

COMMISSION OF INVESTIGATION

into

The Dublin and Monaghan bombings of 1974

Sixth Interim Report

October 2006

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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 sixth 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 are limited, and require the commission to investigate in private certain specified 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 considers that it has completed the investigative task set out in its terms of reference.

3. The current progress of the investigation

The commission considers that it has completed its investigation in relation to each of the individual matters contained in its statutory terms of reference. The commission is also satisfied that it has obtained evidence, documentation and information relevant to each of the individual areas of investigation set out in its terms of reference.

The commission has assembled in its archive a significant amount of relevant security and intelligence material from various sources. The identification, sourcing, obtaining and assessment of this sensitive material by the commission has been a very time-consuming aspect of the investigation.

4. The final report stage of the investigation

The commission has commenced the final report stage of its investigation in accordance with the required statutory process detailed in the Commissions of Investigation Act 2004.

This final stage of the investigation will conclude with the submission of the commission's final report to the Taoiseach pursuant to section 43 of the Commissions of Investigation Act, 2006.

The time-scale for the conclusion of this final report stage of the investigation has been reviewed by the commission due to public interest privilege concerns associated with part of the security and intelligence material relevant to the matters investigated.

The commission is required by the Commissions of Investigation Act, 2004 to facilitate, to the extent that it can and consistent with the rule of law, the voluntary co-operation of persons, agencies and entities with which the commission engages. In relation to some of the security and intelligence material disclosed to the commission this task has required great care.

The commission anticipated this development. The investigation has necessitated the commission giving longer periods of time to those persons, agencies and entities involved with some of the security and intelligence material to make their submissions and requests to the commission in respect of claims of privilege. The nature of some of this sensitive material has also given rise to the need to ensure that there is no unintended inappropriate disclosure or use of this sensitive material in the final report.

The commission needs a further period of time to properly accommodate the fair procedures elements of this aspect of the final report stage of the investigation.

5. Time frame

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 31st October, 2006.

The commission is satisfied that, consistent with its duty to properly report to the Taoiseach on its statutory investigation of the specific matters contained in the commission's terms of reference, the time frame for the submission of its 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 11th December, 2006.

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, to date, a significant financial cost in the investigation.

Further applications for legal costs and certain other expenses may arise in relation to certain persons who had an involvement with the commission in this final report stage of the investigation. These further legal costs and certain other expenses 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

There are no proceedings concerning this statutory investigation pending before the High Court, and no person, agency or entity has, to date, indicated to the commission an intention to apply to the High Court for relief concerning the final report stage of the investigation. The commission is also satisfied that a failure to properly accommodate the time needs of those concerned with the security and intelligence material may increase the risk of

proceedings being commenced in the High Court concerning this aspect of the commission's function.

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 11th December, 2006.

Dated this 25th day of October, 2006.

Patrick MacEntee, SC, QC

Sole Member

APPENDIX

[Terms of Reference]