to counsel on each side. Nonetheless, there must be a presiding figure, someone who establishes and sees that counsel and all before the court follow the rules of procedure. That person must be the Judge. Thus Judges are a symbol of the elusive goal of justice to every community.
- 1.12 What are the qualities and characteristics that should be displayed by a judge in demonstrating justice to the community?
- A judge must be unbiased and display impartiality between the parties appearing before the court.
 - The judge must demonstrate fairness in the approach taken to witnesses, their evidence and in the rulings made.

- The judge must display patience with excited and worried witnesses who may tend to stray from the subject of the questions.
- The judge should be courteous to all who appear in the court.
- The judge must give scrupulous attention to every witness and every piece of evidence presented in the court.
- A judge must be completely independent and free of all interest in persons or organizations appearing in the court.
- Judges must be industrious in their approach to cases and decisions.
- The judge must, above all, be courageous and prepared to make decisions which might be unpopular with one segment of the community or another.

1.13 The role of a judge is an extremely difficult one. The role is extremely demanding of judges and, by necessity, equally demanding of their families.

1.14 The courts have been a successful and important branch of government in every democratic country. They play a fundamentally important role in every democratic community. Yet they are human organizations and, as a result, courts and judges are subject to the human frailties that beset all of us. As a general rule judges struggle endlessly to remain impartial, unbiased and fair. For the most part they succeed admirably. Where errors are made, there is a form of appellate review.

1.15 These may appear to be simplistic comments. Yet they must be made to demonstrate the importance of judges to the community and the need for society to provide protection for judges and lawyers.

1.16 The importance of the role of courts is greatly increased in times of trouble. There are a number of aspects that go hand in hand with troubled times. For example: emotions run higher, divisions in the community are deeper, and violence escalates. The courts then become a symbol of order. Sometimes they are the only barrier which prevents a community from falling into complete chaos and anarchy. No matter how judges struggle to maintain impartiality and fairness in times of trouble, any decision going against one segment of society or the other is bound to be interpreted by an extremist

as indicating a bias. That presumption of bias can then be used by extremists on both sides as a justification for the cowardly murder of judges.

- 1.17 In 1987, the times were certainly troubled in Northern Ireland. Lord Justice Gibson was well aware that he was a target of terrorists. Nonetheless, he did not shirk from presiding in high-profile cases. It would have been so easy for him to have said as he approached his 74th birthday: “I have made my contribution, I have been a judge for nearly 20 years, I can retire and let others take on the burden”. Yet he did not take the easy road. He continued to support his community and youth groups and, even more importantly, he continued to carry out his difficult, demanding and dangerous role as a judge.
- 1.18 Every individual in a democratic country must be considered as important. Thus, the murder of every individual must be investigated and prosecuted with the full vigour of the State. In this instance the stakes are a little higher. The murderers attacked a symbol of justice for the community of Northern Ireland. The killing of Lord Justice Gibson was not simply the murder of an individual; it was a blow against the preservation of justice in the community. It was a blow against much that decent people cherish: the rule of law, and a forum for the resolution of disputes which operates on the basis of law, fairness and impartiality. It was a murder that encouraged chaos and a complete breakdown of society. This murder demonstrates yet again the importance that democratic States must attach to the protection of counsel and judges. Without it disorder and chaos will quickly follow.

Definition of collusion

- 1.19 In this case the issue is whether there is any evidence of collusion by the Garda officers or members of any other governmental agency.
- 1.20 How should collusion be defined? Synonyms that are frequently given for the verb to collude include: to conspire; to connive; to collaborate; to plot; and to scheme.
- 1.21 The verb connive is defined as to deliberately ignore; to overlook; to disregard; to pass over; to take no notice of; to turn a blind eye; to wink; to excuse; to condone; to look the other way; to let something ride: see for example the Oxford Compact Thesaurus Second Edition 2001.
- 1.22 Similarly the Webster dictionary defines the verb collude in this way: to connive with another: conspire, plot.
- 1.23 It defines the verb connive:
1. to pretend ignorance or unawareness of something one ought morally, or officially or legally to oppose;
to fail to take action against a known wrongdoing or misbehaviour – usually used with connive at the violation of a law.
 2. (a) to be indulgent, tolerant or secretly in favour or sympathy;
(b) wink at youthful follies;
(c) to cooperate secretly: to have a secret understanding.
- 1.24 In the narrower context how should collusion be defined for the purposes of this inquiry? At the outset it should be recognised that members of the public must have confidence in the actions of governmental agencies, particularly those of the police force. There cannot be public confidence in government agencies that are guilty of collusion or connivance in serious crimes. Because of the necessity for public confidence in the police, the definition of collusion must be reasonably broad when it

is applied to actions of these agencies. This is to say that police forces must not act collusively by ignoring or turning a blind eye to the wrongful acts of their servants or agents or by supplying information to assist others in committing their wrongful acts or by encouraging them to commit wrongful acts. Any lesser definition would have the effect of condoning, or even encouraging, state involvement in crimes, thereby shattering all public confidence in these important agencies.

- 1.25 In determining whether there are indications of state collusion in the murder of the Gibsons, it is important to look at the issue from two perspectives. First, it must be seen whether the documents indicate that the action or inaction of government agencies might have directly contributed to the murders. Secondly, it is necessary to examine collusive acts which may have indirectly contributed to the killings, by generally facilitating the terrorist activities. That is, evidence may reveal a pattern of behaviour by a government agency that comes within the definition of collusion. This evidence may add to and form part of the cumulative effect which emerges from a reading of the documents. Both perspectives must be considered in determining whether the evidence indicates that there have been acts of collusion by government agencies.
- 1.26 In this case the first and prime issue that must be resolved is this: Has there been any evidence disclosed of acts of collusion, as I have defined it, by Garda officers or employees?

Lord Justice Gibson as a target of terrorists

- 1.27 Four RUC officers were charged with the murder of three men, believed to be members of the IRA: Eugene Toman, Sean Burns and Gervaise McKerr. They were shot in Lurgan in November 1982 when the police officers fired 109 shots into their car as it drove through a checkpoint without stopping. Following the acquittal of the officers, Lord Justice Gibson stated:

“I wish to make it clear that, having heard the entire Crown’s case, I regard each of the accused as absolutely blameless in this matter.

That finding should be put on record along with my own commendation as to their courage and determination for bringing the three dead men to justice, in this case, to the final court of justice.”

- 1.28 These remarks were interpreted by some Nationalist organizations as indicating Lord Justice Gibson’s support for the “shoot-to-kill” policy which was then alleged to be the practice of the RUC and the army when dealing with IRA terrorists. As soon as he was aware of this interpretation Lord Justice Gibson made a public statement specifically stating that his remarks were not intended to be an affirmation of the security forces’ shoot-to-kill policy. It was thought that, at least from this point on, there could be no doubt that Lord Justice Gibson was a prime target of terrorists.

- 1.29 Lord Justice Gibson and his wife had been frequent visitors to the Kilcar area of Co. Donegal. He had purchased a landsite there in the 1960s with the intention of building a vacation home. Intelligence reports received by security forces reveal that, as early as 1974, PIRA had plans to assassinate Lord Justice Gibson at his home in Donegal. The reason given for this was that he had sentenced a PIRA member (Mullan) to a long term of imprisonment for blowing up a house in Belleek, Co. Fermanagh.

- 1.30 On 6 February 1974, a representative of An Garda Síochána (the Garda) wrote to the Assistant Chief Constable of the RUC stating:

“I wish to ... inform you that information has been received from a reliable source to the effect that Mr Justice Gibson has been listed by the Provisional IRA to be shot in the near future.”

- 1.31 Later, on 22 February 1974, a memo was sent by the Garda to the Superintendent of the RUC, Special Branch, indicating that Mr Justice Gibson had arrived in the Kilcar area of Co. Donegal early on Easter Sunday morning and stayed until 16 April 1974. No notification of his visit had been received. The Garda suggested that some definite arrangement should be made with Mr Justice Gibson to ensure that he would notify police of his visits in sufficient time to arrange appropriate security. It suggested that it should be emphasised to the Judge that it was in his own interest to inform the RUC or Garda prior to visiting Donegal.

- 1.32 On 4 March 1974 a letter was written to Chief Superintendent Wren of the Garda by the Special Branch of the RUC stating that the Judge had been contacted by a member of Security Branch and advised of the police position regarding his visits to Donegal. The letter noted:

“He has stated that he will inform this headquarters of any visits he intends to make to the area in the future.”

- 1.33 Security force intelligence indicated that, during this period, PIRA was planning to step up attacks against selected members of the judiciary in Northern Ireland. The two targets known to head the PIRA list were Lord Justice Gibson and Judge McDermott. Intelligence reports from 1984 indicated that PIRA was gathering intelligence on both judges with a view to assassinating them in the near future.

- 1.34 On 4 May 1981 four men entered Lord Justice Gibson's home in Donegal. They claimed they were conducting a peaceful protest in respect of H-Block prisoners' conditions at the Maze Prison. They were arrested and it was noted that they all had addresses in Killybegs and that they were suspected PIRA supporters.

- 1.35 On 1 July 1984 Lord Justice Gibson's home in Donegal was largely destroyed by a fire that was the work of arsonists.
- 1.36 It is significant that PIRA appears to have been aware of the date and times of most, if not all, of the visits of Lord Justice Gibson to Donegal for some years. PIRA was able to accomplish this at some considerable distance from Dublin and Dundalk where collusive acts on the part of Garda officers were later alleged to have occurred.

Earlier successful escort duties performed by the Garda for the Gibsons

1.37 It is worth noting that, prior to the fatal bombing, the Gardaí had escorted Lord Justice Gibson to and from the border on several occasions without incident. The following are examples:

- (i) On 27 April 1981, Lord Justice Gibson arrived on a B&I car ferry from Liverpool at 7.30am and was escorted to the border by members of a Special Detective Unit.
- (ii) On 3 April 1982, Lord Justice Gibson was escorted from the border to Dublin Airport for a flight to Malaga and, on his return, escorted back to the border.
- (iii) On another occasion secure parking was provided for him and he was escorted to the border upon his return from a holiday spent in Gran Canaria.
- (iv) On 17 July 1986, he was escorted from the border to Rosslare to board a ferry for a holiday in France. The Dundalk Garda were notified of the anticipated arrival time of the Gibsons. Upon his return on the 4 August, an escort was provided to the border.

The last holiday

A. The itinerary

- 1.38 In December 1986, the Gibsons began to plan for a holiday trip in April 1987, which would take them to various locations in England to visit family and friends. Most, if not all, of the bookings were made in the Gibsons' own name, although Lord Justice Gibson's title was not referred to on some occasions. On 28 December 1986, the Gibsons booked their ferry journey through a travel agency in Belfast. At first, both the departure and return were to be through the ferry port at Larne. However, it was later decided that a Liverpool to Dublin ferry would be preferable because it would enable Lord Justice Gibson to attend, as he did every year, a Boy Scout concert on Saturday the 25th. On either 12 or 17 February the Gibsons changed their ferry booking. Once this was done, fresh tickets were issued and the old ones were cancelled. The tickets were issued in the Gibsons' name. Records were kept by the travel agency and were also forwarded to the relevant departments of the B&I Ferry Line.
- 1.39 The Gibsons left Belfast on 14 April and spent the evening of 15 April in the Queen's Hotel in Cheltenham. It is possible that no one in the hotel knew that he was a judge until he paid the account with a Visa card that was imprinted "Sir M W Gibson". Lord Justice Gibson had made the booking at the hotel in his own name but had made no reference to his title or position.
- 1.40 On 16 April the Gibsons visited a cousin of Lord Justice Gibson. On 17 April they travelled to Dorset to visit a niece of Lady Gibson. On that same day they continued on to the High Bullen Hotel at Chittlehamholt, in north Devon. Here they stayed until 21 April. The proprietors of this hotel would have been aware of Lord Justice Gibson's title as he had confirmed the booking and reservation himself and had signed his letter "Sir Maurice Gibson". They then visited a cousin of Sir Maurice, the Right Reverend Roger Wilson and his wife. From there they drove to the village of Lacock near Chippenham and stayed overnight at an inn called The Sign of the Angel

where they had their dinner. The staff at the inn remembered them well although the RUC officers who investigated the murder did not believe that their status was known to anyone at The Sign of the Angel.

- 1.41 On 23 April the Gibsons travelled north to Cheltenham where they visited friends and stayed at the Stratford House Hotel. Lady Gibson had made the initial booking by telephone and confirmed it by letter, again without reference to a title. The owner of the hotel remembered that the Gibsons had spoken to other guests about the best route to Liverpool to get the ferry to Dublin and how long the journey would take. The next night they journeyed to the Atlantic Tower Hotel in Liverpool, close to the ferry docks, and apparently had a meal before they boarded the ferry.
- 1.42 It is clear that many people knew of the Gibsons' holiday and of their plans and arrangements. They made no secret of their intention to return on the Liverpool to Dublin ferry which left on 24 April and arrived on 25 April.
- 1.43 It is also apparent that the Gibsons sought and obtained special privileges on the ferry to Dublin, including the right to have their car placed so that it could be first off the ship upon its arrival in Dublin.
- 1.44 Among those who knew of the Gibsons' itinerary were the police forces on either side of the border.
- 1.45 On 13 April 1987, an RUC constable informed Sergeant O'Hara of "D" Department, Garda Headquarters in Dublin, of the Gibsons' return travel arrangements by way of Dublin. Sergeant O'Hara was advised of the date and time of the arrival in Dublin. He was, as well, given the make, colour and licence plate number of the Gibsons' car, so that it could be identified by the designated escort.
- 1.46 Following the murder, Border Superintendent Robert Buchanan investigated the dissemination of information regarding the movements of Lord Justice Gibson and his wife within the Garda. He determined that the information was received at Garda Headquarters on 13 April 1987. It was then passed by secure telephone to Drogheda (Divisional Headquarters) and then once again by secure telephone to Dundalk. At

Dundalk the message was typed out, signed by Superintendent McCabe, and addressed to “Sergeant Dundalk and Dromad” marked “Confidential”. This message was dated 15 April 1987. This information was only passed to those officers who needed to know it.

- 1.47 It is unfortunate, but it must be observed that on the occasion of this holiday there were really no security precautions taken by the Gibsons. Tickets were purchased and the reservations were made in their own name, and they freely discussed with strangers the time of their proposed return to Ireland on the Liverpool to Dublin ferry. Their arrangements were known by many and their plans, including the time they expected to reach the border, could have been ascertained with relative ease.

B. The Liverpool to Dublin ferry and journey from Dublin to the border

- 1.48 Detective Garda Mostyn and Detective Garda Shovlin were the officers assigned to escort the Gibsons to the border. They were aware that the Gibsons were scheduled to disembark at 7.00am Detective Garda Mostyn went on board the ferry to meet the Gibsons. Lord Justice Gibson explained that they wished to go straight to the border where they were expected to arrive between 8.30am and 9.00am. He asked Detective Garda Mostyn to lead the way in the unmarked Garda car. This was because his wife, who would be driving their blue Ford Escort, was not familiar with the streets of Dublin.
- 1.49 The officers led the way out of Dublin. On the main Dublin to Belfast road they permitted Mrs Gibson to pass them and they then followed her. They noticed that there was another car with three young women in it who overtook them. They saw this car at the border crossing close to the Gibsons’ car.
- 1.50 When the cars arrived at the Customs post at Dromad, Mrs Gibson stopped their car and Lord Justice Gibson got out. He came back to the Garda car and shook hands with the officers and thanked them for their assistance. The officers said that they would follow him to the border. The officers watched the Gibsons drive across the border. They then drove back to the Dromad Customs post and, just as they reached it, heard a loud bang. They looked behind and saw a lot of smoke, and immediately drove their

car back to the border. There they saw the column of smoke and then went directly to the Dromad Garda Station, where they reported what had happened.

- 1.51 It must be noted that the Garda officers kept radio silence from the time they reached the ferry dock until they completed their duties at the border and returned to report the column of smoke.

C. The explosion

- 1.52 The explosion took place on the main Dublin to Belfast road, in the northbound lane, some 100 metres north of the Kinney Mills road, and 400 metres north of the border. It created a large crater, about 10 feet x 20 feet and 6 feet deep. Investigating officers thought that, at the moment of the explosion, the Gibsons were on their way to the rendezvous point to meet the RUC escort that was to take them to Belfast.
- 1.53 Following the explosion three vehicles were found close to the crater. The burnt-out shell of a Ford Cortina was found in the south-bound lane. It was identified by its registration number.
- 1.54 This car was owned by Mr Peter Tomany of Jonesborough, who had reported it stolen on 12 March 1987. The explosive device had been attached to this vehicle, and it would appear that the force of the explosion had blown it from its original position on the north-bound shoulder of the road to its ultimate location in the south-bound lane facing south. Investigators estimated that approximately 450-500 pounds of home-made explosive had been planted in the Ford Cortina, and detonated by radio control.
- 1.55 The Gibsons' car, very badly damaged by the explosion and ensuing fire, had also been blown across the road. It too was facing south in the south-bound lane.
- 1.56 A Mini Metro was located on the shoulder of the north-bound lane.
- 1.57 Mr James Donnelly was the owner of a Texaco filling station, shop and off-licence store which was located on the east side of the highway, not far from the site of the explosion. He did not notice the stolen blue Cortina when he opened his station

around 8.00am. However, he did see it at about 8.30am. He described it simply as a dark-coloured car but he could not identify the manufacturers nor did he see its licence number. He said that at about 8.40am or 8.35am there was a massive explosion. It was he who phoned for the ambulance, giving his location and advising of the explosion. He could see that there was a Ford Escort on fire. He also observed that there were three boys in another wrecked car in the middle of the road. As well, he saw that there were two or three girls in the Metro car who appeared to be injured.

- 1.58 Many years later an intelligence report was received that indicated that the bomb-carrying car was driven to its position at around 8.15 in the morning.
- 1.59 The effect of the violent explosion and the ensuing fire was such that they not only caused the instantaneous death of Lord and Lady Gibson, but made it impossible to visually identify them. That was only accomplished by reference to their dental records.
- 1.60 At the time of the explosion, the RUC officers who were to meet the Gibsons in Northern Ireland and escort them to their home in Belfast, were approaching the designated rendezvous point. One of the officers, who had served as the permanent escort to the Gibsons for the preceding three years, stated that he believed that the Judge and his wife would not be crossing the border until approximately 8.45am. As the two RUC officers were approaching Newry, they were told of the explosion. They hurried to the scene and notified the RUC officers in the area.
- 1.61 The RUC determined that the bomb had been triggered by a radio signal. This means that the individual or persons who set off the explosion must have been in a position to see the Gibsons' car as it approached the site and must have been able to make a rough estimate of its speed. Yet there were no sightings of strangers, either individuals or groups, who were thought to be acting strangely or in a suspicious manner. Nor were there any reports of vehicles being driven in an unusual or suspicious manner close to the site of the explosion before it was detonated.
- 1.62 However, George Johnson may have seen the vehicle earlier that day. In his statement to investigators, he indicated that he was driving to Dublin in his car on 25 April

1987. Between 7.20am and 7.30am, he was travelling along the main Newry to Dublin Road in Northern Ireland, just before Killeen. He recalled seeing a car parked on the left-hand side of the road. He believed that the car was a dark colour, possibly dark blue. Three men were standing around the car, one at the boot, one at the nearside of the vehicle, and the third at the bonnet, which was up.

- 1.63 The South Armagh brigade of PIRA claimed responsibility for the murders. A message was received at Headquarters of Newry CID which in turn stated:

“The IRA claimed responsibility for the murder in a brief statement issued from Dublin. They described the attack as the execution of show trial judge Lord Justice Gibson. They added he acted as a judge and jury and supported the RUC executioners but there are other judges in Ireland besides those imposed by Britain. He has now been brought to the “final court of justice”.

- 1.64 PIRA also issued other public statements indicating that the murders had been planned in advance.
- 1.65 According to an article in the Irish News, on 27 April 1987, the IRA issued a statement claiming that the explosion had been “carefully planned” and was carried out because Lord Justice Gibson represented “the evil and corrupt paid perjurer judicial system in the North”.
- 1.66 An article in the Sunday Tribune, on 3 May 1987, had an IRA spokesman refusing to say how the IRA knew the movements of Lord Justice Gibson and his wife, but added that “the IRA had known that Sir Maurice was returning home via Dublin a considerable time in advance”. He also said that the IRA’s preparations for the murder were made “at the very minimum, a week in advance”. He pointed out that “the IRA needed that amount of time to prepare the explosives, which were just the normal fertiliser mix, not plastics, to study the lie of the land, to get the car ready, and to prepare the remote control”.
- 1.67 These public assertions were consistent with two intelligence reports received by an intelligence agency which indicated that PIRA had at least two days’ notice of the

anticipated movements of Lord Justice Gibson before he returned to Northern Ireland and, further, that the paramilitaries had been able to very precisely and accurately time both the placement of the Cortina and the detonation of the bomb.

Avenues of investigation

A. The RUC inquiries regarding the B&I ferry line

- 1.68 Very thorough and painstaking inquiries were undertaken by the RUC into the operations and personnel of the B&I line to determine if they had assisted those who murdered the Gibsons.
- 1.69 The B&I company has a computer system which pertains to passenger information. Michael Hugh McNally supplied the RUC with information regarding the processing of passengers. He explained that, in the usual course of events, Dublin Command would print a way-bill which was then transmitted to one of two printers in Mr McNally's office. Usually the way-bill was transmitted at 4.30, between Monday and Friday, for each specific night, and at 12 noon on Saturday for Saturday and Sunday sailings. The printers would create a printout which consisted of an alphabetical list of vehicles booked, berths booked, and the number of berths sold and unsold. The names of passengers would only appear if they had booked a berth.
- 1.70 The way-bills were then distributed. One copy was retained for office files in Liverpool and three copies go to the ferry port at Brocklebank Dock, Liverpool, for controllers and ship personnel. The mainframe and computer information was stored in Dublin. The office in Dublin employed a number of computer operators, each issued with personal passwords. Mr McNally stated that if he received a booking inquiry he could easily key in his own password to check and see if a person was due to sail. If all he had was a name then it would be more difficult, because he would have to get access to the computer in Dublin and this, in all probability, would be noticed. Any inquiry that was made seeking such information would be recorded. Before being deleted, all computer data was stored on magnetic tape and thus it was possible for the officers to follow up to see if anyone had made inquiries about the Gibsons' travel arrangements. However, to the best of Mr McNally's recollection, no one had made any inquiries about the name "Gibson" travelling on 24 April 1987.

- 1.71 He stated that on rare occasions, the Liverpool Ferry Office would be informed that a VIP was travelling, but this did not occur in the case of the Gibsons. Indeed, it had only occurred on one occasion in the preceding 12 months when the Irish Minister for Tourism was travelling on the line.
- 1.72 He went on to state that, in addition to the way-bills, a hand-written list of all vehicles boarding the ferry was made up and forwarded to Dublin. The list was compiled as the vehicles boarded the ferry and sometimes differed from the way-bills, because some vehicles would fail to turn up and others would attend without any prior booking.
- 1.73 Mr Norman Royle of the Ferry Port Controllers at Brocklebank Dock stated that it was very unusual for anyone to ring up and ask if a certain person was scheduled to travel on a particular ferry. However, he went on to say that if such an inquiry was made, and the way-bill was at the dock, the question would in all probability be answered.
- 1.74 Careful inquiries were made by the Garda and the RUC as to employees of the B&I line to determine if any of them belonged to or had “subversive” affiliations. The results appeared to be negative.
- 1.75 On the basis of these investigations, it was determined that there was no evidence to indicate that an employee of the ferry line had furnished information to PIRA.

B. Inquiries regarding hotel bookings

- 1.76 In addition, the RUC officers carefully checked at the various hotels the Gibsons stayed at during their holiday. For example, at the Queen’s Hotel in Cheltenham they learned that, some 10 to 14 days before the Gibsons arrived, Cecily Gibson’s sister had called the hotel to inquire as to the date that they would be staying in the hotel. On that occasion, her sister, referred to him as “Sir” Maurice Gibson and used his title.

- 1.77 The officers discovered that the proprietors of the High Bullen Hotel in Chittlehamholt in North Devon, where the Gibsons stayed from 17 to 21 April, were aware of Maurice Gibson's title. They confirmed that he had booked and confirmed his reservation himself and had signed the letter "Sir Maurice Gibson".
- 1.78 The officers attended at the Stratford House Hotel in Stratford-upon-Avon. They discovered that the hotel register simply referred to Maurice and Cecily Gibson. However, the owner remembered that the Gibsons spoke to other patrons of the hotel inquiring about the best route to Liverpool to get to the ferry and how long the journey would take.
- 1.79 The proprietor of the Stratford House Hotel stated that on 4 April 1987 she received a telephone call at the hotel requesting accommodation for "Lord and Lady Gibson" on 23 April. This call was followed by a letter of confirmation with a deposit of £20.00.
- 1.80 The Gibsons also came to visit a relative by the name of Beryl Carpenter on their holiday. She told the officers that she received a letter, dated 18 March 1987, from the Gibsons saying that they intended to visit her over Easter. Ms. Carpenter told one of her neighbours who had met the Gibsons during a previous visit that they were coming to visit her. She also told her home help and her husband that the Gibsons would be visiting.
- 1.81 The RUC were not able to establish subversive links or PIRA connections on the part of any employees working at the hotels the Gibsons visited during their holiday.
- 1.82 In sum it must be observed that it is apparent that the Gibsons' travel plans were well known to many people who were aware of Lord Justice Gibson's title and position.

C. Other investigations

- 1.83 Inquiries were made by the Garda pertaining to the owner of the stolen Cortina that contained the explosive material. As a result the Garda were satisfied that he was not implicated in the murder of the Gibsons. The Garda also investigated a suspect whose

name had been given to them but they could not discover any evidence that would implicate him.

- 1.84 The property register kept by the Garda listed only 11 exhibits taken from the scene of the explosion. There were maps and photographs which did form part of the record, but were not listed on the register. These omissions and the small number of exhibits listed may be explained both by the passage of time and the less sophisticated investigating procedure utilized in 1987 compared to the present time. In any event, this does not constitute evidence of collusion on the part of the Garda by acts of either commission or omission.
- 1.85 An element that appears to be missing from the RUC investigation is any record of inquiries made in the neighbourhood of the bombing where the person or persons who triggered the bomb must have been located. Those who set off the bomb by the radio-triggering device had to have a clear line of sight to the Gibsons' car. As well, the explosives had to be moved and placed at the scene of the explosion. However, the only reference seems to be the statement of Mr Donnelly, the garage owner, that he only noticed the car carrying the explosives shortly before the explosion. RUC inquiries indicated that no one locally noticed anything of a suspicious nature in the way of either vehicles or persons in the vicinity. Perhaps that is the answer to this line of investigation. However, it appears to have been carried out with so much less intensity than that pertaining to the employees of the travel agents, the B&I line and the hotels, that it suffers in comparison.

The allegations of state collusion

A. Publications

- 1.86 There is very little intelligence information on either side of the border indicating that there was anyone in the Garda that passed on information which could have facilitated the murder of the Gibsons. What then is the real basis for the allegations of collusion? In this case, the allegations of state collusion arise from two sources. The first is a book (published by Hodder and Stoughton) written by Toby Harnden in 1999 entitled “Bandit Country” at pages 156 – 159 and a revised edition published in the year 2000, pages 460 and 461. The second is an article written by Mr Kevin Myers entitled “An Irishman’s Diary” and published in the *Irish Times* on 10th March 2000. Both authors alleged, as fact, that a source within the Garda at Dundalk had tipped off PIRA to the movements of the Gibsons, and had also furnished information leading to other murders in the area.
- 1.87 In the face of these allegations, both the RUC and the Garda conducted inquiries to determine if there were any grounds for the allegations, contained in the book and article, of collusion by Garda officers or its civilian employees in the murders of the Gibsons and the other murders they mention. One of these is the murder in March 1989 of two RUC officers, Chief Superintendent Breen and Superintendent Buchanan, in a PIRA ambush. The murders of these officers will be dealt with in detail in a separate report. For the present, it is sufficient to note that the authors alleged that a mole or moles within the Gardaí was responsible for passing information about both the Gibsons and Officers Breen and Buchanan to PIRA. To this extent, the allegations of collusion in the respective cases are linked and some reference to the Breen/Buchanan murders is necessary in this report.
- 1.88 On 11 April 2000 the Commissioner of the Garda directed Chief Superintendent Sean Camon and Detective Inspector Peter Kirwin to re-examine all available files and investigate allegations of collusion relating to the Dundalk Garda Station. Because those allegations stemmed from the book written by Toby Harnden and the article

written by Kevin Myers, the officers interviewed both journalists in the course of their investigation. The interviews revealed how little these gentlemen relied upon fact and how much they relied upon suspicion and hypothesis. It will be helpful to review these interviews and the statements made by the authors. It should be remembered that there was no probing cross-examination of the authors, rather they were simply interviewed in a straightforward manner.

i. The interviews with Mr Harnden

- 1.89 In the first edition of the book “Bandit Country” the author, Toby Harnden, alleged collusion in the murders of Chief Superintendent Breen and Superintendent Buchanan. He wrote that: “Senior RUC and Garda officers told the author that they were certain that information passed by a Garda officer enabled the IRA to ambush them as they returned from a meeting with Chief Superintendent John Nolan at Dundalk Garda Station”. Mr Harnden was interviewed in Washington DC by Garda officers on two occasions: 6 April 2000 and 12 May 2000. When he was asked to identify his sources, Harnden stated that a lot of what was told to him was circumstantial and that he did not believe that he was in possession of evidence that could result in any charges.
- 1.90 The Garda investigation included inquiries of the RUC. These inquiries revealed “That no evidence existed, nor could any documentation be located, which indicates Garda collusion with subversives”. Assistant Commissioner Edward O’Dea was appointed by the then Garda Commissioner to conduct all necessary inquiries in Dundalk. Every single Garda member from Dundalk station who was working on 20 March 1989 when the RUC officers were murdered was interviewed and a statement taken from each officer. Assistant Commissioner O’Dea concluded that no member of An Garda Síochána leaked or passed on any information to any person outside the force concerning the visit of the two RUC officers to Dundalk on 20 March 1989.
- 1.91 In his book Harnden wrote that Chief Superintendent Breen had been uneasy about the meeting in Dundalk because he was concerned about one Garda officer who the RUC thought might be working for the IRA.

- 1.92 This is a reference to a statement made by Alan Mains who was Chief Superintendent Breen's staff officer. The two had lunch together on the date of the murder. Mr Mains stated that Chief Superintendent Breen had told him that he was uneasy about travelling down to Dundalk and that he felt that a person, suspected of being a senior IRA figure in the south Armagh area, had contacts with An Garda Síochána and that certain members were on his payroll. In a second statement Mains said that the officer referred to by Chief Superintendent Breen was Garda B at Dundalk. The statement of Mains could be seen as a basis for suspecting collusion. The evidence which could provide a factual or evidentiary basis for the concern expressed by Chief Superintendent Breen has been set out in the report on the Breen and Buchanan murders. It will be seen that it relates primarily to their ambush.
- 1.93 In a passage from his book "Bandit Country" (pages 157-158) Mr Harnden sets out a great deal of detail as to how the operation against Messrs Breen and Buchanan would have been mounted. However, in his interview with Gardaí on the same subject, Mr Harnden stated that "He could only hypothesize in relation to how the attack upon Breen and Buchanan could have been mounted".
- 1.94 With respect to the suggestion in the book that an IRA man with a CB radio was watching the two officers as they left Dundalk station and was in CB radio contact with an IRA team, Harnden stated that "this was not a fact that he considered particularly significant and that while it was said to him by someone north of the border, it may 'have been said as a belief rather than something definite'." He added that there was "possibly an element of drawing conclusions" and that a more accurate account in the book might have been that an "IRA man was probably watching". He had no definite information in relation to a man with a CB outside the Dundalk station despite what he had written in the book.
- 1.95 In his book Harnden also referred to the fact that there was technical information which confirmed that the IRA had been contacted by someone in Dundalk station. Harnden stated that he based this statement on information from "a trusted RUC source who had an intimate knowledge of the investigation into the two murders". According to Harnden, the source would not expand on this and was "extremely cagey".

- 1.96 Harnden stated that the clear impression that he got was that the CB transmissions were being monitored by the security force towers. However, he acknowledged that this was supposition on his part and that, while he was given the firm impression by one source that there was technical information in existence, nothing definite was given to him.
- 1.97 In response to an inquiry from the Garda, the RUC stated that no evidence existed, nor could any documentation be found which indicated that there had been any Garda collusion with subversives. Further, the RUC denied that there was any technical information which confirmed that the IRA had been contacted by someone within the Dundalk station.
- 1.98 There was an allegation in the Harnden book that RUC SB received intelligence that a Garda officer telephoned an IRA member to tell him of the Gibsons' expected arrival at the border. When he was asked to discuss the source of this intelligence he stated that it was the same officer who had told him about the technical information. When asked if he could provide any more information Harnden stated that he had nothing further on the IRA man except that Garda B was mentioned to him as the Garda member who had contacted the IRA. When queried about this, the RUC denied that it had received intelligence information that a Garda officer had phoned an IRA man.
- 1.99 However, there is one RUC ungraded intelligence report. It indicated that an identifiable contact who worked in the Dundalk Garda Station made a phone call to an unknown member of PIRA when Chief Superintendent Breen and Superintendent Buchanan were leaving the station thus facilitating the ambush arrangements that culminated in their murder.
- 1.100 The following observations must be made with regard to this intelligence.
- 1.101 First and foremost, it does not pertain to the murders of the Gibsons but, rather, the later murder of Officers Breen and Buchanan. Second, the intelligence is "ungraded". that is to say, there is no reference to the source of the intelligence as being regarded as "unreliable" or "very reliable" or something in between. Therefore its reliability

cannot be assessed. Third, it should be noted that it does not appear that this intelligence report was passed on to the Garda. Rather, in correspondence dated 29 September 2000, Deputy Chief Constable Cramphorn of the RUC sent Deputy Commissioner Conroy of the Garda a report prepared by Chief Superintendent McBurney. In his report, dated 15 September 2000, McBurney specifically addressed the allegation that “RUC Special Branch had received intelligence that a Garda officer had telephoned an IRA member to tip him off”. With respect to this and other allegations, Chief Superintendent McBurney asserted that “... no evidence exists, nor can any documentation be located, which indicates Garda collusion with subversives”. Certainly, the Garda was entitled to rely upon the RUC report in drawing its own conclusion that there did not appear to be any documents which indicated that any member of the Garda had colluded with the murderers of the Gibsons. The investigation carried out by Assistant Commissioner O’Dea provided further confirmation that no officers or civilian employees working in Dundalk had contacted PIRA regarding the attendance of Breen and Buchanan at Dundalk.

- 1.102 Harnden declined to identify Inspector “L”, a former member of Garda SB, who was referred to at page 159 of “Bandit Country” as having “confirmed the sequence of events”. When asked to clarify this account, Harnden stated that he was referring to basic timings, etc. and that the reference was not intended to convey, nor did it mean, that Detective Inspector “L” had confirmed the allegation that there was information passed from a Garda member to the IRA.
- 1.103 In his book Harnden attributed a statement to detective inspector “L” to the effect “I am afraid the leak came from a guard”. When questioned about this, Harnden repeated that he was not referring to the technical information or the RUC intelligence, but rather “basic timings”. He said that because of editing the statement attributed to “L” appeared out of context. Harnden went on to say that it was possible that “L” was “putting forward a theory” when he stated that the leak came from a guard, though he thought it appeared to be stronger than that.
- 1.104 In his book Harnden wrote about an RUC SB officer who was supposedly able to name the Garda officer who had told the IRA about the meeting but said that Chief Constable Hermon had stamped on the story.

- 1.105 However, Harnden declined to name the RUC officer or offer any further information relating to the identity of the RUC Special Branch officer other than describing him as someone who had assisted him with the research for the book.
- 1.106 With respect to naming Garda B, Harnden qualified this tip-off by saying that “If it was a tip-off it may not be as specific”. When asked “Can we take it as dogmatic that it was Garda B”, Harnden responded “No, it is my way of stating it”.
- 1.107 When asked if the RUC SB officer had alluded to the basis for his knowledge that Garda B had passed on the details of the meeting, Harnden stated that, as he recalled, the RUC officer was not as specific or emphatic and was speaking more from an overview perspective.
- 1.108 In the revised edition published in late 2000, at pages 216-222 Harnden outlined the same allegations of collusion along with some additional ones, namely, that in addition to one leak by “Garda X”, there was another officer “Garda Y” that was also providing information to the IRA. During the interview with Harnden he told the officers “There were suspicions about Garda B before this when the leak from the Garda station became an issue. I suspect Garda B was involved but have no evidence. There was suspicion in the RUC about Garda B. The name Garda A has recently been mentioned to me in the context of a matter that, if established, would have been a disciplinary offence of relevance. Looking at it in hindsight, he must now also be a suspect”. When Harnden was asked if he had discovered any new information since he wrote the book, he answered “Not really in terms of specific detail. The two names have been generally thrown about – Garda B and Garda A – but nothing specific”.
- 1.109 The Garda report indicates that the additional allegations in the second edition seemed to be based upon the discovery of the existence of Garda A’s alleged involvement in the matter that, if established, would have been a disciplinary offence of relevance and the more expansive theories expounded by Mr. Myers in his article “An Irishman’s Diary”.
- 1.110 At this stage I should make two observations.

- 1.111 First, the matter that, if established, would have been a disciplinary offence of relevance refers to events that took place in 1993 some time after the murder of the Gibsons and Breen and Buchanan. It is not relevant to those murders except in a peripheral manner by indicating that some Garda officers appear to have been prepared to assist members of the IRA.
- 1.112 Secondly, I must repeat that I have been unable to discover any documents on either side of the border which indicate that any Garda officers colluded in the murder of the Gibsons.

ii. The interviews with Mr Myers

- 1.113 Myers was interviewed by the Garda investigating team on 10 and 24 May 2000. He was asked to provide any information or evidence in his possession that provided the basis for his statement that a member of the Garda was directly responsible for the murders referred to in his article. These murders included those of Chief Superintendent Breen and Superintendent Buchanan and Lord Justice Gibson and Lady Gibson.
- 1.114 Myers responded that he had information but no evidence. When he was asked to identify the retired member of the Garda that he referred to in his article, Myers stated that he did not wish to name the retired officer. He went on to say that since writing the article he had learned that more than one Garda was involved in leaking information to the IRA. He referred to an “active cell operating in the Dundalk Garda Station”.
- 1.115 He used the word “cell” because he believed that there was more than one Garda involved and the Gardaí were not working alone. When he was pressed with regard to this, he stated that it was his belief that there were “a very tiny number of Gardaí inside Dundalk Garda Station who were leaking information to the IRA and that they may or may not have been working together”.

- 1.116 With regard to his allegation in the article that a Garda officer “passed vast amounts of intelligence to the IRA and even recruited for the IRA from within the force” Myers stated that he based this statement on the “Bandit Country” book and then made further inquiries of other journalists, RUC officers and Gardaí.
- 1.117 When he was asked to identify the intelligence referred to, Myers stated that the entire Narrow Water investigation had been compromised by an individual or individuals within the Dundalk station. This was a reference to an IRA bomb attack in 1979 which killed 18 British soldiers. Two men were arrested by the Gardaí but released and the items seized during their arrest could not be located when the RUC asked for them.
- 1.118 While Myers attributed a sinister motive to the disposal of the items, the Garda investigation report observed that all indications were that they had been inadvertently disposed of by the Gardaí.
- 1.119 In his second interview Myers acknowledged that there was a long time span between Narrow Water and the other incidents and that there may be no connection between them. He acknowledged in his interview that his instinct then was that it was not a conspiracy to destroy forensic evidence; rather that it may be more in the line of incompetence and he did not have any reason to suspect a Garda mole.
- 1.120 When asked about the matter that, if established, would have been a disciplinary offence of relevance, Myers stated that he was dealing with the story before the matter came to light and could not recall when the information came to him.
- 1.121 Myers was asked to provide the Gardaí with any evidence he had to support his statement that ex-Gardaí passed on precise information to the IRA regarding the movements of a Brinks Mat security van in May 1985 and the handover of the escort of that vehicle from the Garda to the RUC.
- 1.122 Myers responded with a very general statement that he had been told by his informant that all border transactions which had gone wrong had been compromised.

- 1.123 The same response was given when he was asked for evidence to support the claim that there had been a Garda mole who was active in connection with the murder of the Gibsons.
- 1.124 The statement Myers made that “but, as was revealed within a year, the Garda mole was vital” was simply his hypothesis that it was not a mole within the travel agents that brought about the murders, but information that came from elsewhere.
- 1.125 With regard to Myers’ statement that ex-Gardaí had told the IRA of the precise handover point from the Garda to the RUC of an escort for Lord Justice Higgins resulting in the murder of the Hanna family, he once again responded with the general statement that he had been told that all handovers to the RUC had been compromised.
- 1.126 In his second interview he stated that “nobody spoke to him in relation to all of the incidents referred to in the article, that each one was compromised in a particular way”.
- 1.127 Myers stated that there were elements of “conjecture, hypothesis, etc. and that he wrote about the pattern”.
- 1.128 When further pressed with regard to this, he confirmed that he had no specific information in relation to each incident referred to. He added: *“I wrote from my overview. I may have stated it in a more authoritative way than I should. I probably wrote it as a fact, where if I wrote the article now I probably would not write it as fact”*.
- 1.129 When he was asked about his references to a mole in the Dundalk station and if this was a matter of conjecture, Myers stated that sources had stated it to him. He said he did not question or interrogate them about this, but they knew things. He did not question them about the details of their knowledge. He stated: *“I was told that handovers at the border were compromised but did not question this – perhaps I should have. I presumed that these persons were telling the truth and that they had no reason to lie. I would have asked if they were sure about what they were saying.”*

- 1.130 When asked about his allegations that Breen and Buchanan were set up by the Garda mole, Myers stated that he relied on Harnden's book which he took to be hard information. He had also made inquiries north and south and obtained information that was "anecdotal but sufficient for me to say and justify this statement in the article".
- 1.131 In the second interview he once again said that he had relied upon Harnden's book. In relation to other sources, he said that he did not think that any of them had lied "but they may have told me untruths believing them to be the truth. But I do not believe this".
- 1.132 When asked, he stated that he did not have any evidence to present which supported his statement that an ex-Garda mole had passed on information to the IRA regarding the movements of Breen and Buchanan.
- 1.133 With regard to the murder of Tom Oliver and allegations of a Garda mole in Dundalk, he stated: "This is what Toby Harnden told me. I say RUC intelligence – it could be MI5/MI6. While I mention not even a minor Garda inquiry did not take place, I don't know, I could be entirely wrong."
- 1.134 The report carefully observed that, while Myers attributed this information to Toby Harnden, there were no allegations of Garda collusion in the murder of Tom Oliver referred to in the first edition of Harnden's book "Bandit Country". There was a reference in the second edition, although this was published after Myer's article and appeared to refer to a different officer than the one identified by Myers.
- 1.135 The following is a summary of the conclusion of this Garda report which appears to be appropriate in light of the statements made by Harnden and Myers during their interviews.

iii. Summary of the conclusions of the Garda investigation report

- 1.136 Assistant Commissioner O’Dea in his report concluded that he “was satisfied that no member of An Garda Síochána leaked or passed on any information concerning the visits of the RUC officers to Dundalk on 20 March 1989 to any person outside the force”.
- 1.137 In the investigations carried out by Chief Superintendent Camon and Detective Inspector Kirwan, it was observed that the two members of the Garda whose names had been mentioned – Garda B and Garda A – were interviewed and both had denied the allegations. I note in passing that the denials would not of themselves suffice to allay suspicions regarding their activities. However, I must note again that I have been unable to discover any documents or statements on either side of the border that indicate that Garda officers or employees colluded with the murderers of the Gibsons.
- 1.138 Detective Chief Superintendent McBurney was appointed by Chief Constable Sir Ronnie Flanagan to carry out, on behalf of the RUC, inquiries into the allegations of collusion by Garda officers. The Garda report indicated that it was aware that the RUC had not found any evidence or documentation which pointed to Garda collusion with subversives.
- 1.139 In light of these investigations, it was concluded that, in so far as the members of the Garda, Garda B and Garda A, were concerned, “there is no evidence or intelligence reports to indicate that they colluded as alleged with members of PIRA”.
- 1.140 It is fair to say that allegations of collusion relating to Garda A only arose from the writings of Mr Toby Harnden and Mr Kevin Myers. It appears that allegations of collusion by these officers arose as a result of their names appearing in the course of the investigation of the matter that, if established, would have been a disciplinary offence of relevance.
- 1.141 Only one intelligence report received in the mid 80’s indicated that Garda B was passing information to PIRA. There is as well the statement given to me by Kevin

Fulton on 5 September in connection with the case of Breen and Buchanan. In his statement, he reported that Garda B was passing information to PIRA. However Fulton specifically denied knowing anything about the murder of the Gibsons. These are the only documents or statement which could be taken to support the suggestion made by the late Chief Superintendent Breen to Sergeant Mains of the RUC to the effect that Garda B was providing information to PIRA. It must be noted that there is no intelligence report or document which refers to information pertaining to the Gibsons being passed to PIRA.

1.142 A further investigation of the allegations of collusion contained in “Bandit Country” and the Myers article was carried out by Detective Garda Lionel Mulally. In his report of 31 March 2000, he too found that there was nothing to substantiate the publications.

1.143 With regard to the Gibsons, the Mulally Report observed:

“The international liaison office had been informed by the RUC on 9 April 1987 that the Gibsons would be arriving in Dublin on 25 April by ferry from England en route to Northern Ireland. The Chief Superintendent Louth/Meath was subsequently notified of these arrangements and local Gardaí made aware. Lord Justice Gibson had booked the holiday through a Belfast travel agency on 29 December 1986. He had booked it in his own name and provided details of his vehicle.

There is no intelligence or information here to suggest that any individual member of An Garda Síochána provided any information to subversives pertaining to the Gibsons. Earlier intelligence does indicate that Lord Justice Gibson had been targeted by PIRA for some time. He had a holiday home in Carrick, Co. Donegal, that had been attacked by PSF-PIRA in May 1981 and in July 1984. Intelligence indicated that PIRA were at that stage well aware of the identity of Lord Gibson and his movements in the Republic.”

1.144 In summary, the investigations into the book “Bandit Country” and the article “An Irishman’s Diary” indicate that the allegations stating that there was a Garda mole or

that a Garda member facilitated the murder of the Gibsons, appear to be based upon hypothesis, speculation and a source or sources of information that the authors refused to disclose. Statements and allegations were put forward as matters of fact when in reality they were founded upon speculation and hypothesis. It is unfortunate that the book and the article did not make this clear. Fairness to the victims' families demanded no less.

1.145 Every opportunity was afforded to the two journalists to assist the Gardaí with regard to an important aspect of the murders, not only of the Gibsons, but of Breen and Buchanan. Despite being given this opportunity, the authors failed to either disclose their sources of information or put forward any evidence.

1.146 I find that I cannot base any finding of collusion, or possible collusion, on the contents of either Mr Harnden's book "Bandit Country" or Mr Myers's article "An Irishman's Diary".

B. Intelligence

1.147 There is very little intelligence held by security forces on either side of the border to indicate that the Garda, or any other governmental agency, colluded with PIRA in the murder of the Gibsons. One report received several years after the murder was so inaccurate that it need not be considered. A much later report, received more than 10 years after the murder, must be considered. This intelligence report, which was based on double hearsay, indicated that PIRA had had a contact in the Garda for years, and that this contact had passed on information that facilitated the murders of the Gibsons, and Chief Superintendent Breen and Superintendent Buchanan.

1.148 On its face, this report would seem to be significant. However, it would not be safe to rely upon it in the absence of some other evidence to confirm the claim. First, the statement was reportedly made more than a decade after the Gibsons were murdered. Second, the report was based on double-hearsay, without any suggestion of direct or personal knowledge of the issue. Third, the circumstances of the report leave it open to a possible inference that the speaker was merely boasting or attempting to elevate his status. Finally, and most importantly, I have not seen any documents or evidence

that would support it in any way or that even refers to the information contained in this third-hand report. While it cannot be ignored, in the absence of any other evidence, I find that this single intelligence report – the reliability of which cannot be properly assessed – is insufficient to establish or constitute evidence of state collusion in the murder of Lord Justice and Lady Gibson. Every effort has been made to follow up on the report and to discover whether other relevant files or documents exist. However, no further references of any kind have been discovered.

- 1.149 There is as well the mid 80's intelligence report received by the RUC that Garda B was passing information. It does not refer to his passing information pertaining to the Gibsons or that he would be aware of their movements.
- 1.150 In his statement Fulton suggests Garda B was passing information but he denies any knowledge pertaining to the murder of the Gibsons.

What evidence, if any, is there of collusion?

- 1.151 The very method by which the Gibsons were murdered raises suspicion. The use of a radio-controlled triggering device for the explosion indicates a high degree of technical skill. The placement of the explosive-carrying car appears to have occurred only some 15 or 20 minutes before the Gibsons' car arrived at the scene. As a result, the suspicion arises that somebody must have given advice to the PIRA about the travel itinerary of the Gibsons. Yet, there is no indication that the Garda, or a member of the Garda, or a civilian employee of the Garda, was responsible for providing that information to the PIRA. Radio silence was maintained by the Garda while they escorted the Gibsons to the border. There is no indication of any phone call from the Garda station or of any radio transmission from the Garda. Apart from an intelligence report that was not assessed as to its credibility and received more than a decade after the murder and was based upon third-hand hearsay, there simply is no evidence of collusion on the part of the Garda in the murder of the Gibsons. Yet any recommendation I make must be based upon evidence disclosed by documents or statements.
- 1.152 The book "Bandit Country" and the article "An Irishman's Diary" do set out the hypotheses and suspicions of the authors. However, there does not appear to be any evidence to substantiate their hypotheses or suspicions, particularly with regard to the Gibson murders. To repeat, it seems to have been rather unfortunate that the authors put forward as fact what was in reality their speculation and hypotheses. On their own admission, there does not appear to be any factual basis for their allegations.
- 1.153 On the other side of the ledger there are two factors that must be taken into consideration. First, the Gibsons were very open about their booking and their travel plans and many people were aware of those plans. They were unfortunately very liberal with the information as to their holiday plans and travels. Further, there is no doubt that at this stage the PIRA were very sophisticated in their own intelligence-gathering. It is clear that, without any difficulty, they tracked the movements of the

Gibsons in and about Donegal. There is no reason to think that they were any less observant and well organized in the tracking of the Gibsons on their Easter holiday.

- 1.154 There may be a natural tendency for anyone looking at the facts to find that the circumstances are so suspicious that there must have been collusion by someone. Yet there is no evidence that any member of the Garda or of any governmental agency supplied the deadly information regarding the movements of the Gibsons to PIRA.
- 1.155 It cannot be forgotten that it would be relatively easy for anyone knowing the time of the docking of the ferry from Liverpool to Dublin to estimate with a high degree of accuracy the time of arrival of the Gibsons at the border and thus at the site of the explosion. It cannot be forgotten that Lord Justice Gibson and Lady Gibson's interest in the Boy Scout movement and the Girl Guide movement must have been very well known to all in the community. For years Lord Justice Gibson had attended the Boy Scout concert that was to be held on the Saturday of his return to Ireland. Again, it would assist anyone who knew of the travel plans to know that he would move with all possible speed to the border to make sure that he got home in time to attend that concert. Moreover, the request for special privileges on the ferry might also have attracted particular attention to the Gibsons' presence on the ship, and allowed for a still more precise estimate as to when they would cross the border.
- 1.156 It was known to the police on both sides of the border that, by 1987, PIRA had become quite sophisticated in intelligence-gathering. Their methods varied. For example, they would often use local people that were sympathetic to PIRA to act as observers and referred to as "dickers". They would keep watch on a police station or other public buildings and report on the vehicles and individuals that came to the station or building and their times of arrival and departure. Thus PIRA had information on people and places it wished to keep under observation.
- 1.157 It was known as well that PIRA employed relatively sophisticated radio equipment to monitor the radio transmissions and some of the telephone calls of the police and army units.

- 1.158 The PIRA skill in intelligence-gathering was certainly demonstrated by their knowledge of the travels of Lord Justice Gibson to and from Donegal.
- 1.159 Perhaps it will suffice to observe that PIRA did not need to rely exclusively upon information picked up from the Garda or RUC for their intelligence on the knowledge of the movements of those they were targeting.
- 1.160 Thus the intelligence-gathering skill of PIRA, coupled with the complete openness of the Gibsons in booking their passage in their own names and their movements from hotels and their intention of taking the Liverpool to Dublin ferry being made known to many people, must be taken into consideration. That is to say, information from the Garda may not have been a necessary element to enable PIRA to carry out their murderous attack on the Gibsons.

Conclusion: is there any evidence of state collusion in the murder of Lord Justice and Lady Gibson?

- 1.161 The timing and method of the murders give rise to a suspicion that there may well have been information given to PIRA regarding the travel arrangements of the Gibsons which would have enabled them to estimate with some accuracy when they would reach the site of the explosion. Yet there is no evidence of any information being given by the Garda or by any governmental agency to PIRA regarding the movements of the Gibsons.
- 1.162 There are only two intelligence documents that are pertinent. The first is dated several years after the murder. It does not in any way implicate the Garda and is inaccurate in the information it contains. The other intelligence report appears to have been received many years after the murder, indeed so many years after the murder that it must be regarded with suspicion. There remains only the allegations contained in the book “Bandit Country” and its revision, and the article “An Irishman’s Diary”. On the basis of the Garda interviews with the authors and without any cross-examination of the authors these articles have been thoroughly discredited. They are not based on any facts although written as though they were factual. Rather they are based on suspicions, hypotheses and some vague, unconfirmed conversations with present or former RUC officers who the authors refused to identify. Little appears to have been done by the authors to check or confirm any of the information which was given. There is nothing that came from the book and article which would constitute evidence of collusion.
- 1.163 On the other hand, it is known that the Gibsons unfortunately did not take any security precautions with regard to their trip. Many people knew of their travel plans and itinerary. There is simply no evidence of collusion by the Garda or any other government agency that would warrant the holding of an inquiry. There will be no further investigation of the brutal murder of a fine couple. Thus, there will be no further examination of the killing of Lord Justice Gibson, a courageous symbol of justice in a troubled community. Suspicion concerning the death of the Gibsons

remains. Yet suspicion cannot constitute a basis for the directing of a public inquiry. I am satisfied that I have carefully reviewed all relevant files and information. I can come to no other conclusion than that there is simply no evidence of collusion upon which to base a direction to hold a public inquiry.