

COMMISSION OF INVESTIGATION

into

The Dublin and Monaghan bombings of 1974

Eighth Interim Report

February 2007

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Extract from *Iris Oifigiuil* 13th May 2005

1. Introduction

The commission of investigation into the Dublin and Monaghan bombings of 1974 (hereinafter referred to as “the commission”) was established by Order of the Government made under section 3 of the Commissions of Investigation Act 2004.

Notice of the making of the Order of the Government was published in the 13th May 2005 issue of *Iris Oifigiuil*.

The terms of reference of the commission were published on the 13th May 2005 issue of *Iris Oifigiuil*. A copy of the terms of reference is set out in Appendix to this interim report.

The commission has decided, pursuant to section 6(6) of the Commissions of Investigation Act 2004, to request the Taoiseach,

as specified Minister under section 3(3)(b) of the Commissions of Investigation Act 2004, to consider a revision of the time frame for the submission of the final report of this statutory investigation.

This eighth interim report is submitted to the Taoiseach pursuant to section 33(3) of the Commissions of Investigation Act 2004.

2. The investigative task

The terms of reference of this statutory investigation required the commission to investigate, in private, limited and specific matters concerning the criminal investigation by An Garda Síochána of the bomb explosions that occurred in Dublin and in Monaghan on the 17th May 1974.

The commission has completed its investigative task.

3. The current position

The commission is in the final mandatory statutory stages of this investigation.

The commission is bringing this investigation to an end in accordance with the provisions of Part 5 of the Commissions of Investigation Act 2004.

4. The final report

The commission intends to deliver its final report to the Taoiseach, as specified minister, at the earliest date consistent with the commission complying with the requirements of Part 5 of the Commissions of Investigation Act 2004.

The time-scale for the conclusion of this stage of the investigation has been reviewed by the commission due to the need to take proper account of the statutory position and interests of those persons and entities who assisted the commission during the investigation.

5. Timeframe

The commission is required by section 32(4) of the Commissions of Investigation Act 2004 to endeavour to submit its final report to the Taoiseach by the 14th February, 2006.

The commission is satisfied that, consistent with its duty to report to the Taoiseach on its investigation in accordance with the provisions of Part 5 of the Commissions of Investigation Act 2004 the time frame for the submission of the final report is no longer adequate.

The commission requests the Taoiseach, as specified Minister, to give consideration, under section 6(6) of the Commissions of Investigation Act 2004, to revising the time frame for the submission of the final report in this investigation to a date not later than the 13th March, 2007.

6. Legal costs

The legal costs payable under the ‘General Guidelines on Payment of Legal Costs and Other Expenses to Persons Who Become Involved with the Commission of Investigation’ published by the Taoiseach, on the basis of the applications for legal costs and certain other expenses have not been a significant cost in the investigation.

Further applications for legal costs and certain other expenses may possibly arise from persons who had an involvement with the

commission in this last stage of the investigation. These possible costs claims will be determined by the commission in accordance with the general guidelines published by the Taoiseach under the Commissions of Investigation Act 2004.

7. Court proceedings

The commission has received a Third Party Notice for discovery from three persons who wish to have the commission's archive disclosed to them for the purposes of prosecuting a civil proceeding which they have commenced in the High Court.

The commission is not a party to those proceedings.

The commission obtained the material in its archive solely for

the purposes of this statutory investigation, and pursuant to the provisions of the Commissions of Investigation Act 2004.

The commission has no statutory or other authority to disclose its archive, or any part of it, to any person other than in the course of this statutory investigation and in compliance with the express requirements of the Commissions of Investigation Act 2004.

This development will have a significant impact on the legal and related costs associated with this investigation. This is not a cost directly attributable to this investigation, but rather a cost arising from the commission being required to appear in legal proceedings to which it is not a party. The Attorney General has nominated solicitor and counsel to represent the commission in the High Court. The commission does not intend to delay concluding this investigation by reason of this litigation.

8. Conclusion

In these circumstances I consider that I have a duty to report this development, and to express my view that it is in the interests of this investigation and its related public interest that I request the Taoiseach, as specified Minister under section 6(6) of the Commissions of Investigation Act 2004, to consider a revision of the time frame for the submission of my final report to a date not later than the 13th March, 2007.

Dated this 12th day of February, 2007.

Patrick MacEntee, SC, QC

Sole Member

APPENDIX

[Terms of Reference]

Appendix A

Scanned Extract from Iris Oifigiuil 13 May 2005

COMMISSION OF INVESTIGATION,
DUBLIN AND MONAGHAN BOMBINGS OF 1974.

TERMS OF REFERENCE

To undertake a thorough investigation and make a report on the following specific matters considered by the Government to be of significant public concern.

- (1) Why the Garda investigation into the Dublin and Monaghan bombings was wound down in 1974?
- (2) Why the Gardaí did not follow-up on the following leads:
 - (i) information that a white van, with an English registration plate, was parked outside the Department of Posts and Telegraphs in Portland Row and was later seen parked in the deep sea area of the B & I ferry port in Dublin, and the subsequent contact made with a British Army officer on a ferry boat leaving that port;
 - (ii) information relating to a man who stayed in the Four Courts Hotel between 15 and 17 May, 1974 and his contacts with the UVF;
 - (iii) information concerning a British Army corporal allegedly sighted in Dublin at the time of the bombings;

and

- (3) In relation to the missing documentation:
 - (i) the exact documentation (Departmental, Garda intelligence and any other documentation of relevance) that is unaccounted for;
 - (ii) the reasons explaining why the documentation went missing;
 - (iii) whether the missing documentation can now be located; and

- (iv) whether the systems currently in place are adequate to prevent a re-occurrence of such documentation going missing.

To take account of investigative work already undertaken into the Dublin and Monaghan bombings of 1974, including the Report of the Independent Commission of Inquiry, the Final Report of the Joint Committee on Justice, Equality, Defence and Women's Rights, Inquest Statements and the Internal Garda Investigation.

To provide a final report to An Taoiseach not later than six months from the date of establishment of the Commission.

STATEMENT OF COSTS AND TIMEFRAME FOR INVESTIGATION

The Commission of Investigation will be established for a period of six months. It will be required to make a final report to the Taoiseach, as the specified Minister, not later than the end of six months from the date of its establishment.

The Commission will comprise a Sole Member. Staffing of the Commission will comprise a Senior Counsel and three support staff.

The estimated legal fees, salaries and other administrative costs for the Commission total €604,880 for a six month period. This does not include any third party costs that may be awarded by the Commission.

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