

09:42:00 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON THURSDAY,**

2 **21ST FEBRUARY 2008, AT 10:30 A.M.:**

3
4 CHAIRMAN: Good morning, Mr. O'Neill.

10:36:53 5
6 **AN TAOISEACH, MR. BERTIE AHERN, CONTINUES TO BE QUESTIONED AS**

7 **FOLLOWS BY MR. O'NEILL:**

8
9 Q. 1 MR. O'NEILL: Good morning, Mr. Ahern.

10:36:56 10 A. Good morning.

11 Q. 2 Mr. Ahern, this morning we are resuming the hearings which were adjourned as of
12 the 21st of December last, when we were dealing with your banking affairs and
13 financial dealings between 1993 and 1995. So that we can get the continuity of
14 the evidence flowing, I will briefly refer to some of the matters which were
10:37:20 15 dealt with in the course of the evidence on the two days where we were
16 examining the matters earlier.

17
18 And I will be asking you a number of questions in relation to that. And if you
19 you want to add anything to it, of course you are perfectly free to do so. As
10:37:37 20 of December, the 1st of December 1993, the month of December 1993, you had no
21 bank accounts, isn't that so?

22 A. That's correct.

23 Q. 3 Notwithstanding that, you had accumulated funds over a period of years before
24 that and by your best estimate you had about 54,000 Pounds in cash which you
10:38:03 25 kept in two locations, one in your constituency office safe and the other in a
26 safe in your offices in the department, isn't that so?

27 A. That's correct.

28 Q. 4 And at the end of that month, that is the 30th of December 1993, your financial
29 position was that you had 54,000 Pounds in cash in the two safes that we've
10:38:26 30 just mentioned, you had the proceeds of a loan of 19,115 pounds which you had

10:38:32 1 taken up with AIB on the 24th of December and you had 22,500 pounds which was
2 made up of 15,000 pounds in cash, a cheque for two and a half thousand pounds
3 from Willdover Limited and a draft for 5,000 pounds made payable to Mr. Des
4 Richardson and endorsed by him, isn't that so?

10:38:55 5 A. That's correct.

6 Q. 5 So at month's end you had available to you total funds of 95,615 pounds which
7 is the total of the last three sums I mentioned to you, isn't that so?

8 A. That's 54 ...

9 Q. 6 54,191.15 and 22,500 by my calculation is 95,615 pounds.

10:39:20 10 A. Yes, the 19,000 was a loan.

11 Q. 7 Was the loan, yeah.

12 A. It wasn't cash.

13 Q. 8 I'm not -- I am saying that you had those monies available to you. I am going
14 to deal immediately with your outgoings and your liabilities though I am trying
10:39:34 15 to address firstly what you had, how your financial position had changed within
16 the month.

17 A. Yes.

18 Q. 9 That we're looking at.

19 A. Yes.

10:39:41 20 Q. 10 Your financial liabilities as of the 30th of December 1993, was the 19,115
21 pounds required to meet the 5,000 pounds contribution which was going towards
22 your wife's legal costs, 1,302 pounds required to discharge a car loan and
23 12,813 pounds to meet your own legal costs, isn't that right?

24 A. Correct.

10:40:07 25 Q. 11 In addition to that, you had ear marked 20,000 pounds of your savings to be
26 applied and set aside for the future educational costs of your children, isn't
27 that right?

28 A. That's correct.

29 Q. 12 Those sums in total are 39,115 pounds. They were your immediately intended
10:40:31 30 expenditure as of the 30th of December 1993, isn't that so?

- 10:40:35 1 A. That's correct.
- 2 Q. 13 I accept, of course, that you had a loan for 19,115 pounds but by arrangement
3 that was not to be repaid either in capital or in interest until two years
4 later in June 1995, isn't that so?
- 10:40:53 5 A. I don't think there was any arrangement, they just, I didn't start paying it
6 until then.
- 7 Q. 14 There certainly was a moratorium when we looked at your accounts certainly
8 there was in fact no payment of capital or interest.
- 9 A. That's correct.
- 10:41:07 10 Q. 15 Until that period June 1995, and then that indebtedness is completely
11 discharged both interest and capital within a six-month period by payments on a
12 monthly basis, isn't that right?
- 13 A. Yeah, well my understanding, not disagreeing with you but my understanding is
14 that I didn't start paying that loan until 1995 and finished it in January
10:41:36 15 1996. I don't think there was any arrangement.
- 16 Q. 16 Yes. Well we saw that the only loan documentation that was generated in
17 relation to it was a document prepared in June 1995 --
- 18 A. Correct.
- 19 Q. 17 -- which provided for that repayment schedule. But in any event, as regards
10:41:53 20 your immediate cash requirements as of December 1993, we can set aside the loan
21 because it was something that you certainly were going to meet at a later stage
22 but it wasn't an immediate cash requirement in any event.
23
- 24 So that based on the figures that we've just discussed then, it seems that as
10:42:12 25 of the 30th of December 1993, you had 56,500 pounds over and above your
26 immediate financial requirements. That is a process of subtraction of the
27 39,115 pounds which I've just mentioned from the figure of 95,615 which I
28 mentioned a little earlier.
29
- 10:42:36 30 As between liabilities and immediate needs, I'm saying that there is a cash

- 10:42:41 1 balance in your favour of 56,500 pounds, do you accept that?
- 2 A. You've the calculations, I haven't.
- 3 Q. 18 Your the accountant.
- 4 A. I am.
- 10:42:54 5 Q. 19 Anyway, it's a process --
- 6 A. I'm not disagreeing with it, I'm not adding them up.
- 7 Q. 20 Fine. Now, when we look also to the immediate financial obligations you have,
- 8 which were the 39,115 pounds, it's apparent given that you had 54,000 in the
- 9 savings at the beginning of the month, that those savings would have been
- 10:43:20 10 sufficient to meet all of your actual requirements for cash in 1993. In other
- 11 words, they would have been sufficient to meet the 19,115 pounds and also the
- 12 20,000 that you intended to set aside for your daughters, isn't that so?
- 13 A. Yes.
- 14 Q. 21 The -- had you chosen to use your savings, in other words, to meet these
- 10:43:46 15 liabilities, you would have been left with a cash surplus of 22,885 pounds, do
- 16 you agree with that process of deduction?
- 17
- 18 And now it appears to follow from that then, Mr. Ahern, that there was no
- 19 necessity for you to take out a bank loan. I know that you did take one out
- 10:44:07 20 but I'm asking you whether you agree with me that there was no necessity to do
- 21 so given the cash that you had on hand and your identified expenditures?
- 22 A. I could have, I think I said this the last day. I took out the loan at the
- 23 time because I wanted to pay the fees and I wanted to pay them to the bank, I
- 24 wanted to do the bank drafts. So before I received the 22,500 I took out the
- 10:44:35 25 loan.
- 26 Q. 22 Yes. I think the question I'm asking you is whether or not you would agree
- 27 with me that there was no necessity for you to take out a bank loan given that
- 28 you had savings that would have allowed you to meet that, the liability which
- 29 you were ultimately going to meet with the loan, isn't that so?
- 10:44:52 30 A. Yes, I could have paid the 20,000 or so that I owed in legal fees.

10:44:58 1 Q. 23 Yes.

2 A. Out of the 30,000, the 34,000.

3 Q. 24 Exactly. So you're agreeing with me that was no necessity to take out the

4 money by way of loan?

10:45:06 5 A. No, other than I explained to you the last day what I wanted to do. I wanted

6 to -- I had saved the money for several years so.

7 Q. 25 Yes.

8 A. And I think I said to you the last day that I had approximately 54,000 Pounds

9 but it wasn't free and unallocated money. 20,000 was allocated as I said for

10:45:25 10 the children's education. I'd agreed that with Miriam. Therefore, of the 30

11 remaining, if I had paid the legal bills then I had 10,000 left. That's how I

12 count it.

13 Q. 26 Well we've just gone through the figures, Mr. Ahern. Your liabilities were

14 19,115 pounds in relation to the payment of the car loan, contribution towards

10:45:50 15 your wife's legal costs and your own legal costs in total. Those liabilities

16 were 19,000, isn't that right?

17 A. Well, I don't ...

18 Q. 27 I think --

19 A. We're putting it two different ways but as I think I've explained it many times

10:46:12 20 to you and I'm not disagreeing. I hadn't got the 22,500 which I subsequently

21 put against the 19,115.

22 Q. 28 Yes.

23 A. Of the other -- so they cancel each other out. I think you'd agree with that.

24 Of the 54,000 that I had, which I had saved from 1987/'86 right through.

10:46:35 25 20,000 of that wasn't available to me because I'd agreed to put it to the girls

26 education and some other things for the girls, so I had 34,000 left. Now, so I

27 had 34,000 left.

28 Q. 29 Yes. Now, equally, I think you would probably agree request me --

29 A. You agree with me, I think that that's right.

10:46:57 30 Q. 30 Yes, I'm certainly not disagreeing that you can come at it from that particular

- 10:47:02 1 approach. I am merely trying to establish what your actual financial
2 necessities were as opposed to the elective process of funding your liabilities
3 by pursuing a particular course which I will get to in a moment.
4
- 10:47:20 5 There was I think you would agree, equally, no necessity for your friends to
6 combine together to give you a dig out because you could have met your
7 liabilities out of your savings, isn't that right?
- 8 A. Yes.
- 9 Q. 31 Yeah. So the decision to take out a bank loan was a matter of choice for you.
10 You exercised that choice and you borrowed 19,115 pounds from AIB bank. And
11 you probably know that the cost of your so doing was over 4,000 pounds odd in
12 interest generated on that loan, isn't that right?
- 13 A. That's correct.
- 14 Q. 32 Is there a particular reason why it was that you elected to pursue that course
10:48:07 15 i.e. borrow money, meet a liability where there wasn't a necessity to do so
16 having regard to the high interest rates that were applicable at that time and
17 the cost that you were, you would incur in interest?
- 18 A. Yes, there was. The particular interest was that I had gone through a period
19 of separation that had gone on in one form or another from 1987. During that
10:48:32 20 period I had saved 50,000. I wanted to, on the other side of that, which ended
21 in November/December 1993. I had to get myself moving again, trying to work
22 towards getting accommodation for myself. So I wanted to use some money for
23 that. Where I had legal fees, bills, I had to pay plus signing off Miriam's
24 car loan and I opted to do that through the bank so that I would hold on to my
10:48:57 25 savings.
- 26 Q. 33 Yes. Whilst the decision to borrow money was yours, the decision in relation
27 to the raising of the 22,500 was not a decision of yours but it was a joint
28 decision taken by the late Mr. Gerry Brennan and by Mr. Des Richardson, isn't
29 that so?
- 10:49:14 30 A. That's correct.

10:49:15 1 Q. 34 And Mr. Brennan had, was then and had been for some time not only a close
2 personal friend of yours but also your solicitor, isn't that so?

3 A. That's correct.

4 Q. 35 And as your solicitor he had acted on your behalf in the matrimonial
10:49:31 5 proceedings which gave rise to the liability to contribute towards legal costs
6 and to meet your own legal costs, isn't that right?

7 A. That's correct.

8 Q. 36 And as your solicitor in those proceedings, Mr. Brennan was obviously aware of
9 the fact that you had 54,000 Pounds in savings and that you had loan facility
10:49:52 10 of 19,115 pounds to meet your liabilities, isn't that so?

11 A. That's correct.

12 Q. 37 And notwithstanding this knowledge, Mr. Brennan and Mr. Richardson approached a
13 number of your personal friends seeking to raise 22,500 pounds to be paid to
14 you to meet your legal costs, isn't that so?

10:50:11 15 A. That's correct.

16 Q. 38 It was, I think at all times the intention of Mr. Brennan and Mr. Richardson
17 and also the intention of the donors to give you this money without strings and
18 by way of a gift, isn't that right?

19 A. That's correct.

10:50:28 20 Q. 39 And I think that whilst the initial account of these circumstances given to the
21 Tribunal was Mr. Peelo's report in which Mr. Peelo states that this money was
22 intended to be a loan to you. I think it would be more accurate to say that it
23 was intended to be a gift to you but you decided to treat it as a loan and
24 accepted it on that basis?

10:50:53 25 A. Only on that basis.

26 Q. 40 Yes. But insofar as the Peelo report suggested that it was the intention of
27 the donors to give you a loan, it was not their intention to give you a loan,
28 it was their intention to give you a gift, it was your decision to accept that
29 gift as a loan?

10:51:09 30 A. That's --

10:51:10 1 Q. 41 Isn't that so?

2 A. Yes.

3 Q. 42 Now, this 22,500 pounds was raised apparently with the intention that it would

4 be applied towards your legal costs or rather towards the legal costs which

10:51:26 5 were a consequence of your separation, isn't that right?

6 A. That's right.

7 Q. 43 And we know that the total amount of legal costs, both for your contribution to

8 your wife's costs and your own was 17,813 pounds, isn't that right?

9 A. That's right.

10:51:41 10 Q. 44 Nonetheless, apparently Mr. Brennan gathered 22,500 pounds for that purpose and

11 that was the pun which was given to you in December 1993 in St. Luke's, is that

12 right?

13 A. That's correct.

14 Q. 45 In December 1993, Mr. Des Richardson held the position of the chief fundraiser

10:52:08 15 effectively for Fianna Fail, operating through the office of the national

16 treasurers at the Berkley Court Hotel, isn't that correct?

17 A. That's correct.

18 Q. 46 He was also fundraiser for the annual Donovan Rossa Cumann dinner. The

19 proceeds of which were used to fund the cost of the constituency office at St.

10:52:28 20 Luke's, isn't that right?

21 A. No, Des Richardson wasn't a fundraiser. Des Richardson was a trustee of St.

22 Luke's.

23 Q. 47 Are you saying that Mr. Richardson did not gather funds for that purpose?

24 A. He helped to. He would get, sell some of the tables to try to get people to go

10:52:44 25 to the function but he wasn't the organiser of the function.

26 Q. 48 No, I asked you whether or not he was the fundraiser for the annual Donovan

27 Rossa Cumann dinner. I am not suggesting that he was exclusively doing that.

28 A. Yes.

29 Q. 49 I think there was a whole range of people who helped with that.

10:53:02 30 A. Yes.

10:53:02 1 Q. 50 But in amongst those who raised funds for that purpose was Mr. Des Richardson,
2 isn't that right?

3 A. Yes, what happened was that a large number of individuals were trying to get
4 people to take tables or to come individually.

10:53:14 5 Q. 51 Yes.

6 A. And he would be one of those people.

7 Q. 52 Right. Mr. Richardson, you might remember in his own evidence, indicated that
8 when he approached Mr. O'Connor for money, not only was he looking for money by
9 way of personal contribution to you but also he made a request of him for funds
10:53:35 10 for the O'Donovan Rossa dinner which was to take place in December of 1993, you
11 might recollect that.

12 A. Well Padraic O'Connor did attend the O'Donovan Rossa function a number of
13 times.

14 Q. 53 Yes. I am merely asking these questions, Mr. Ahern, just to establish that we
10:53:53 15 are in agreement that Mr. Richardson had fundraising roles which extended to
16 both the national Fianna Fail fundraising activities which were conducted by
17 him separate from any Cumann but that he also had a role in gathering money for
18 the O'Donovan Rossa dinner which supported St. Luke's, isn't that so?

19 A. I wouldn't have considered him one of the organisers of that function. That
10:54:24 20 function was organised by a number of people but they would ask people would
21 you try and get people to take tables. It's the same today, you would ask
22 people to try. What happens in all of our functions we would ask a number of
23 people to try and help sell tables.
24

10:54:40 25 But put it as you are putting it, I am not complaining, but you are putting it
26 as if he is the fundraiser. I mean, he wasn't actively involved. What we
27 would do is a number of people would say how many people will we try and sell
28 38 tables and we would ask people could you get people to take up the tables
29 that's what we were doing. I think Des Richardson would perhaps sell three or
10:55:02 30 four tables.

- 10:55:02 1 Q. 54 Yes. He wasn't limiting his role in relation to this dinner to taking a table
2 himself and filling it with his friends or what have you, he was actively
3 seeking to have others attend and raise funds for that purpose, isn't that?
4 A. So yeah, he would ask people to attend fundraisers.
- 10:55:22 5 Q. 55 Yes. So he was a fundraiser not solely and exclusively, he was one of a
6 number, he gathered, as far as you are concerned, up to three or four tables,
7 is that right?
8 A. I think so, he wouldn't have been one of the main people but he would assist.
9 I just don't want to put it in as formal a sense. When you are trying to run a
10:55:45 10 golf outing or a golf classis or a fundraiser, what happens throughout the
11 party is that somebody is usually responsible for trying to organise the
12 function and they would ask as many people as they could would you try and take
13 somebody to take a table or somebody to take tickets. It's not a formalised
14 arrangement.
- 10:56:01 15 Q. 56 The fundraising for the O'Donovan Rossa dinner had gone on for some years prior
16 to 1993, isn't that right?
17 A. Yes.
- 18 Q. 57 And it was in 1993, when you were one of the treasurers of Fianna Fail that you
19 were instrumental in having Mr. Richardson appointed to the very pivotal
10:56:22 20 fundraising position of trying to reduce the party debt which ran to millions
21 at that point in time?
22 A. Yes.
- 23 Q. 58 You were obviously impressed with his capacity to fundraise, isn't that right?
24 A. Yes.
- 10:56:33 25 Q. 59 You wouldn't have appointed him otherwise?
26 A. No.
- 27 Q. 60 And his previous fundraising activity can, could I suggest, was in relation to
28 fundraising for you?
29 A. He assisted me but at the time he was away from his own business and he was
10:56:51 30 available and he is a good organiser.

- 10:56:54 1 Q. 61 Yes.
- 2 A. And he, I think he proved to be a good organiser for the party for the years he
- 3 was there too.
- 4 Q. 62 Yes. Now, unknown to you because they had not sought your prior authority or
- 10:57:06 5 permission to do so, both Mr. Richardson and Mr. Brennan were engaged in
- 6 raising the monies which ultimately translated into the 22,500 pounds.
- 7 A. Correct.
- 8 Q. 63 And we know that the 22,000 -- 22,500 pounds was paid to you on the 27th of
- 9 December 1993, and it comprised the three elements I mentioned earlier, 15,000
- 10:57:31 10 pounds in cash, a cheque for 2,500 pounds made payable to cash, which was drawn
- 11 on the account of Willdover Limited, and a 5,000 pounds bank draft made payable
- 12 to Des Richardson and endorsed by him, isn't that right?
- 13 A. That's correct.
- 14 Q. 64 Now, the surviving donors of the cash have all confirmed in their evidence here
- 10:57:53 15 to the Tribunal their individual 2,500 pounds cash donations, isn't that right?
- 16 A. That's correct.
- 17 Q. 65 Although none of them have been able to produce any documentation indicating
- 18 the source from which they obtained the monies that were to be passed on in
- 19 turn to either Mr. Richardson or Mr. Brennan and ultimately to you, isn't that
- 10:58:14 20 right?
- 21 A. That's correct.
- 22 Q. 66 Now, Willdover Limited, the company which wrote the 2,500 pounds cheque to
- 23 cash, was a company used by Des Richardson to invoice Fianna Fail for his
- 24 services as fundraiser, is, is that right?
- 10:58:30 25 A. That's correct.
- 26 Q. 67 And Willdover was also the company through which your employee, Grainne
- 27 Carruth, was paid, isn't that so?
- 28 A. Yes, for a period.
- 29 Q. 68 And that was because Ms. Carruth's wages were being put through the books of
- 10:58:47 30 Willdover so that she would be a registered and insurable employee for PAYE or

10:58:54 1 PRSI purposes, isn't that right?

2 A. That's correct.

3 Q. 69 That's the insurance stamps I think it would be generally called. That both

4 facilitated you and her.

10:59:05 5 A. Yes.

6 Q. 70 And at the time of the presentation of the 22,500 pounds to you by Mr. Brennan,

7 he told you the names of the contributors of the fund of 22,000 which he was

8 handing over to you, isn't that right?

9 A. Yes, yes.

10:59:25 10 Q. 71 And he indicated to you that the cheque which was made payable to cash in fact

11 represented Des Richardson's payment to you?

12 A. Yes.

13 Q. 72 And he told you that the 5,000 pounds draft made payable to Des Richardson in

14 fact represented Padraic O'Connor's personal contribution to you of 5,000

10:59:47 15 pounds, isn't that so?

16 A. Correct.

17 Q. 73 You were not told at that time that the 5,000 pounds draft had been purchased

18 by Mr. Des Richardson himself and made payable to him, isn't that so?

19 A. Yes, correct.

11:00:06 20 Q. 74 You were not told that the funds that were used to purchase that draft were

21 funds from an account controlled by Des Richardson and not from the funds of

22 Mr. O'Connor, isn't that right?

23 A. Correct.

24 Q. 75 Your belief was that Mr. O'Connor had bought the draft, the draft came through

11:00:24 25 the intermediaries, Mr. Brennan or Mr. Richardson to you, isn't that right?

26 A. That's right, I believe it was his personal money.

27 Q. 76 Yes. You believed it was his personal money and it was produced to you in the

28 form of a draft because Mr. O'Connor had bought a draft which he had given to

29 the fundraisers or the collectors, if I call them that, isn't that right?

11:00:48 30 A. Correct.

11:00:48 1 Q. 77 Now, I think you know that the 5,000 pounds draft was actually funded by
2 Mr. Richardson withdrawing 5,000 pounds from a deposit account which was held
3 in the name of Roevin Ireland Limited at Bank of Ireland Montrose, Dublin, into
4 which a sum of 39,000 pounds had been placed on deposit some 14 months
11:01:12 5 beforehand and that the account was essentially dormant, save for the fact that
6 it was accruing interest, isn't that so?
7 A. Correct.
8 Q. 78 Now, you have heard the evidence that Roevin was a company which had been owned
9 by the UK parent company called "Doctus" and that had ceased operation some
11:01:31 10 years before and had either gone into liquidation or receivership, isn't that
11 right?
12 A. That's correct.
13 Q. 79 The account in the name of Ireland Roevin Ireland Limited was apparently
14 considered by Mr. Richardson to contain monies which were rightfully his as a
11:01:46 15 result of an arrangement that he had with the directors of Doctus and Roevin
16 that monies which were due to him on the dissolution of Doctus and Roevin were
17 monies to which he was entitled. So that as matters stand at present, the
18 5,000 pounds element of the 22,500 pounds that was received by you, was money
19 which came from an account which has its proven origin as being Mr. Des
11:02:24 20 Richardson, isn't that right?
21 A. That's correct.
22 Q. 80 We have seen that there is no documentary evidence to indicate that Roevin
23 Ireland's account was ever reimbursed with 5,000 pounds payment from
24 Mr. Padraic O'Connor or otherwise, isn't that so?
11:02:43 25 A. I don't know.
26 Q. 81 Yes. Mr.-- we saw the account. Mr. Richardson has indicated that he did not
27 reimburse that account with monies. So that as matters stand Mr. Richardson is
28 not in a position to identify to the Tribunal. Sorry -- when Mr. Richardson
29 was initially requested to provide details as to how he had obtained the 5,000
11:03:16 30 pounds draft, he wasn't in a position to tell the Tribunal that it had come

11:03:20 1 from Roevin Ireland Limited, isn't that so?

2 A. Yes.

3 Q. 82 And you know that the information linking Roevin Ireland Limited to the draft
4 only became available to the Tribunal in December of 2007, isn't that right?

11:03:40 5 Before that time you were unaware that the monies which came to you in the
6 22,500 were in fact from Roevin, isn't that right?

7 A. That's correct.

8 Q. 83 And apparently Mr. Richardson was in the same position.
9

11:03:52 10 Now, in relation to the monies which were paid by either Mr. Padraic O'Connor
11 or NCB, I am not going to go into determining at this point which of them made
12 the contribution. But if we just look to that payment. The evidence
13 apparently is that a company called Euro Workforce Limited generated an invoice
14 on the 14th of December 1993 for 5,000 pounds and VAT, isn't that right?

11:04:22 15 A. That's correct.

16 Q. 84 And that was sent to NCB Stockbrokers in respect of a health and safety survey
17 carried out on its premises at Mount Street in Dublin.
18

19 And that apparently resulted in a payment by cheque of 6,050 pounds by Euro
11:04:40 20 Workforce Limited, isn't that right? We saw that initial cheque in December of
21 1993. That cheque in its mutilated form was presented for encashment in March
22 of the following year 1994, isn't that right? And the bank declined that is
23 the bank upon which it was drawn, declined to meet it and a process was gone
24 through where a duplicate cheque was written by NCB Stockbrokers in March of
11:05:10 25 1994 and it was sent again to Euro Workforce, as far as their records were
26 concerned, isn't that right?
27

28 And we heard that Euro Workforce Limited had a factoring arrangement with Bank
29 of Ireland Commercial Finance, under which it could receive 75 per cent of the
11:05:30 30 value of any invoice issued by it upon presentation of that invoice to Bank of

11:05:36 1 Ireland Commercial Finance, isn't that so? You saw that documentation,
2 Mr. Ahern. I'm quite sure you, like the Tribunal, are puzzled as to how it is
3 that these financial transactions are in some way tied in with claims by
4 certain persons that these represent the payments to you, isn't that so?

11:05:57 5 A. Yes.

6 Q. 85 Now, the Euro Workforce had in fact factored the NCB invoice for 5,000 pounds
7 and VAT on the 14th of December 1993, and thereby received the benefit of 75
8 per cent of the invoice value of 6,050 pounds.

9
11:06:20 10 Now, Mr. Des Maguire, who was the principal, director and shareholder in the
11 majority of Euro Workforce, indicated that he had no recollection of this NCB
12 invoice or of ever receiving money from NCB Stockbrokers or of factoring this
13 particular transaction, although it would appear to have gone through the books
14 of his company, isn't that so?

11:06:45 15 A. I saw the evidence.

16 Q. 86 And Mr. Richardson indicated that he did not receive any of the proceeds of any
17 of the factoring arrangement with Euro Workforce Limited, nor did he receive a
18 cheque from NCB made payable to Euro Workforce, isn't that right? So as the
19 evidence stands, therefore, there is presently no connection between the NCB
11:07:09 20 payment, whether it be NCB or Padraic O'Connor and the 5,000 pounds paid to you
21 by the bank via the bank draft, isn't that right?

22
23 There would appear to be two, at the moment, unconnected 5,000 pounds arrange,
24 one of which can be traced to the account of Roevin, that is the funding of the
11:07:31 25 draft. And at the same time, there is apparently a payment made either by
26 Mr. O'Connor or NCB through the account of NCB, which cannot be ultimately
27 traced to having any relationship to a payment to you, isn't that right?

28
29 Now, we know now that, and it's accepted by Mr. Richardson, that the Roevin
11:07:55 30 account funded the purchase of the draft for 5,000 pounds. And

11:08:00 1 Mr. Richardson's belief is that he may have made this purchase of the draft in
2 anticipation that Mr. O'Connor would ultimately come through with a payment to
3 him, although he doesn't know how it was, if at all, that payment came, isn't
4 that so?

11:08:21 5 A. That's so.

6 Q. 87 Okay. All of this, Mr. Ahern, was concerned monies which Mr. Brennan indicated
7 to you had come from Mr. O'Connor, isn't that right?

8 A. That's correct.

9 Q. 88 Did you know anything of the existence of Roevin Ireland Limited or its
11:08:46 10 accounts?

11 A. No.

12 Q. 89 Did you know anything of why it was that Mr. Richardson saw fit to keep this
13 money on deposit, that's the 39,000 on deposit for the past 14 months before
14 this payment out to you, and use that fund as opposed to other funds to pay
11:09:07 15 you?

16 A. No.

17 Q. 90 Has he ever given you any explanation as to why it was that you were told that
18 this was Mr. O'Connor's payment when in fact it wasn't Mr. O'Connor's payment?

19 A. No.

11:09:19 20 Q. 91 Have you ever asked him to explain to you why it is they went through the
21 process that they say they did, given the position where you are now in where
22 there appears to be money which can be traced to a source other than that which
23 you conveyed to the Tribunal in your responses, because you were conveying what
24 was told to you by Mr. Richardson, isn't that right?

11:09:45 25 A. Yes, all I know is that I was told that from both Gerry Brennan and from Des
26 Richardson, that 5,000 of the 22 and a half was from Padraic O'Connor.

27 Q. 92 Yes. The 5,000 draft you were told was Mr. O'Connor's contribution.

28 A. Yes.

29 Q. 93 We know it wasn't. It can't have been. It wasn't then and it isn't now and
11:10:08 30 I'm asking you whether or not you've ever asked Mr. Richardson to explain why

- 11:10:14 1 it was that he told you that or he allowed you to believe that that was the
2 circumstance of payment when its factually incorrect?
- 3 A. No, I don't have an explanation.
- 4 Q. 94 You don't have an explanation for not enquiring of Mr. Richardson?
- 11:10:28 5 A. No, no, I tried to follow the process. I don't think at this remove Des
6 Richardson remembers what the process is, but all as I know is that I got the
7 5,000 from Padraic O'Connor and thanked him for it.
- 8 Q. 95 Yes.
- 9 A. And he didn't decline so, however it happened, it's my belief it was from
11:10:49 10 Padraic O'Connor.
- 11 Q. 96 Independent of the document trail that we've examined here, it is also the case
12 that Mr. Richardson, on your behalf, chose to make inquiries of Mr. O'Connor in
13 the year 2005 to ascertain from him, if he could, the circumstances in which he
14 came to pay the money, isn't that right?
- 11:11:10 15 A. That's correct.
- 16 Q. 97 And we know that in June of 2005 and in June, possibly June/July of 2006,
17 Mr. O'Connor and Mr. Richardson met for the express purpose of discussing the
18 nature of this payment, isn't that right?
- 19 A. That's correct.
- 11:11:29 20 Q. 98 And you know that Mr. O'Connor says that at all times when he was asked about
21 it, he made it clear to Mr. Richardson that this was never a payment of his but
22 it was an NCB payment, isn't that right?
- 23 A. That's correct.
- 24 Q. 99 And Mr. Richardson, therefore, was at the latest in June/July 2006, aware of
11:11:49 25 the fact that Mr. O'Connor was not going to stand over Mr. Richardson's belief
26 that this was a personal payment by him and he was going to make the case or
27 going to give an account of events where he would say that this was an NCB
28 Stockbrokers payment and not a personal payment, isn't that correct?
- 29 A. That's correct.
- 11:12:12 30 Q. 100 Do you know any reason why it was that this information was not conveyed to you

- 11:12:16 1 immediately; that is either in 2006 or in 2007? Because I think you would
2 appreciate that it would effect how you were going to account for these
3 payments to the Tribunal and elsewhere, isn't that right?
- 4 A. I think I was told after the second, I think they met twice, was it 2006 ...
- 11:12:38 5 Q. 101 Yes, as far as we know they met in June 2005 in the Berkley Court Hotel and in
6 June/July 2005 -- 2006 in the Radisson Hotel in Stillorgan.
- 7 A. Uh-huh.
- 8 Q. 102 Now, are you saying that in July or thereabouts of 2006, you were aware that
9 Mr. O'Connor was not in agreement with the account of events that
11:13:05 10 Mr. Richardson had given you to that date?
- 11 A. I can't recall when I was told but certainly at some stage. I thought it was
12 more recent that he did say that Padraic O'Connor had told him that his view
13 was that it was an NCB payment to the constituency. I would need to check what
14 date that was, I don't recall.
- 11:13:24 15 Q. 103 Yes. It was a matter which was of importance, both to you and to him?
- 16 A. Yes.
- 17 Q. 104 Given that this was a matter in which there was effectively no documentation
18 and upon which there was extensive communications between yourself, your banks
19 and others with a view to trying to identify these monies, isn't that right?
- 11:13:47 20 A. Yes.
- 21 Q. 105 If you had been informed immediately after Mr. Richardson became aware of the
22 fact that Mr. O'Connor didn't agree with this account, you would have known at
23 the latest in July 2006 that there was an issue, to put it in its most neutral
24 form, as to the origin of the 5,000 pounds, isn't that right?
- 11:14:12 25 A. Yes, yes.
- 26 Q. 106 And if that was is isn't so, I take it that you wouldn't have gone on to say
27 that Mr. O'Connor was a contributor of 5,000 pounds to you on a personal basis,
28 given that you knew that he was disputing that fact?
- 29 A. No, well I would have said that was my belief but I would have also said that
11:14:28 30 he was disputing it.

11:14:29 1 Q. 107 I see. But in fact, you didn't say that when you came to make public
2 statements in relation to this particular transaction, isn't that right?
3 A. No, that's correct.
4 Q. 108 Yes. Mr. Ahern, as a result of the apparent inability of the Tribunal to
11:14:54 5 ascertain where the 5,000 pounds which may have come from NCB through the
6 cheques that I have mentioned a little earlier ended up, the Tribunal has
7 looked at other accounts that you had at the particular time.
8
9 We are focussing now on the end of 1993, the beginning of 1994, and you had
11:15:18 10 provided the Tribunal with details of an account which you opened in the Irish
11 Permanent Building Society, as it then was, in Drumcondra in Dublin, isn't that
12 right?
13 A. That's correct.
14 Q. 109 And we can see that the document, page 19400, please. The document which we
11:15:49 15 are going to put on screen, now, Mr. Ahern, is an account statement. I think
16 it might be on your screen and the one behind you but not on the main screen.
17 A. Okay.
18 Q. 110 But we will probably be able to proceed on the basis of what we have on screen
19 here. This document, Mr. Ahern, indicates that and the first line there on the
11:16:27 20 "31st of January 1994, you opened an account in the Irish Permanent Building
21 Society in Drumcondra in your own name". Isn't that right?
22 A. That's correct.
23 Q. 111 As we know, until December the end of December 1994, you had operated no bank
24 accounts at all but you had conducted your affairs through cashing cheques,
11:16:50 25 using the cash element to meet your expenses and saving the rest, isn't that
26 right?
27 A. That's correct.
28 Q. 112 And you had come into the banking system effectively through Mr. Philip Murphy,
29 the assistant manager, in O'Connell Street, in December 1993. You had a good
11:17:08 30 relationship with him. You knew him beforehand and he was dealing with your

- 11:17:12 1 banking affairs and had advised you to make a lodgement to the SSA account, the
2 details of which indicate, that as of the 30th of December 22,500 pounds of
3 your money went in to such an account, isn't that right?
- 4 A. That's correct.
- 11:17:28 5 Q. 113 So by the time you came to open this particular account a month later you were
6 already an account holder in AIB, isn't that right?
- 7 A. Yes, that's correct.
- 8 Q. 114 Yes. Can you tell the Tribunal why it was you decided to open another account
9 and in particular this account?
- 11:17:45 10 A. No, I think I opened ... I had the loan account in AIB. I opened the SSA
11 account. I also opened a current account in AIB.
- 12 Q. 115 Yes.
- 13 A. And I opened a building society account because I knew I was going to look for
14 a mortgage in the next few years.
- 11:18:04 15 Q. 116 All right. So this was for the purpose of looking for a mortgage?
- 16 A. Well, no, it was for the purpose of say saving money so that when I wanted a
17 mortgage I could get one.
- 18 Q. 117 Okay. Was this then an account which was intended to be more a long-term
19 account or otherwise?
- 11:18:22 20 A. Well, I always had a building society account and had a building society
21 account back from the 70s.
- 22 Q. 118 Uh-huh.
- 23 A. But if you look for a mortgage in those you have a better chance of getting one
24 if you are a contributor to a building society.
- 11:18:40 25 Q. 119 So this was with the intention that the ultimate fund would be used to acquire
26 a property and I think we know that in fact it was -- that did happen insofar
27 as the monies that came out of this account in 1997, were used as your equity
28 contribution towards the acquisition of 44 Beresford Avenue, isn't that right?
- 29 A. It's the last item on the list.
- 11:19:02 30 Q. 120 Yes. So we spoke a little earlier about the financial assets that you had as

- 11:19:09 1 of the 30th of December. We didn't include in that the 2,500 pounds which we
2 see to be the opening balance here.
- 3 A. That's right.
- 4 Q. 121 So that from the 30th of December you received another 5,000 pounds, isn't that
11:19:27 5 so?
- 6 A. That's correct.
- 7 Q. 122 And both the Tribunal and yourself have endeavoured over time to trace the
8 origins of that 5,000 pounds, isn't that correct?
- 9 A. That's correct.
- 11:19:48 10 Q. 123 5,000 pounds then and now is a sizeable single amount, isn't that correct?
- 11 A. That's correct.
- 12 Q. 124 And it's an even sum and I think it wouldn't correspond with the payments you
13 had received from the paymaster general, which are generally in uneven sums
14 representing tax deduction and what have you, isn't that right?
- 11:20:06 15 A. I don't. I believe, as I said a long time ago in answer to the Tribunal, I
16 believe that was a donation that I got. I tried -- I thought I knew who it was
17 but I tried to back to the company and well the head of that company is dead
18 and I tried to check it back with the company. But their searches and in
19 fairness their search, showed that they couldn't track it so I have not been
11:20:30 20 able to prove who it is.
- 21 Q. 125 Right. What you are certain of I think then and now, is that this was not part
22 of your earnings, isn't that right?
- 23 A. That's, I accept that.
- 24 Q. 126 So it is another payment coming from a source that you have endeavoured to
11:20:44 25 trace, isn't that so?
- 26 A. That's correct.
- 27 Q. 127 And the Tribunal was looking for this information as part of its analysis of a
28 large number of, large cash amounts which were furnished to you and your
29 solicitor on the 25th of October of 2005, and which was responded to by your
11:21:07 30 solicitor on your behalf on the 7th of June of 2006. We'll see at page 17845

11:21:15 1 on screen.
2
3 At item 38, which is the last paragraph there it says "A letter of the 19th of
4 July 2005, from Permanent T.S.B." The successors to IPBS to the Tribunal and
11:21:35 5 inter alia states and it quotes the account number, that's the account that we
6 are just looking at, isn't that right?
7
8 It talks about it having changed to a new number and it says it's in the name
9 of Bertie Ahern. And under heading 38 it talks of the "31st of January 1994
11:21:53 10 cheque lodgement 2,500 we attach herewith a copy of the lodgment docket shows
11 5,000 pounds. At the time of the transaction 2,500 pounds was lodged to the
12 account and 2,500 pounds in cash was given to the person who made the
13 transaction. We are unable to locate a copy of the cheque. On the same day
14 2,500 pounds cash was lodged to account number 50655251 and we attach a copy of
11:22:22 15 the lodgement docket".
16
17 Now we see from that, Mr. Ahern, that the Tribunal and yourself were seeking
18 the information in relation to that particular transaction of 5,000 as long ago
19 as 2005, isn't that right?
11:22:37 20 A. That's correct.
21 Q. 128 Now, whilst this explanation here, which is quoted in your solicitor's letter,
22 is the explanation given by the building society as to what its records show,
23 it doesn't in fact give your recollection of events, isn't that right? It
24 doesn't give an explanation from you as to where the money came from, isn't
11:22:59 25 that correct?
26 A. That's correct.
27 Q. 129 We see on the following page, 17846, at item 45. When dealing with another
28 entry that is queried by the Tribunal in respect of the same account your
29 solicitor says "the IPBS have been unable to provide any details re the source
11:23:20 30 of the lodgement or that of 38 above".

- 11:23:23 1 That's the one we've just considered which was the opening document.
2
3 "Neither has Mr. Ahern any recollection in this regard. Further inquiries are
4 being made. We will provide the information to you as soon as it is to hand".
- 11:23:38 5
6 So that second query, Mr. Ahern, if we can revert back to page 19400. Was in
7 respect of a second 5,000 pounds, cheque lodgement to that account which you
8 will see on the 21st of December 1995, do you see that?
- 9 A. Yes.
- 11:24:08 10 Q. 130 It follows, therefore, that within that account there are two identical sums,
11 both paid by cheque, both unexplained, both lodged to the accounts, more or
12 less at year end or close to year end in those particular years, isn't that so?
- 13 A. That's correct.
- 14 Q. 131 Now, in the letter from your solicitor it was indicated that further
11:24:39 15 information would be provided if you could in relation to that. But I don't
16 believe the Tribunal ever received any further specific information from you in
17 relation to that, isn't that right?
- 18 A. No. What we did do and we trawled, as we he did for this, we tried to match up
19 and check back with anybody that I thought I'd received money from, which you
11:25:03 20 will appreciate you're going back 14 years now, about 12 years at the time.
- 21 Q. 132 Yes.
- 22 A. And tried to check with the individuals where I was fairly certain that I had
23 received a contribution but they were not, they were not able to verify it from
24 their books. One of those, I thought it was the second one, where a family
11:25:28 25 member had given me a 5,000. I wasn't able to match up which 5,000 family
26 member had given to me. I didn't think it was the first one. It could well
27 have been the second one. But they haven't got records. And I wasn't able to
28 prove it from the building society that that was the record. But I did get
29 5,000 from a family member.
- 11:25:48 30 Q. 133 In relation to the inquiries you've made. You mentioned a little earlier a

11:25:53 1 reference to a company and a principal of that company being dead I think.

2 A. Yes.

3 Q. 134 Is it the case that in checking back to find the origins of these two sums, you

4 were looking back to persons who were making contributions to you politically

11:26:10 5 or were you looking to persons who had given you loans or other personal gifts

6 to you as an individual as opposed to ...

7 A. I was looking back to people who I thought who had given me gifts, who had

8 given me a personal contribution. And I tried to match them up in my accounts

9 over the years. There's not that many of them and that's what I was trying to

11:26:34 10 match.

11 Q. 135 Well, did you conclude or was it always your belief that there was somebody who

12 was out there had given you two 5,000 pounds gifts?

13 A. No, I believed the first one, my view was that that was a 5,000 pounds cheque,

14 2,500 pounds went into that account and 2,500 went into the cash, cash over in

11:26:59 15 the same bank, you know.

16 Q. 136 Yes.

17 A. We can get access from that hole in the wall --

18 Q. 137 ATM.

19 A. -- system. That's where that is. I thought I knew the company that had given

11:27:11 20 that.

21 Q. 138 You thought you knew the company that had given it?

22 A. Yes. And the individual. But I went to the company and I went back to the

23 company three or four times. I have to say that they have been very helpful.

24 They went through the records and they could not verify that the individual I

11:27:25 25 thought had given it to me had given it to me. So I was not able to prove

26 that.

27 Q. 139 That company was giving it you that money was it as a political donation?

28 A. Personal -- political donation.

29 Q. 140 I know that they are giving it to you personally because you received it

11:27:40 30 personally. But was it a political donation?

- 11:27:43 1 A. A political donation for my personal use.
- 2 Q. 141 Your personal use being your political career presumably?
- 3 A. Yes.
- 4 Q. 142 Yes. And is there any reason why you would lodge such money to an account
- 11:27:55 5 which you were using for the purpose of purchasing your own house?
- 6 A. If they gave, if they gave me the money and said it was for my personal use,
- 7 that's the only way I would do that. Otherwise I gave it to my party.
- 8 Q. 143 But this is money coming from a company you believe or you can't say --
- 9 A. I can't.
- 11:28:14 10 Q. 144 -- as a matter of certainty. But you understand that an amount of money given
- 11 to you as a political donation by this company finds itself in your personal
- 12 account where it's going to be used up ultimately to buy your house?
- 13 A. Only, I don't want to get into a top of a needle about that. I would only do
- 14 that if they said that money is for you, it's for Bertie Ahern it's for your
- 11:28:38 15 use and that's how you use it. If they said that's for your political job, as
- 16 happens regularly, I'd give it to my constituency.
- 17 Q. 145 Why would you take money like that, Mr. Ahern, if some company offers you money
- 18 and it's not for politics, in what circumstances would you not say sorry 'I
- 19 don't take money from you. If you want to make a political donation and make
- 11:28:59 20 it payable to me I'll deal with it but I'm not going to take gifts from you
- 21 merely because I am a politician'?
- 22 A. I wouldn't in the normal, nowadays you are not allowed to take it without total
- 23 declaration.
- 24 Q. 146 Uh-huh.
- 11:29:12 25 A. But if somebody gave you money and said it's for your use, they are giving it
- 26 to you as a gift. That's the only way.
- 27 Q. 147 But are there --
- 28 A. If you do that you must declare it as a gift. You can do that but you must
- 29 declare it as a gift. But you can only do it over a certain limit.
- 11:29:34 30 Q. 148 You didn't declare this as a gift?

- 11:29:37 1 A. No.
- 2 Q. 149 To the Revenue or to anybody else?
- 3 A. Well actually I declared it to the Revenue as you have the correspondence where
- 4 I declared it the to the Revenue.
- 11:29:47 5 Q. 150 Yes. We are talking here, Mr. Ahern, about a transaction which took place on
- 6 the 31st of January 1994. Your dealings with the Revenue commenced in 2006,
- 7 isn't that right?
- 8 A. Yes, yes.
- 9 Q. 151 It follows therefore that you didn't do anything about declaring this if it was
- 11:30:07 10 a gift in 1994, isn't that so?
- 11 A. We went back through our accounts, I think as I explained in our
- 12 correspondence. We went back to our accounts all the way back from 1984, I
- 13 think we went back for the Revenue purposes.
- 14 Q. 152 My question really is fixed, Mr. Ahern, on your dealings with Revenue in 1994.
- 11:30:26 15 In 1994, you received this sum which you believed at that time to be a gift
- 16 made to you. I take it that you would accept that a gift of 5,000 pounds would
- 17 carry with it implications that you'd certainly have to check up as to whether
- 18 or not it carried a Revenue implication for you?
- 19 A. Yes, yes.
- 11:30:48 20 Q. 153 You did not make a return in relation to that?
- 21 A. No, no.
- 22 Q. 154 The second item that is on the 21st of December 1995, you believe may have been
- 23 of a family origin rather than a --
- 24 A. Yes.
- 11:31:06 25 Q. 155 -- political donation to be used personally, is, is that right?
- 26 A. Yes.
- 27 Q. 156 Is that, I don't intend to pry too deeply into your family affairs but was this
- 28 intended by you to be an inquiry directed towards establishing whether this was
- 29 inheritance money?
- 11:31:28 30 A. Yes, I got, I got 5,000 as a number of our family did, and that was ... I don't

11:31:38 1 know when I got that but it was around that period and I tried to match up all
2 of the amounts, I was not able to match up but I think that is the 5,000. It's
3 one of those. If it's not in '95 it's in '96.

4 Q. 157 Did you get more than one inheritance sum from the same source?

11:31:57 5 A. I got 7,000 from my mother.

6 Q. 158 Yes. That was in respect of your father's demise, you received 7,000 pounds.

7 A. Yes.

8 Q. 159 That appears in this account --

9 A. Yes.

11:32:09 10 Q. 160 -- as the third item down in the list, isn't that right?

11 A. Yes.

12 Q. 161 And that was paid, we can see, on the 23rd of March of 1994. And the payment
13 we are now looking at is over a year and nine months later in 1995.

14 A. Yes.

11:32:27 15 Q. 162 Do you equate those as being a second payment from the same source?

16 A. No, the 7,000 was given to me by my mother.

17 Q. 163 Yes.

18 A. The 5,000 was given to me by a family member, which was from money from my
19 father. But I don't know if it's that one or if it was another one but I was
11:32:47 20 given 5,000. We don't have the records -- I can't say to you that I'm positive
21 that is the one of the 21st of December but I can positively tell you that I
22 got 5,000 from the family. It's in one of them, it's in one of the entries in
23 my accounts but we don't have a record of when.

24 Q. 164 Well I am trying to establish, Mr. Ahern, whether or not it's the case that you
11:33:07 25 say that the inheritance monies that you received came in two tranches.

26 A. Yes.

27 Q. 165 7,500 pounds and 5,000 pounds?

28 A. Seven and five.

29 Q. 166 Seven and five. And both from the estate of your late father, is, is that
11:33:19 30 right?

- 11:33:19 1 A. No, the seven was given to me by my mother.
- 2 Q. 167 Are you saying that wasn't from the estate of your father?
- 3 A. It was from my mother's account. It was from my mother's account. My mother
- 4 took it out of -- I don't know what this has got to do with this Mr. O'Neill to
- 11:33:33 5 be quite honest with you.
- 6 Q. 168 You have answered it already, Mr. Ahern, in response and I want to check the
- 7 accuracy.
- 8 A. I'll tell you. My mother gave me 7,000 out of her account.
- 9 Q. 169 Yes.
- 11:33:43 10 A. And she gave other members of the family too. A brother of mine gave me 5,000
- 11 out of an account which money that he had had from my father.
- 12 Q. 170 Right. I'm asking you, Mr. Ahern, whether or not you attribute the source of
- 13 the 7,000 pounds, which we see in this account, as being the proceeds of an
- 14 inheritance from your father, do you understand the question?
- 11:34:06 15 A. Yeah, well it was given to me by my mother.
- 16 Q. 171 I know that.
- 17 A. I didn't ask my mother how she got it to be quite honest with you and I can't
- 18 ask her now.
- 19 Q. 172 If we look at page 17846, you have already accounted for the 7,000 pounds
- 11:34:21 20 lodgement to this account at item 40. "These were monies given to Mr. Ahern by
- 21 his mother re the estate of his late father who died in December 1990."
- 22 A. Yes.
- 23 Q. 173 Could I suggest to you that that account which has been given to the Tribunal
- 24 at that particular time, indicates that the inheritance you received from your
- 11:34:44 25 father was the 7,000 pounds which was the item queried in this account?
- 26 A. Yes.
- 27 Q. 174 Right. Now, you were queried also in relation to the 5,000 pounds that we've
- 28 just talked about. And it was in respect of that, at No. 45, that you say "you
- 29 had no recollection in this regard". You couldn't explain what that was about?
- 11:35:07 30 A. That's correct.

- 11:35:08 1 Q. 175 Isn't that right?
- 2 A. Yes.
- 3 Q. 176 Can we understand from that, Mr. Ahern, that you accept or do you accept now
- 4 that insofar as you received money from an inheritance, it is the 7,000 pounds
- 11:35:21 5 referred to earlier and it's not the 5,000 pounds?
- 6 A. No, Mr. O'Neill, sorry, I don't.
- 7 Q. 177 Okay.
- 8 A. I got 7,000 from my mother. I didn't ask my mother how she got the 7,000. I
- 9 didn't, I don't know, she gave it and she gave money to some other family
- 11:35:43 10 members as well. She gave me 7,000.
- 11 Q. 178 Yes.
- 12 A. That's that seven.
- 13 Q. 179 Yes.
- 14 A. Subsequently a brother of mine gave me 5,000. We don't have the records to
- 11:35:53 15 check precisely when he gave me that. So I don't want to say to you that's
- 16 definitely it because I can't check. I tried to verify it but I got 5,000 from
- 17 him. That was to do with money that my father also had. Is that clear?
- 18 Q. 180 What seems clear, Mr. Ahern, from your response at item 40 on the page which is
- 19 on screen at present, is that in the year 2006 you instructed your solicitors
- 11:36:22 20 as to the circumstances of the 7,000 pounds payment at that time, isn't that
- 21 right?
- 22 A. Correct, correct.
- 23 Q. 181 And do you accept item 40 as being an accurate account from, based on your
- 24 knowledge, of what the source of the 7,000 pounds was?
- 11:36:38 25 A. Yes.
- 26 Q. 182 All right. So it's not a question of making inquiries of your mother at this
- 27 point in time or anybody else, you are stating that this was a payment given to
- 28 you by your mother re the estate of your late father. So that attributes the
- 29 source of the 7,000 to an inheritance, isn't that right?
- 11:36:58 30 A. Yes.

11:36:58 1 Q. 183 Is there any doubt about that?
2 A. Well, Judge, do I have to explain how my mother and father dealt with their
3 affairs?
4

11:37:07 5 CHAIRMAN: No, no.
6 A. I mean ...
7
8 CHAIRMAN: I mean.
9 A. If -- my mother gave me the mother, is that?

11:37:14 10
11 CHAIRMAN: That's fine. Mr. O'Neill is simply asking you to confirm the reply
12 here that this was -- we are not interested to know how your mother came to
13 have the money or why she gave it to you. But item No. 40 --
14 A. When my father died, my mother took over the accounts and she paid it out of
11:37:32 15 the account.
16
17 CHAIRMAN: That's fine. We don't want to have, to ask you to explain those
18 details in public. Mr. O'Neill is simply asking you to confirm item No. 40,
19 that that 7,000 which we see in the account came, either directly or
11:37:50 20 indirectly, from your mother or father.
21 A. It came directly from my mother.
22
23 CHAIRMAN: All right. Well then that's really all we need to know about the
24 7,000. But you confirmed that that reply there, item No. 40, still stands.

11:38:03 25 A. Yes. My mother gave me 7,000 pounds.
26
27 CHAIRMAN: That's fine.
28

29 Q. 184 MR. O'NEILL: And at some point in time in relation to the second of the
11:38:12 30 lodgements that are queried here. Again a cheque lodgement for 5,000 pounds on

- 11:38:17 1 the 21st of December 1995, you believed at some time that this may have been a
2 donation made to you or sorry. A payment made to you by another family member.
- 3 A. Yes.
- 4 Q. 185 And we see it's a payment made by cheque.
- 11:38:32 5 A. Yes.
- 6 Q. 186 And if they paid it by cheque they would presumably do so out of their account
7 and it could be checked, isn't that right?
- 8 A. Yes, that's the problem. I haven't been able to verify that.
- 9 Q. 187 You haven't been able to verify it?
- 11:38:43 10 A. Yes.
- 11 Q. 188 But do you believe it's a family payment of money and not a political donation?
- 12 A. I was paid 5,000 by family member. I can't be certain it's that cheque because
13 we haven't got the account of that cheque and we don't have a record of that
14 cheque. But a brother paid me 5,000 pounds.
- 11:39:01 15 Q. 189 Right. If the brother paid you that, he didn't do so as a political donation,
16 isn't that right?
- 17 A. Certainly not.
- 18 Q. 190 No. The subject of these 5,000 pounds payments in addition to being raised
19 with you by the Tribunal, were also raised with you by the Revenue
11:39:20 20 Commissioners inquiries that commence in the 2006, isn't that right?
- 21 A. Well, they didn't raise it. Mr. Peelo, when I asked him to go back through the
22 trawl of my accounts, he gave the, he gave that information to Revenue.
- 23 Q. 191 All right. The information that Mr. Peelo gave to the Revenue, I take it has
24 its origin in what you said to Mr. Peelo about the particular payments, isn't
11:39:48 25 that right?
- 26 A. Yes.
- 27 Q. 192 And if we look to page 25286, we'll see an extract from a report which was
28 prepared by a memorandum I should say, prepared by Mr. Des Peelo which was
29 submitted by him to the Revenue Commissioners as part of an intended voluntary
11:40:03 30 disclosure process that he was engaged in on your behalf, isn't that right?

11:40:08 1 A. Correct.

2 Q. 193 And if we look to paragraph 7 here we'll see that it deals with three items,
3 two of these items are the 5,000 pounds payments that are referable to the IPBS
4 account that we've just been speaking of, isn't that right?

11:40:23 5 A. Correct.

6 Q. 194 And in relation it to it, Mr. Peelo hear says "in the course of a detailed
7 review of our client's financial affairs over many years and in the general
8 context of the Tribunal inquiries, three lodgements were identified in
9 Mr. Ahern's bank and building society accounts as follows.

11:40:39 10
11 31st of January 5,000 IPBS."
12
13 I am not interested at the moment in the next one. And the one after that
14 "21st of December 1995, 5,000 IPBS" isn't that so?

11:40:51 15
16 He goes on to say "Some details of these lodgements are known but clarification
17 as to the source and nature of the lodgements are continuing" isn't that right?
18
19 So that as of this date, which we will see is the 17th of October 2006,
11:41:07 20 Mr. Peelo was not in a position to indicate any possible source of this, isn't
21 that right

22 A. That's correct.

23 Q. 195 His dealings with the Revenue continue and we see at page 25284, that on the
24 15th of December, he reverts back to this same issue. Again at paragraph 21
11:41:28 25 under the heading additional voluntary disclosures. The three items are
26 mentioned there, one and three are of interest to us. He goes on at 22 to say:
27
28 "The IPBS have confirmed that they are unable to provide details re the
29 following two lodgements of 5,000 pounds each. They have explained in writing
11:41:49 30 that their records do not extend back to the above dates."

11:41:55 1
2 And then we turn to the next page, page 25285. At 24 we're dealing with the
3 two lodgements in question.
4

11:42:04 5 "Re the two lodgements of 5,000, Mr. Ahern has no recollection as to the source
6 of these lodgements. They may have been personal savings, political
7 donations/gifts." And they go on to say you weren't in office during December
8 1995.
9

11:42:21 10 "In the circumstances we have advised that our client that the Revenue may
11 address these amounts as being taxable income, though we request that each
12 amount be treated as a single donor gift."
13

14 To that point a range of options had been offered to Revenue as to what the
11:42:38 15 possible source of these monies is, isn't that right?

16 A. That's true.

17 Q. 196 And we see that there is further communication at page 26117 on the 12th of
18 January 2007, this is expressed in the narrative whereas the others were
19 reports or memoranda and it says and I think we are now quoting you here,
11:43:06 20 Mr. Ahern.
21

22 "Whilst I believe these payments were in the nature of political donations, I
23 have been unable at this remove in time, to identify their source or any
24 details regarding same."
11:43:21 25

26 That would appear to indicate, Mr. Ahern, that you have concluded that both of
27 these payments were in the nature of political donations, isn't that so?

28 A. At that stage but I mean, we have checked. I mean, we have tried, as I think I
29 said before, when all of this started I asked Mr. Peelo to go back through my
11:43:42 30 records, right back into the '80s and we tried up-to-date to match, which is I

- 11:43:49 1 think the 5,000 is as I've explained it.
2 But at that stage -- the problem is I can't prove that because I don't have a
3 record.
- 4 Q. 197 Well I am quoting your words here, Mr. Ahern, directed to Revenue who were
11:44:02 5 enquiring as to the origins of these funds. And you say "whilst I believe that
6 these payments were in the nature of political donations".
7 A. Yes.
- 8 Q. 198 That was said on the 12th of January 2007. Do you accept that in February
9 2008, as being an accurate statement of what the source of these two amounts
11:44:23 10 was, that they were payments in the nature of political donations?
11 A. I don't believe that the second one is. I have explained that to you.
- 12 Q. 199 Well --
13 A. But I --
- 14 Q. 200 Why did you say that it was?
11:44:41 15 A. But I have to be able to prove it. And the reason when we've put the case to
16 Revenue, I have to be able to give them proof where it came from.
- 17 Q. 201 What you are expressing in the paragraph on screen, Mr. Ahern, is your belief.
18
19 "Whilst I believe that these payments were in the nature of political
11:44:55 20 donations, I have been unable at this remove in time to identify their source
21 or any details regarding same."
22
23 So it's the fact that you can't identify who made the contributions is clear
24 but you are expressing the belief that they are political donations. You do
11:45:12 25 not express the belief in this response, that one of them could be a 5,000
26 pounds payment made by a family member which at this point in time you have
27 been unable to check. That is the evidence that you have given to the Tribunal
28 this morning, isn't that correct?
29 A. That's correct.
- 11:45:27 30 Q. 202 But in doing so, you are expressing today's belief as to where that money came

11:45:33 1 from. And I am directing your attention to the fact that you have expressed a
2 contrary belief in January 2007 to Revenue. And I am asking you which of those
3 is now your belief, if either?

4 A. My belief is that the second payment was the family one because we have
11:45:52 5 continued to check. I mean, this is 13 months ago and I have continued to deal
6 with Revenue to try to check off these issues. But until I have evidence, I
7 can't change the position that is outlined there because Revenue will ask me to
8 give them some proof of that. And I may be able to do, that I may be able to
9 do a statement from my brother but that's something I'll deal with Revenue on.

11:46:16 10 Q. 203 Irrespective of the fact that you are dealing with it before Revenue, could I
11 suggest to you that you are offering two separate and distinct beliefs as to
12 the source of these payments, isn't that so?

13 A. Sometimes I think you don't listen to me.

14 Q. 204 Oh I do.

11:46:31 15 A. Can I ... I have continued, when I have some time, to go back and check off
16 these issues right back through my records to try to identify all of the
17 payments. I have since about 1984 in my records, you know, both through my
18 wife's accounts, through my own accounts, and through all of this, to conclude
19 on all of the lodgements that I've done over 20 years to try to satisfy both
11:47:04 20 ourselves and Revenue and yourself, Mr. O'Neill. And there is probably in all
21 of it not that many that I haven't been able to check off.

22
23 There are some we're not sure because I didn't keep a record of cashed cheques
24 but we've tried our best to match those together. And I would never be
11:47:22 25 absolutely certain. And if I'm not certain of that 5,000. What I know is that
26 I got 5,000 from my brother. I cannot prove it is that one. So therefore,
27 Mr. O'Neill --

28

29 CHAIRMAN: Sorry.

11:47:35 30 A. I am not going to say to Revenue I believe it's my brother when I can't prove

11:47:39 1 it. So I am taking the position, the fair position that I believe that they
2 were donations. I mean, I think it's a reasonable position at the end of the
3 day. I think the other position to be unreasonable.
4

11:47:50 5 CHAIRMAN: Mr. Ahern, could I just ask you to clarify that. When you say
6 there or in your evidence, you referred to these two 5,000s as political
7 donations, do you mean, because we hear a lot of evidence every day about
8 political donations. When you say "political donations" or use that term, are
9 you saying donations to you as a politician to be used by you in, as part of
11:48:17 10 your -- to discharge political expenses incurred by you?

11 A. Yes.
12

13 CHAIRMAN: Or do you mean gifts, personal gifts to you, to use for holidays or
14 purchase of a house, or whatever? There is a difference. I mean --

11:48:33 15 A. Yes.
16

17 CHAIRMAN: Clearly, in both cases you are a politician being given a donation.

18 A. Yes.
19

11:48:38 20 CHAIRMAN: But a political donation, as we understand it, or have come to
21 understand it, is a donation which is given for the purposes of assisting you
22 to discharge political expenses or constituency expenses.

23 A. Yes.
24

11:48:52 25 CHAIRMAN: Whereas a gift is a gift that any of us might receive from a
26 friends or whatever.

27 A. I would, I think there is two, Chairman, there are two distinct positions, when
28 a company or an individual gives you money, which is for your constituency or
29 gives you a donation for a constituency use. My practice is that I give it to
11:49:27 30 my constituency and it's always been my practice. But at times, but not many

11:49:27 1 times, an individual would give you money and say it is for your personal use
2 but you tends to use that anyway in, as any politician will do, in expending
3 money on issues in your constituency. So, I mean, when I would be asked to
4 buy, to participate in draws or raffles or give donations to humanitarian
11:49:52 5 issues I would give it out of my own money. I can't take it out of my
6 constituency money.
7

8 CHAIRMAN: So you would never then insofar as you treated one or both of these
9 as political donations, they were, you saw them or you believed they were
11:50:05 10 payments made to you to assist you in discharging expenses you incurred, you
11 were incurring in relation to your political activity?

12 A. Yes.

13
14 CHAIRMAN: And not for, not as money available to you for private use?

11:50:21 15 A. No, exactly.

16
17 CHAIRMAN: All right.
18

19 Q. 205 MR. O'NEILL: If that was your belief, Mr. Ahern, you'd have to put that into
11:50:29 20 practice then and these two payments should have ended up in your of your
21 political accounts, isn't that right?

22 A. Well it depends who would actually give it to you. If somebody would give you
23 sometimes a donation and they would say that is for you, take it. But you'd
24 still end up using it. I mean, in most weekends, I mean, I could spend four or
11:50:51 25 500 Euros in any weekend around the country in draws for cars, for clubs, for
26 organisations. I have to use my own personal money to do that, every
27 politician does.

28 Q. 206 Mr. Ahern, a consequence of treating a donation as a personal payment to you is
29 that you become liable to pay both gift tax on it and income tax if it is
11:51:12 30 determined to be part of income, isn't that right?

- 11:51:14 1 A. Yes.
- 2 Q. 207 And in neither instance in respect of either of these two payments did you pay,
3 in either 1994 or 1995, either gift tax or income tax in respect of either of
4 these two payments, isn't that right?
- 11:51:29 5 A. That's correct. And that's when Mr. Peelo declared to the Revenue.
- 6 Q. 208 In 2006?
- 7 A. Yes, when we were doing the trawl back over 15 years of my accounts.
- 8 Q. 209 Yes. And whilst you have made reference to the fact of going back through your
9 records, I think you would agree with me, Mr. Ahern, that insofar as you have
11:51:50 10 records, they are represented by the copies generated by banking institutions
11 of monthly bank statements that were generated on the account, rather than any
12 record which you made at the time, isn't that so?
- 13 A. But since I started as an accounts clerk in 1969, I've been PAYE. I said this
14 to you before, I'm not a company, I'm not a sole trader, I'm not a business.
- 11:52:24 15 All of my income practically all of my life with very few exceptions in my
16 accounts, certainly from the beginning of the '80s where I have accounts, or
17 accounts with Miriam, are PAYE returns. And the schedules which I gave you for
18 the Department of Labour, the Department of Finance, from the Oireachtas
19 account as a Teachta Dala and the Dublin City Council. They are all payments,
11:52:50 20 I don't have any other income, I have never had any other income except for
21 limited amounts.
- 22 Q. 210 Mr. Ahern, in relation to the transactions which we see at page 19400. That is
23 the financial transactions conducted through this account during the period
24 from 1994 to 1997. Is it the case that you have no records whatsoever in
11:53:18 25 relation to any one of these lodgements to this account except the document
26 which is on screen, that is the printout of the account itself and the
27 documents which subsequently were given to you for the purpose of the Tribunal
28 inquiry by the building society in question, is that the position?
- 29 A. Yes. And the records of my pay cheques, which is my source of income, which is
11:53:49 30 the returns from the both of the departments at that time the Department of

- 11:53:55 1 Finance.
- 2 Q. 211 None of though -- in respect of any one of the lodgements that you see on
- 3 screen there, Mr. Ahern, did you keep any record of what the source of any one
- 4 of those particular lodgements to that account totalling the ends of the day
- 11:54:12 5 38,000 albeit that that includes interest earned over the period, is there a
- 6 single document. recording where the money comes from?
- 7 A. Most of these are either pay cheques or cheques that have got me income.
- 8 That's what most of them are.
- 9 Q. 212 I'll ask you for the third time. Have you any record, have you been able to
- 11:54:35 10 indicate whether or not you have a record in relation to any one of those
- 11 lodgements or is it a belief of yours that these represent the proceeds of
- 12 salary cheques?
- 13 A. I don't keep a record. I don't keep a record. Because I had nothing to keep a
- 14 record of. I get paid as Taoiseach now, I don't get paid as anybody else. I
- 11:54:58 15 don't have fees. And you are putting it as if I had a different number of
- 16 sources of income and I kept a book of accounts but for -- personally I don't
- 17 do that.
- 18 Q. 213 Mr. Ahern, you have on numerous occasions and in numerous locations indicated
- 19 that you have kept records in relation to your financial affairs, that you have
- 11:55:17 20 consulted those records, that as a result of consulting those records you are
- 21 in a position to establish certain facts?
- 22 A. Yes.
- 23 Q. 214 Isn't that so?
- 24 A. Yes.
- 11:55:28 25 Q. 215 Can I put it to you that there are no records that allow for any of the
- 26 transactions which we see on the screen here to be checked as regards the
- 27 source of these entries, do you understand the question, Mr. Ahern?
- 28 A. I do understand the question. I do understand the question. You are asking me
- 29 then to reconcile.
- 11:55:43 30 Q. 216 I'm not. I'm asking you for records.

- 11:55:45 1 A. Well the records, Mr. O'Neill, are my salary records. My income is the income.
2 My income today for this year and you know 2008 is the salary cheque that I get
3 as Taoiseach and the salary cheque I get as TD with some expenses that I get
4 and that's my record. I don't have any other sources of income.
- 11:56:08 5 Q. 217 Mr. Ahern, as much as your records will show you from a PAYE point of view --
6 A. Yes.
7 Q. 218 -- is that in a given year that you earn a certain amount of money, isn't that
8 right? And it itemises -- you are paid by cheque and the paymaster general by
9 pay order.
- 11:56:26 10 A. Yes.
11 Q. 219 Those cheques are then dealt with by you, isn't that right?
12 A. Yes.
13 Q. 220 Now, the fact that you are being paid that money and the fact you are being
14 paid by PAYE doesn't reconcile any one of those payments to any particular bank
11:56:44 15 lodgement, unless it is exactly the same amount that is on the pay order as
16 appears on the face of the lodgement --
17 A. Yes.
18 Q. 221 -- to an account, you accept that?
19 A. Yes.
- 11:56:57 20 Q. 222 So that is hardly records, isn't that right? They are not records.
21 A. What are they then?
22 Q. 223 They are a document, a pay slip and one has to go through a process by looking
23 and in comparison to see whether one can make a connection between them.
24 A. Yes.
- 11:57:16 25 Q. 224 A record is where you sit down as an accountant and you say in this year I
26 received this cheque, that cheque and the other cheque and I expended this
27 amount, that amount and the other. That is an account, that is a financial
28 record.
29 A. Yes.
- 11:57:30 30 Q. 225 You never kept such records.

11:57:32 1 A. No, I don't.

2 Q. 226 No.

3 A. Because I'm not a business or a trader. I still don't keep those records. It

4 wasn't just in a period that I was separated and I have no reason to do it.

11:57:43 5 Because if I ever this time of the year when you get your P60 I know precisely

6 what I earned last year.

7 Q. 227 But, Mr. Ahern, I am putting to you that the absence of your keeping records is

8 inconsistent with the responses that you have given in relation to your

9 financial book-keeping habits where I put to you you've indicated that you've

11:58:08 10 kept records, that your records go back to 1977, that they are probably as good

11 as you get etc. There are no records. There are bank statements and that's

12 it, isn't that so?

13 A. There are bank statements and the income that I received from the sources and

14 places that I worked since I started working in 1969. And I do think they are

11:58:32 15 as good as anywhere else. I'm not in business where I have 20 clients and I'm

16 invoicing people out and people are sending me back accounts. I don't have

17 those accounts. If you asked me today do I have those kind of records, I don't

18 have those kind of records.

19 Q. 228 If we look to page 17846, Mr. Ahern, where you were being asked specifically

11:58:52 20 about lodgements to the account that we are considering. Your responses

21 starting 39 "Mr. Ahern believes this lodgement was an accumulation of salary

22 cheques".

23

24 We've dealt with 40, which is the 7,000. Next "Mr. Ahern believes this

11:59:08 25 lodgement was an accumulation of salary cheques.

26

27 42. Cheque lodgement. Mr. Ahern believes this was the proceeds of pay salary

28 cheques, the rest was taken in cash.

29

11:59:21 30 43. Mr. Ahern believes this was an accumulation of salary cheques.

- 11:59:24 1 44. Mr. Ahern believes this was an accumulation of salary cheques."
2
3 How could you make the conclusion that particular lodgements on this account
4 are an accumulation of salary cheques, allowing for the following; the cheques
11:59:43 5 are never exactly the same amount, isn't that right? They are paid fortnightly
6 I believe but they are variations.
7 A. Variations, yes.
8 Q. 229 How can you conclude that any one of the accounts we see on screen at 19400,
9 any one of these lodgements represents an accumulation of cheques?
12:00:05 10 A. If you take the biggest one, the 10,068.
11 Q. 230 Yes.
12 A. I think what we did in that one. We looked there hadn't been a lodgement of
13 anywhere of my cheques in January and February. So the view was that I'd held
14 on to my cheques as I said previously and then lodged the 10,068.71, that's
12:00:28 15 what it means. But in some cases I might have cashed the cheque and taken some
16 of it as I did in some of the other ones. I think there was a number of those,
17 there was 1,000 pounds which was a cheque of 1,431 and I had taken out the 431
18 in cash and the 1,000 was in there.
19
12:00:42 20 But that was, I mean, you want me to say if I had an account with everything
21 in, everything out that it would have been easier. Of course it would have
22 been easier. But my income, by and large, was my salary cheques which I got
23 fortnightly and monthly. I know that make it is more difficult to match and
24 that's what I was getting and that's was I was getting since 1977.
12:01:04 25 Q. 231 You will appreciate, Mr. Ahern, that the difficulty that has faced the Tribunal
26 is the fact that the lodgements to your accounts were considerably in excess of
27 your income during the period 1993/'94 to a multiplier of between two and a
28 half and three times your actual earnings, that is your recorded earnings?
29 A. Yes and based on the identifiable lodgements.
12:01:25 30 Q. 232 Exactly. And that is based on the lodgements which are shown in your accounts

12:01:31 1 but which are not accounted for by you save with descriptions such as those we
2 have examined in the last few moments that your belief is that they are
3 accumulations of cheques or they may be cheques with monies taken out of them,
4 isn't that correct?

12:01:48 5 A. That's correct.

6
7 CHAIRMAN: We will take a ten minute break, Mr. Ahern.

8
9 **THE TRIBUNAL THEN ADJOURNED FOR A SHORT BREAK**

12:02:07 10 **AND RESUMED AS FOLLOWS:**

11
12 CHAIRMAN: All right.

13 Q. 233 MR. O'NEILL: Mr. Ahern, can we take it that as regards the first lodgement
14 which was made to the IPBS account is which is on screen mere, your best
15 recollection of that is that it is probably a political donation made
16 personally to you?

17 A. Yes.

18 Q. 234 And it was to be received in cheque form by you, is that right?

19 A. It was received by cheque.

12:19:43 20 Q. 235 Yeah. By cheque to you?

21 A. Yes.

22 Q. 236 Yeah. How do you record the receipt of such payments, politically or
23 otherwise?

24 A. Well if it's a political, if it's a political account -- if it's a political --
12:20:06 25 it goes into the constituency it doesn't go to me, it's political --

26 Q. 237 Well this particular cheque we know came to you, isn't that right?

27 A. Yes, I don't know from whereas I said already, if I knew that I could tell you.

28 Q. 238 Irrespective of where it came from it came to you physically?

29 A. Yes.

12:20:24 30 Q. 239 You decided to treat this as a unique cheque in the sense that you went across

12:20:30 1 the road to the IPBS, where you did not have an account is the time, isn't that
2 right?

3 A. That's correct.

4 Q. 240 And you decided that you would open an account in that branch with that cheque
12:20:40 5 lodging the cheque to the account taking two and a half thousand in cash which
6 went into the ATM account.

7 A. Correct.

8 Q. 241 Which was associated with the branch, isn't that correct?

9 A. That's correct.

12:20:52 10 Q. 242 Now, what, can you recollect doing that?

11 A. I don't, I don't.

12 Q. 243 And you hadn't been involved in any banking activity, save, with Mr. Murphy in
13 the very recent past here. There must have been some trigger factor with your
14 decision that you would open an account in IPBS. There are other building
12:21:16 15 societies in Drumcondra I know for example?

16 A. Yeah well that's the one that's across the road.

17 Q. 244 Yes.

18 A. I think they all have branches in Drumcondra now.

19 Q. 245 Yeah.

12:21:25 20 A. But after my separation was over, I mean, my original account was Irish
21 Permanent.

22 Q. 246 Uh-huh.

23 A. That's where I had my account when I was married.

24 Q. 247 Yeah. So you decided that was, is that one of the considerations for deciding
12:21:45 25 to open an account in that institution and the fact that it was across the road
26 --

27 A. Yes.

28 Q. 248 -- was maybe a second one?

29 A. Yes.

12:21:54 30 Q. 249 Right. Did you establish from any of your friends, either Mr. Richardson or

- 12:21:58 1 Mr. Collins, whether they had any banking experience in that branch, was that
2 one of the considerations that you'd asked about?
- 3 A. I don't think so. I mean, this was my personal, this was me opening up, my own
4 account. I don't think I would have had any consideration.
- 12:22:21 5 Q. 250 Did you know for example any of the staff there personally, the manager or
6 otherwise?
- 7 A. I would have known some of the staff over the years but they turn over and they
8 move on.
- 9 Q. 251 Yes. But I'm wondering what the considerations were for going to this
10 particular branch at this time and opening this account with this particular
11 cheque. There must have been some reason to do it?
- 12 A. Well I'd say the timing is clear. I mean after the separation was over, I
13 mean, I opened up an account in the bank, the SSA account in Christmas week of
14 1993, which is just a period, a month before this.
- 12:22:54 15
16 I opened up the current account I think in January, I can't remember the date I
17 opened it up in AIB, which is beside the Irish Permanent. And I opened up this
18 account with this cheque in January 1994, and I was always with Irish Permanent
19 Building Society, that's where I had my original mortgage.
- 12:23:16 20 Q. 252 I was asking you about the record that you would have kept of this cheque?
- 21 A. Yes.
- 22 Q. 253 Somebody sent it to you or gave it to you and you can't remember which, is that
23 right?
- 24 A. Yes.
- 12:23:27 25 Q. 254 You are doing your best to recollect perhaps a particular company that might
26 have been the originator of this cheque.
- 27 A. Yes.
- 28 Q. 255 But the individual in that company with whom you would have had dealings is
29 dead.
- 12:23:41 30 A. That's correct.

- 12:23:41 1 Q. 256 That denies you the opportunity of identifying with certainty who it was who
2 made it but it leaves it as being a donation from a company through an
3 individual to you as a political donation?
4 A. Yes.
- 12:23:54 5 Q. 257 And it's one that you decide that you would use for your personal purposes and
6 you open this account?
7 A. Yes.
- 8 Q. 258 Now, that being so, I am asking you where it would be recorded, 5,000 pounds
9 payment to anybody is a sizeable amount. Did you keep a record of the people
10 who gave you money?
11 A. You know, if I, with that particular, with that particular account --
- 12 Q. 259 No. The account wasn't opened before you got the cheque.
13 A. Yes.
- 14 Q. 260 You got the cheque first, you then decided you'd open an account?
15 A. Yes.
- 16 Q. 261 You'd been in politics for many, many years. You told us that you regularly
17 received political donations which were to be understood as being capable of
18 being used for personal purposes, is that right?
19 A. Yes.
- 12:24:39 20 Q. 262 Now, I'm asking you where those payments would be recorded?
21 A. If it went into my own account, it would be recorded in my own account. If I
22 gave it to the party, it would be in the party -- if it was myself, the only
23 place it would be recorded would be in the account that I lodged it into.
- 24 Q. 263 That record doesn't show any account of where the money came from, it merely
12:24:59 25 shows that monies was lodged on a particular day, isn't that right?
26 A. That's the point. The reason I can't answer the question when you gave it to
27 me in 2005 was --
- 28 Q. 264 Yes.
29 A. -- that when I went, I hadn't got a record. And when I went to the building
12:25:13 30 society to get the details I couldn't get the details and I didn't have the

12:25:16 1 details. And the person that I thought had given it to me, either in, as an
2 individual or as his company, they were not able to check to verify that for
3 me.

4 Q. 265 So are you telling the Tribunal that at this time you received political
12:25:32 5 donations which were not recorded by you but which were lodged to the account
6 and that's the only record of their having been made, is that it in summary?

7 A. If you go from that period when I opened the account right up to today, there
8 was only a few lodgements the entire period, which is 14 years now, where we
9 had that difficulty of trying to identify an amount. There is very, very few
12:25:58 10 of them.

11 Q. 266 Well the difficulty insofar as you have a difficulties with this particular
12 5,000 pounds, arises from the fact that it is said to be a made by cheque and
13 it's a 5,000 pounds cheque and you know that you didn't receive a 5,000 pounds
14 cheque in your earnings or wages, isn't that right?

12:26:16 15 A. That's correct.

16 Q. 267 Any of the other amounts which are lodged there which are uneven amounts are
17 explained as being possibly the combination of salary cheques and salary
18 cheques with money taken out, that's your explanation for those, isn't that
19 right?

12:26:29 20 A. Yes. But --

21 Q. 268 Sorry.

22 A. Sorry, Mr. O'Neill. But in the period from '89, from 1987 to 1994 and even up
23 to the end of 1995, but leave out '95 for a minute, up to '94. I mean, I had
24 earned net about 270 to 280,000 pounds, that does not appear in my accounts
12:27:00 25 because I was living and paying my bills. So, I mine, mean, that was my net
26 earnings from my salary cheques that I had received as a Minister for Labour
27 first, Minister for Finance second and then as leader of the opposition. No, I
28 wasn't just labour and finance. In that period that I was saving my money
29 there was about 270,000 pounds net. So I had a large amount of money that was
12:27:26 30 spent. And as you said earlier on this morning, all as I'd saved out of that

12:27:32 1 was 54,000. So I'd spent the remainder, which is a lot, 5,000 is a lot of
2 money. Well that's a lot of money. And that was spent during those years and
3 that was a very large amount of money. And then I was cashing the cheques and
4 even at that period up until I took out my mortgage in '97, at times I was
12:27:52 5 cashing my cheque and putting some of the money in and holding the remainder of
6 the money. I mean, that's what I did.

7
8 I know you'd say if I had all of my organised accounts and if I had total
9 records, but I didn't need total records, I wasn't a company, I wasn't a
12:28:07 10 business, I was just an individual being relatively well paid with expenses but
11 that are all paymaster general cheques and that's how I did my business.

12 Q. 269 Yes. I am asking you, Mr. Ahern, about the payments that were made to you
13 which were not paymaster general cheques and which were not part of your earned
14 income but rather were sums which you received by way of political donation or
12:28:35 15 you treated it as by way of political donations from others. And I'm asking
16 you where they are recorded? Where is there a record which would show, for
17 example, that the company who you believe may have --

18 A. Yes.

19 Q. 270 -- paid you this money, paid it to you. Would it be recorded in your
12:28:51 20 constituency, would they have recorded it?

21 A. If I gave it to the constituency account they would record it. If I gave it --
22 if I put it into my own personal account at that time it wouldn't be recorded
23 like that one. If it was I could give you the record. And since '95 when the
24 standards in public office I have to record it in my annual forms, I have to
12:29:16 25 fill it in.

26 Q. 271 A single payment of 5,000 to you by cheque or otherwise at that time would be a
27 very significant payment in the context of political donations which were made
28 to you, isn't that so?

29 A. It would be a payment.

12:29:32 30 Q. 272 Well, perhaps I may be wrong in this, Mr. Ahern, but I understand that your

12:29:37 1 actual expenditure in relation to the 1992 General Election was 30,000 pounds?

2 A. Yes.

3 Q. 273 Yes.

4 A. I don't know. I'm saying yes. I don't know what the figure is. I'd need to

12:29:50 5 check what the figure is.

6 Q. 274 I think you are publicly on record for that. You may have to check it. I am

7 suggesting that that is the situation.

8 A. Yes.

9 Q. 275 And if that is so, this single payment would represent 16 or so per cent of the

12:30:04 10 total expenditure which you would have had for a General Election. Could I

11 suggest to you that that's a measure of the enormity of this particular ...

12 A. No, I don't think, Mr. O'Neill. You love the emotive language of "enormity".

13 5,000 contribution, you wouldn't get many 5,000s but you would get 5,000 from

14 the party point of view. Most of them would be probably 1,000 or 2,000 maybe

12:30:31 15 3,000 but 1,000 or 2,000 probably more likely but you would get 5,000.

16

17 But personally as an individual, somebody giving you a donation that was saying

18 if it's for your use, and I wouldn't have many of those in my records because

19 they would be recorded on the records. You wouldn't get many of those but as I

12:30:48 20 said, I cannot verify who that was.

21 Q. 276 Yes. And the reason that you cannot verify it is that you didn't keep any

22 records of this type of payment?

23 A. No.

24 Q. 277 So that the Tribunal in trying to identify sources of funds paid to you in like

12:31:05 25 manner --

26 A. Yes.

27 Q. 278 -- will not find any record to indicate where this money came from, isn't that

28 right?

29 A. Except the banks, banks at some stages can actually give you the records and in

12:31:18 30 actual other cases they actually can't.

- 12:31:19 1 Q. 279 In relation to this account. This particular account we see the two 5,000
2 pounds amount here which remain to this point in time unexplained, they are
3 payments to which in your Revenue dealings you indicate that your belief as of
4 January was that they were political donations and as such taxable and you have
12:31:42 5 paid money on account, subject to a final determination in respect of those two
6 payments, isn't that right?
7 A. Yes. And other matters, you have my records.
- 8 Q. 280 You would agree with me, Mr. Ahern, that if they were actually political
9 contributions, they would not be taxable at all, isn't that right?
12:31:59 10 A. Well that's an argument that we will finalise with Revenue in due course.
- 11 Q. 281 I'm talking in principle about political donations, I'm not talking about these
12 two.
13 A. Yes.
- 14 Q. 282 I'm it talking about a political party which receives a million pounds a year.
12:32:17 15 A. It's not taxable.
- 16 Q. 283 It's not taxable.
17 A. No.
- 18 Q. 284 Right. But you are paying tax on these particular amounts?
19 A. Yes.
- 12:32:23 20 Q. 285 Though at the same time you are saying that they are political donations.
21 A. Yes.
- 22 Q. 286 There is obviously an inconsistency in that.
23 A. But the inconsistency is going back through the records. I thought I made this
24 clear. When we went back through the records, these are amounts that I
12:32:38 25 couldn't show where precisely I got them from or precisely in what context I
26 was given them or being able to produce the individual to say that they -- I am
27 absolutely certain I would not put them in to my personal account unless it was
28 for me personally to use.
29
- 12:32:55 30 Obviously, using in my political life and using it for various bills that you

12:33:00 1 pay every day and every week. Otherwise I would have given them to the party.
2 I have a good record and have had since I was elected to politics of giving not
3 alone contributions that I would get for the party but also when I am giving
4 refunds of elections and other issues, I give them to the party. Even though
12:33:19 5 strictly I could keep them.

6 Q. 287 These, this particular lodgement made on the 31st of January 1994, have you
7 addressed the possibility that it might be a payment from NCB Stockbrokers, for
8 example? We haven't managed to trace where their 5,000 pounds went. Is that
9 possibly what accounts for this lodgement?

12:33:45 10 A. It wasn't the one that I was checking.

11 Q. 288 Well, do you know whether or not it was a firm of stockbrokers for example, you
12 have referred to a company as being the donor. Is it possible that this is a,
13 the O'Connor payment or otherwise?

14 A. Not that I would know of. I mean the one that I was checking was not NCB.

12:34:08 15 Q. 289 Right. But certainly we don't have any documentation from the company you've
16 been checking, isn't that right?

17 A. No.

18 Q. 290 No. You know that Mr. O'Connor indicated in his evidence that his belief was,
19 whether he was correct or wrong, or incorrect in it, that when the request was
12:34:28 20 being made of him, and you will appreciate he says it was being made of NCB,
21 that there were other companies and he speculated I think as to whether there
22 might be other stockbroking companies that were being approached at the same
23 time.

24
12:34:42 25 In the light of that, the Tribunal made inquiries of other stockbrokers to see
26 whether or not they were approached at the same time and they indicated that
27 they hadn't been so approached. And amongst those stockbrokers was a firm of
28 stockbrokers which had in fact paid you 5,000 pounds but the year beforehand.
29 And I think you are aware of that, isn't that right?

12:35:07 30 A. That's.

12:35:08 1 Q. 291 That's Davy Stockbrokers?
2 A. Davy's.
3 Q. 292 And if we look to the document on screen now at page 26118. We'll see that in
4 December of 2006, the Tribunal had been in communication with Davy Stockbrokers
12:35:25 5 earlier that month and they were querying a donation made by Davy to Mr. Bertie
6 Ahern TD in November 1992. And were indicating that in relation to that
7 payment, which was a 5,000 pounds payment, that the Tribunal was considering
8 making an order for discovery. And in response the stockbrokers indicated that
9 the records that they held in relation to a payment of 5,000 pounds to you on
12:35:51 10 the 11th of November 1992, were as follows.
11
12 "An internal cheque journal showing the cheque being drawn on the 11th of
13 November 1992. A bank statement showing the cheque being cashed on the 28th of
14 January 1993."
12:36:16 15
16 Copies of both of those documents were sent to the Tribunal. And they go on to
17 say that --
18
19 MR. MAGUIRE: Sorry, Chairman, if I may intervene briefly here.
12:36:17 20 I would be just concerned about one aspect of the line of questioning that
21 Mr. O'Neill is engaged in.
22
23 He has suggested, if I'm correct, that there was correspondence between the
24 Tribunal and a number of other stockbrokers who had indicated that they hadn't
12:36:31 25 given donations. That's as I understand or been approached.
26
27 MR. O'NEILL: Well --
28
29 CHAIRMAN: Well Mr. O'Neill can explain it.
12:36:42 30

12:36:42 1 MR. O'NEILL: I'm not sure what the concern of Mr. Maguire is.

2

3 CHAIRMAN: I presume it's that you don't have it or --

4

12:36:50 5 MR. MAGUIRE: We have not been circulated with any such information. Not been
6 given any such information, which of course is very relevant to the account of
7 Mr. O'Connor.

8

9 I just wondered why that is so, if what Mr. O'Neill is now putting to the

12:37:06 10 witness is correct. Why it is we haven't been given that information.

11

12 MR. O'NEILL: If i could very simply explain. Firstly, there is no if what I

13 say being correct or otherwise. It is correct.

14

12:37:16 15 The Tribunal made inquiries of other stockbrokers to see if any approaches were
16 made to them and they weren't. And I think I made that clear in my question to
17 Mr. Ahern. That is insofar as if there is a personal interest in this from
18 Mr. Ahern's point of view, it is confirmatory of the fact that other
19 stockbrokers confirm, as do Davy's, that there was no approach made to them in
12:37:42 20 1993 by Mr. Richardson. That's perfectly clear. We don't serve documents
21 which prove the negative unless there is a particular reason for doing so.

22

23 CHAIRMAN: The ... I don't understand what your criticism is. The fact is

24 that it's been made clear that -- the fact is that Mr. O'Neill has made it

12:38:06 25 clear that there is no information from other stockbrokers. The Tribunal in
26 the ordinary way would write to scores of individuals and companies in their
27 ordinary inquiries. The fact that some reveal no information at all does not,
28 I would have thought, require or impose an obligation on the Tribunal to so
29 inform the individuals concerned.

12:38:34 30

12:38:34 1 Clearly, in some information is revealed as a result of that which a particular
2 witness is going to be questioned about, then clearly they would be entitled to
3 look at that documentation.
4

12:38:48 5 MR. MAGUIRE: It's clear, Chairman, that the issue of the contribution as
6 described by Mr. O'Connor is an issue which has exercised the mind of the
7 Tribunal and the witnesses that have given evidence before it, including
8 Mr. O'Connor himself. And the question as to the approach to other
9 stockbroking firms is germane to that issue. We have not been given the
12:39:07 10 information that that happened. Albeit that the answers were in the negative.
11 In fact, that's confirmatory of the approach that could well have been the
12 subject matter of cross-examination of Mr. O'Connor.
13

14 It seems extraordinary that the Tribunal would choose not to circulate
12:39:24 15 documents which confirm one particular line of approach to this particular
16 issue. Chairman, let me finish.
17

18 If this is to be pursued now, we want to have that documentation. We want to
19 see the correspondence with the other stockbrokers. We want to know exactly
12:39:42 20 what they were asked and we also want to know what the responses were in
21 relation to the question of whether they were approached or not.
22

23 CHAIRMAN: Well they were simply asked have they any record or knowledge of
24 payments made to Mr. Ahern or to Mr. Ahern's constituency. I mean, that's the
12:40:02 25 ... the Tribunal would frequently write as a result of information that would
26 arise in the course of evidence being given, the Tribunal would, from time to
27 time, make inquiries to see if some further information can be identified to
28 assist or to clarify information that has previously been given in oral
29 testimony. That's part and parcel of the investigative role of the Tribunal.
12:40:31 30

12:40:31 1 It's been made -- there is no concealment of the fact that there is no evidence
2 from any other stockbroker, bar one of a payment being made.

3
4 MR. MAGUIRE: There is a difference between on the one hand being no evidence
12:40:47 5 and on the other hand there being questions being asked of the stockbrokers
6 which yielded an answer which was unknown to us up to this time.

7
8 Chairman, if this particular issue is to be pursued. I would ask you just to
9 rise for a few moments because it is a matter of some concern to us. And it is
12:41:04 10 a question of certain documentation not being circulated to us.

11
12 CHAIRMAN: Well I disagree that it's necessary to. But what's the purpose of?

13
14 MR. MAGUIRE: I want to consider the implications of this because I think that
12:41:19 15 this has quite a serious implication.

16
17 CHAIRMAN: But what's the serious implication, Mr. Maguire?

18
19 MR. MAGUIRE: The implication is that information is being put to this witness
12:41:26 20 which very which we have not been furnished with.

21
22 CHAIRMAN: The only information that is being disclosed is the fact which is
23 honest and up front on the part of Mr. O'Neill. Namely, that there is no
24 evidence of other payments being made from stockbrokers.

12:41:40 25
26 MR. MAGUIRE: No as I understand it, Chairman, the information that Mr. O'Neill
27 is now imparting to the witness and to the Tribunal, is that there was
28 correspondence between the Tribunal and other stockbrokers.

29
12:41:52 30 CHAIRMAN: There were inquiries made of other stockbrokers.

12:41:57 1 MR. O'NEILL: I will repeat what I said in the question that I was, that I put
2 to Mr. Ahern.

3
4 "You know that Mr. O'Connor indicated in his evidence that his belief was,
12:42:07 5 whether he was correct or wrong or incorrect in it, that when the request was
6 being made of him, and you will appreciate he says it was being made of NCB,
7 that there were other companies and he speculated, I think as to whether they
8 might be other stockbroking companies that were being approached at the same
9 time.

12:42:29 10
11 In the light of that, the Tribunal made inquiries of other stockbrokers to see
12 whether they were approached at the same time and they indicated they hadn't
13 been so approached."

14
12:42:40 15 That is as much as I have covered on the issue with Mr. Ahern. And I do not
16 intend to explore with Mr. Ahern any other dealings with other stockbrokers
17 because they've culminated in what I state here, that there was no such
18 approach made by -- on behalf of Mr. Ahern to other stockbrokers at the time
19 when the approach was made to Mr. O'Connor. That can be taken as a given.

12:43:08 20
21 The question that I am moving deal with is in relation to a payment which was
22 actually made by Davy Stockbrokers. Not at the time that Mr. O'Connor was
23 approached but in November 1992, as is outlined in the letter, and I intend to
24 examine with Mr. Ahern, the circumstances in which that 5,000 pounds payment
12:43:31 25 came to be made to him, as far as he is aware, and the manner in which he went
26 on to deal with it.

27
28 I don't believe that in so doing I will be visiting in any way, the question of
29 other stockbrokers' involvement or otherwise. Nor do I believe that approaches
12:43:46 30 made in 1993 have anything to do with the 1992 payment that I now intend to

12:43:56 1 deal with. So I can't see any basis upon which the Tribunal should cease its
2 examination at this point.

3
4 MR. MAGUIRE: Sorry, Chairman, I would again request time in relation to this.
12:44:08 5 Just brief time. But can I say this, that this matter was canvassed to some
6 extent, as Mr. O'Neill recounts, on the 21st of December last. But the
7 question of the correspondence and the responses which we are now being told
8 about, was not in fact addressed by Mr. O'Neill on that occasion.

9
12:44:27 10 Now, I just -- before I go further on that, Chairman. It is an issue which is
11 of importance to us and I would ask you to rise briefly.

12
13 CHAIRMAN: Well I am going to reject that application. We are not going to
14 rise. You can deal with it and you can discuss it within your own legal team
12:44:44 15 over lunchtime if you wish. There is no prejudice whatsoever to Mr. Ahern in
16 his continued -- in continuing to question him in relation to a specific
17 payment from Davy's about which you have full notice.

18
19 MR. MAGUIRE: Well well --

12:45:01 20
21 CHAIRMAN: So there was no prejudice and it was just simply a waste of time to
22 rise for ten or 15 minutes

23
24 MR. MAGUIRE: First of all, let me reject the last point, Chairman. Can I say
12:45:11 25 this; that what we are saying, that this is an procedural unfairness, that
26 there are matters being put to this witness which he should have been given the
27 information -- background underlying information

28
29 CHAIRMAN: We haven't --

12:45:24 30

12:45:24 1 MR. MAGUIRE: We haven't been given that information and we want to know why.
2

3 CHAIRMAN: But what is being put? Your concern relates to a private inquiry
4 made by the Tribunal, which it does all of the time on an ongoing basis, to
12:45:39 5 identify other payments that might have been made as a result of evidence given
6 by Mr. O'Connor. There is nothing -- that fact is not being put to Mr. Ahern.
7 He is not being asked to make any comment as to the fact that the Tribunal made
8 such inquiries of other stockbrokers.
9

12:46:07 10 He is being asked to deal with one particular payment which is the Davy
11 payment, about which there is ample notice.
12

13 MR. MAGUIRE: But the question is being put on a premises which seems to be
14 contradicted by the correspondence which we haven't been furnished with.
12:46:16 15

16 CHAIRMAN: What correspondence is being contradicted?
17

18 MR. MAGUIRE: Correspondence that's been referred to by Mr. O'Neill.
19

12:46:23 20 CHAIRMAN: What correspondence? The only correspondence, the only payment
21 we're concerned about at this moment is the Davy payment of 5,000 pounds.
22 There is nothing else being put to Mr. Ahern.
23

24 Quite rightly Mr. O'Neill has indicated that there was no, that there is no
12:46:47 25 evidence -- no other evidence which is to his benefit of any other payment from
26 any other stockbroker so we'll just go on.
27

28 Q. 293 MR. O'NEILL: Mr. Ahern, the document which I referred to, it's on screen
29 there, copies of both of these documents were furnished to the Tribunal, that
12:47:02 30 is internal cheque journal a cheque drawn on the 11th of November 1992 and a

12:47:09 1 bank statement showing that it was cashed on the 28th of January 1993, almost
2 eight or nine weeks later. Both of those documents were attached in that
3 letter and the author of the letter goes on to say "as noted in our earlier
4 letter of February 2001 to the Tribunal of Inquiry to into certain planning
12:47:30 5 matters and payments, which referred to the payment to Mr. Ahern, we do not
6 have any record of the background to the contribution and no current or past
7 director has any recollection of making the payment on behalf of the firm".
8

9 So that the next document I would ask you to consider are the documents which
12:47:52 10 accompanied that letter at page 25199. There was a redacted extract here of an
11 internal cheque journal. If we can turn it to the side, please, prepared by
12 Davy's apparently in 1992/'93. The 30th of October 1992 is the date, I think
13 at the top. The unredacted entry is 11th of the 11th '93 -- '92 I beg your
14 pardon.

12:48:23 15 "P contribution" and then it gives a number "500318" and an amount 5,000
16 pounds. And a subtraction of a running total and the initials BA. That is the
17 internal cheque record from Davy's of there having been a payment which was a
18 political contribution to you and the next document at page 25202, is the bank
19 statement of Davy's for that period redacted to show that there is a J&E Davy
12:48:53 20 cheque on the 28th of January 1993, debited to the account for the 5,000
21 pounds, its cheque No.s now are shown as 500318.
22

23
24 So from this we know that the payment that was made to you, Mr. Ahern, was made
12:49:22 25 via a cheque with the numbers 500318. And the Tribunal sought to obtain a copy
26 of that cheque and issued an order for discovery and if we look to page 26119
27 we'll see that on the 19th of November of last year, Davy Stockbrokers provided
28 to the Tribunal a copy of the cheque. The cheque number is 500318, payable to
29 Mr. Ahern and what is provided is a microfiche copy as the original as the
12:50:09 30 original isn't available.

12:50:09 1 If we turn now to the next page to 25331. If we can turn that, please. That
2 cheque, Mr. Ahern, is a cheque made payable to Bertie Ahern. It's for 5,000
3 pounds only. It is for, signed by J&E Davy signatory on the 11th of November
4 and on the following page, page 25332 is the reverse of that cheque and again
12:50:46 5 if we turn that. We see that from the stamp on that cheque that it was a
6 cheque which was lodged to the Irish Permanent Building Society. And above it
7 there is an account number 2352605737. And if I could stop at that point
8 perhaps and revert back to page 25331.
9

12:51:13 10 That cheque there is made payable as we see, to you, Mr. Ahern. We've seen
11 from the back of the cheque that it hasn't been endorsed in anybody's favour.
12 Now, can you tell me whether or not you received that cheque and if so when?
13 A. That cheque was received in the context of the 1992 General Election.
14 Q. 294 When was it received?
12:51:40 15 A. During the election. I think the cheque was dated the 11th of November so
16 presumably within a few days.
17 Q. 295 Well how can you tell me that it was received by anybody? How do you know it
18 was received by you? Do you remember receiving this cheque?
19 A. I do remember the cheque.
12:52:07 20 Q. 296 Right.
21 A. It was received from Davy's and it was received in the context of the General
22 Election and it was an election contribution and it was lodged to the party's
23 account, in the Irish Permanent building society.
24 Q. 297 The General Election in 1992 was called on the 5th of November 1992, isn't that
12:52:24 25 right? Polling day was the 25th of November of 1992. And this particular
26 cheque is dated the 11th of November 1992, and you have indicated that it was a
27 contribution towards the General Election.
28
29 Now, we saw in the document which is the internal cheque journal of Davy's that
12:52:51 30 it is recorded as a political contribution with the date the 11th of November.

12:52:57 1 But we also saw that nobody in Davy's knows the circumstances in which it came
2 to be paid. Now, I am asking you what knowledge you have of this cheque.
3 You've told me that you remember it being shown to you and indeed it would be
4 surprising if it wasn't given the size of the cheque which I suggest to you
12:53:20 5 would be probably the biggest single political donation you received for the
6 1992 General Election?
7 A. I think there would have been thankfully a good few 5,000s in 1992 but not that
8 many. But I do remember it. It was as I understand it from Davy's, Davy's
9 made a contribution to a number of politicians of all parties --
12:53:48 10 Q. 298 Yes.
11 A. -- in the context of the 1992 election. It was unsolicited. My constituency
12 did not ask them for a contribution. And they sent that one to me as they sent
13 it I think to 11 or 12 other politicians. I would have given it to my
14 constituency because it was an election contribution. I have no doubt that it
12:54:09 15 was an election contribution and I would have given it to the finance committee
16 in my constituency along with other cheque that is were received.
17 Q. 299 All right. I'm trying to establish with you, Mr. Ahern, what exactly did
18 happen rather than what you might speculate happened and insofar as you
19 indicated in your response so far that you would have done various things with
12:54:30 20 it. I would like to establish, if I can, with you what your actual knowledge
21 is of what you did do, rather than perhaps what you assumed you did. If we
22 take it in stages?
23 A. A take it in stages.
24 Q. 300 The cheque we see on screen obviously leaves Davy's. Can you tell me how it
12:54:48 25 was received by you?
26 A. It was received as I understand it by post in Drumcondra.
27 Q. 301 Why do you say that?
28 A. Well because there was a compliments slip arrived with it.
29 Q. 302 All right. Do you have the compliments slip?
12:54:58 30 A. Yes.

- 12:54:59 1 Q. 303 And what does it say?
- 2 A. It says best of luck in the elections.
- 3 Q. 304 And is it signed by anybody?
- 4 A. Yes.
- 12:55:05 5 Q. 305 By who?
- 6 A. Robbie Kelleher.
- 7 Q. 306 Is there any reason why you didn't provide this to the Tribunal when they asked
- 8 you through your solicitors on the 30th of November last for details of how it
- 9 was that this payment came to be made?
- 12:55:22 10 A. Because my constituency office have had to go back and dig up all of the papers
- 11 found a compliments slip recently.
- 12 Q. 307 Recently. When did they find a compliments slip?
- 13 A. I don't know, it was shown to me within recent days.
- 14 Q. 308 All right. So we now know that Mr. Robbie Kelleher is the person who sent you
- 12:55:41 15 the cheque, is that right?
- 16 A. Yes. Wished me best of luck in the election. So it's clearly an election
- 17 contribution.
- 18 Q. 309 Okay. Given that particular slip was accompanying this cheque. You were able
- 19 to identify or are able to identify now who actually sent it to you, isn't that
- 12:56:01 20 right?
- 21 A. Correct.
- 22 Q. 310 And have you asked Mr. Kelleher for any details in relation to the cheque,
- 23 Mr. Robbie Kelleher?
- 24 A. He doesn't recall it but he recalls that Davy's, he knows were his own records
- 12:56:15 25 that Davy's have sent a number of contributions to a number of political
- 26 parties at that time.
- 27 Q. 311 I'm sure they did. But our concern at the moment is in relation to this cheque
- 28 and how you dealt with it, Mr. Ahern. Presumably, in 1993 (sic) then in
- 29 November when you got this cheque and the compliments slip you knew where it
- 12:56:36 30 came from and what its purpose was.

12:56:38 1 CHAIRMAN: Sorry, it was 1992.
2
3 MR. O'NEILL: I beg your pardon. Is there a date on it? Is there a date on
4 the compliments slip?
12:56:46 5 A. No.
6 Q. 312 No.
7 A. No.
8 Q. 313 Why do you say it's received by post?
9 A. Because it wouldn't have come in any other way. I mean, Davy's have never been
12:56:57 10 in St. Luke's. They would have sent it in by post.
11 Q. 314 So that's an assumption on your part, is that right?
12 A. Well I ...
13 Q. 315 I am not saying it's an incorrect one I am just asking you whether it is or
14 not?
12:57:12 15 A. How else would it come, by carrier pigeon?
16 Q. 316 He could have handed it to you, Mr. Ahern?
17 A. He didn't. I have no recollection. All as I recall, I would see. It would
18 come in by post and I'd just see it. I don't remember the compliments slip
19 quite frankly. I remember that Davy's gave us a contribution.
12:57:27 20 Q. 317 When you received it, it obviously came to you, you looked at it and did you
21 contact Mr. Kelleher immediately to thank him for it?
22 A. I can't remember, I can't remember if I did or not.
23 Q. 318 Did you issue any receipt?
24 A. We'd always acknowledge -- all the -- I'd imagine what happened. If you are
12:57:51 25 asking me, Mr. O'Neill, can I remember the day that it came and during the
26 election campaign was the whole office standing under the letterbox for a
27 letter from Davvy's. We would have been out trying to get re-elected. That's
28 where I would have been. So at some stage, I would have looked, probably at
29 the end of the election or when the election was all over I would have been
12:58:13 30 shown the file with cheques that came in during the election or maybe during

- 12:58:18 1 the campaign I would have looked at it. But I would not, in the middle of a
2 campaign, when I was fighting for a campaign, or as a national officer of the
3 party be sitting around in St. Luke's in Drumcondra would have seen what came
4 in. But I do remember Davy's gave us a contribution, because it was one of the
12:58:34 5 bigger contributions that we would have received in that election and it was,
6 it would have went to the finance committee would be out raising money and they
7 would lodge it into the account.
- 8 Q. 319 It's a cheque made payable to you, Mr. Ahern. Did you personally acknowledge
9 receipt of this to Davy's and thank them for their generous donation of 5,000
12:58:58 10 pounds?
- 11 A. I would say the finance committee would -- the finance committee would always
12 acknowledge all of our cheques.
- 13 Q. 320 Yes.
- 14 A. Whether I actually sent out a note as well, could have, I don't know.
- 12:59:08 15 Q. 321 Right. Do you not keep records of your acknowledgments of cheques of this
16 amount?
- 17 A. No.
- 18 Q. 322 No.
- 19 A. We would not keep. We would send a standard letter out to all of the people.
12:59:22 20 I work off one staff and I'm not like yourself, one staff who is trying to do
21 my constituency work. At the end of an election we would do a standard letter
22 and we would send a letter out to all of those who gave us a contribution and a
23 letter out to people who have helped us, letters out to. I mean that's the way
24 we would do it. We wouldn't do an individual letter out to everybody.
- 12:59:46 25 Q. 323 The contribution, Mr. Ahern, of 5,000 pounds was it recorded by your
26 constituency as having been received?
- 27 A. Yes.
- 28 Q. 324 I see. And do you have that record with you?
- 29 A. No.
- 13:00:04 30 Q. 325 No? And why not?

- 13:00:06 1 A. Because I don't have constituency records. It's Fianna Fail constituency
2 accounts. And I do not have the Fianna Fail constituency accounts but I know
3 it's recorded.
- 4 Q. 326 Is there a divide between you and your constituency records, Mr. Ahern, that
13:00:20 5 makes it such that you are incapable of acquiring documents from your
6 constituency records to assist you with this Tribunal?
- 7 A. No, there is no difficulty me getting assistance. But can I say, Mr. O'Neill,
8 what I have been dealing with in this Tribunal with the greatest of respect,
9 has been my wife's accounts, my children's accounts, my accounts. I haven't
13:00:42 10 been dealing with the Fianna Fail accounts. The Fianna Fail accounts for
11 Dublin central constituency are under the direction of the constituency under
12 the offices of the constituency. Of course I work with them. Of course they
13 would co-operate with me. But they are the Fianna Fail constituency or Fianna
14 Fail business.
- 13:00:58 15 Q. 327 I'm sure they are, Mr. Ahern. But I'm asking you why it is that you have not
16 provided this documentation to the Tribunal. If you have a record of this
17 particular document being received in co-operation with the Tribunal, could I
18 suggest to you that the moment you received a letter asking you for details of
19 this, that you would send it all to the Tribunal forthwith, certainly as soon
13:01:23 20 as somebody in your constituency office in St. Luke's has identified the
21 relevant documentation?
- 22 A. Yes but the fact is, Mr. O'Neill, the committee that look after these things in
23 my office, very few of the people that were there at that stage. But the
24 people who are there now have had to go back and try to dig out whatever
13:01:47 25 records they could. But the 5,000 and they've done well. They managed in the
26 just recent days to find the compliments slip of this to show that it was sent
27 by Davy's, that, by an individual in Davy's and that it was wishing me best of
28 luck in the elections and that it was lodged in to the Fianna Fail account in
29 the Irish Permanent Building Society in Drumcondra.
- 13:02:12 30

13:02:12 1 CHAIRMAN: But Mr. Ahern, just to be certain about this. Have you seen a
2 record? We understand from your evidence now is that there is a record in the
3 constituency, indicating the receipt of this money and presumably what was done
4 with it.

13:02:26 5 A. Yes, it was lodged, Chairman, into the Fianna Fail building account, building
6 trust account in the Irish Permanent Building Society in January of 1993.

7
8 CHAIRMAN: Well we discovered that. The Tribunal itself discovered that.
9 But my understanding from your evidence is that there is, that there is a
10 record of the receipt of the money in some sort of an account book showing that
11 on such and such a date different political contributions were received in the
12 constituency, whether they were paid either to you or the party or whatever,
13 and that there is a record of the receipt of the money within the constituency
14 and that you have seen that in recent days

13:03:16 15 A. Yes. I have seen the, I've been shown the record. It's not a record in a
16 book, Chairman, it's a record of the compliments slip was with all of the other
17 receipts and data invoices that were from the 1992 election. I have seen the
18 list of the expenditure and the list of receipts from the 1992 election.

13:03:40 20 CHAIRMAN: So it's the compliments slip you say is the only record that you
21 had?

22 A. Well it's also listed.

23

24 CHAIRMAN: Yes, is there a list.

13:03:48 25 A. There is a list of all of the contributions that were received in 1992 and
26 there is a list of the invoices, I understand from the officers of the
27 constituency, which is the CDC, that they may not have all of the invoices but
28 they have a list of the payments and they have a list of what went through the
29 bank and they have recorded that Davy's gave 5,000 pounds, some of the money
13:04:15 30 went in to the 1992 election account and some of the money went into the

13:04:23 1 building trust account, that is a call that they make where the money goes.
2

3 Q. 328 MR. O'NEILL: Where is this documentation, Mr. Ahern?
4 A. It's in the hands of Fianna Fail party Dublin central.

13:04:34 5 Q. 329 You have been asked since the 30th of November last to provide documentation to
6 the Tribunal?
7 A. Well, sorry, Mr. O'Neill.

8 Q. 330 Yes.
9 A. I am not.

13:04:42 10 Q. 331 Yes.
11 A. I am not here answering for Fianna Fail Dublin central. Fianna Fail Dublin
12 central have their own, their own system. I can co-operate and I can assist.
13 But you are asking me where the Davy's cheque went. Davy's, the Davy's cheque
14 arrived as I understand it by post, it came by compliments slip. It was lodged
15 subsequently into the building trust account of the Fianna Fail account in
16 Dublin central in the Irish Permanent and it is recorded along with all of the
17 other monies that came in, in 1992.
18

19 CHAIRMAN: But surely, Mr. Ahern, you can -- you are the senior person in St.
13:05:21 20 Luke's.
21 A. Yes.
22

23 CHAIRMAN: Where this documentation is.
24 A. Yes.

13:05:24 25
26 CHAIRMAN: And the committee members would be people, friends of yours.
27 A. Yes.
28

29 CHAIRMAN: And close affiliates.
13:05:30 30 A. Yes.

13:05:30 1 CHAIRMAN: Surely you could say so them look would you send that down to the
2 Tribunal.

3 A. I understand they are cooperating with the Tribunal and I --
4

13:05:38 5 CHAIRMAN: No, no but you are saying. The point you've been make something
6 that it's not open to you to organise this information because this committee
7 is, if you like, some way separate and I'm suggesting to you that maybe in
8 strict legal terms you mightn't have that capacity if it is within the
9 constituency a separate committee. But you certainly I would have assumed you
13:06:05 10 would have the capacity in general terms to say to them, look, there's -- there
11 are questions going to be asked in the Tribunal about this money. Get this
12 stuff down to them and maybe there will be less questions asked because it's
13 all clear and laid out there. And that's the point I'm making.
14

13:06:25 15 I am not suggesting that you had some legal power to force them to do that. I
16 am suggesting that it would never have arisen in that way. It would be simply
17 a request from you which would be honoured by them

18 A. Well, Chairman, I have -- I have no difficulty. My constituency as I
19 understand my constituency are, have been asked to give information and
13:06:47 20 documentation to the Tribunal and they have no difficulty doing that and they
21 are doing that.
22

23 CHAIRMAN: But we don't have it.

24 A. Well ...
13:06:54 25

26 MR. MAGUIRE: Sorry, Chairman.

27 A. I understand officers of the constituency had already made themselves available
28 to the Tribunal but --
29

13:07:09 30 MR. MAGUIRE: Chairman, I just want to intervene here. I think it's important

13:07:09 1 to state. I don't know if you are aware but I assume you are. That the
2 Comhairle Dail Ceantar has separate legal representation and there is in fact
3 correspondence between us and you and the Tribunal in relation to the very
4 matters that the witness has been asked which seem not to be addressed here at
13:07:21 5 the moment.

6
7 CHAIRMAN: No. We are fully aware of that. But the point is this.
8
9 We've been told that this was a payment and we've no reason to disbelieve this.
13:07:33 10 But this was a payment made by Davy's to Mr. Ahern payable to him personally,
11 although it was for a political purposes. And since the 30th of November we've
12 been following up in various correspondence with your solicitors seeking as
13 much information as we can about that.

14
13:07:55 15 Now, I know that and I accept that the that the constituency now has separate
16 legal representation. But I am suggesting that it was within Mr. Ahern's
17 capacity in the ordinary way, I'm not talking about his legal capacity, to
18 arrange that this type of documentation would be furnished to the Tribunal. It
19 can't be controversial if it is as Mr. Ahern suggests, a record of the receipt
13:08:26 20 of this 5,000 pounds. It's a, and it would, it would deal with that and it
21 reduces the extent to which it's necessary then to cross-examine a witness.

22 A. Well, Chairman, as I understood it. And I got the letter in November. I asked
23 the officers, the officer who was dealing with this at the time was in the
24 United States. And I think it was on the 8th of January when the officer came
13:08:59 25 back, he was into hospital and had been in hospital for several weeks. But
26 neither here nor there.

27
28 I spoke to him and got the details and I sent, I think I have the letter of the
29 7th of January if I recall before I went to South Africa, I sent in the details
13:09:17 30 to the Tribunal insofar as I had the details. I hadn't got the receipt at that

13:09:17 1 stage. The receipt was found in a search of all of our own files and invoices
2 which are there, may not be all there but they certainly have invoices from
3 1989 and invoices from 1992, they have the 1989 election account which was
4 given to the Tribunal previously in the 1992 election. The building trust
13:09:38 5 account which is linked to Dublin central and it is for the upkeep of St.
6 Luke's where they put resources to try to maintain and refurbish St. Luke's.
7 And that's where that particular went into. So there is no difficulty,
8 Chairman, of the constituency or me assisting. I mean, it's not that they
9 won't do it because I didn't ask them. I have asked them but they are anxious
13:10:01 10 to have the Tribunal to help the Tribunal because the constituency have done
11 nothing wrong.

12
13 CHAIRMAN: All right. That's fair enough. But I think, Mr. Ahern, that you
14 are aware that the Tribunal has not yet been furnished with details of this BT
13:10:19 15 building trust account which presumably are available, showing details of
16 lodgements and withdrawals and into which this cheque for 5,000 pounds was
17 lodged. And we have been seeking information about that account since November
18 and while I don't in any way doubt that you didn't have any -- you haven't a
19 personal management role in relation to the account. But again it comes back
13:10:52 20 to this thing. Why, why isn't it possible for the constituency, whether they
21 are acting under your instruction or under anyone else's to produce the details
22 of the account, the record books.

23
24 And it reduces enormously then the amount of material that we have to cover in
13:11:11 25 public. And it may provide perfectly innocent and simple answers to the
26 various questions.

27 A. Yes, as I understand it, Chairman, I answered the question that questions that
28 I was asked on the 7th of January. I only finished up here on the 21st of
29 December. Admittedly then I didn't do anything much because I have to keep
13:11:32 30 everything else running but I did that at the Christmas period. I couldn't do

13:11:36 1 it before then because the individual was in the United States and he came
2 back. And I understood that that individual came to the Tribunal in private
3 session to give that information. But there is no problem insofar, I don't run
4 the constituency but you are correct I am the senior person. There is no
13:11:51 5 problem in the constituency or the constituency officers or me assisting in
6 giving the information that we have available to the Tribunal. There isn't.
7

8 CHAIRMAN: I accept. I know you have a very busy schedule. I don't expect
9 you to have spent days or hours sifting through documentation but the point
13:12:16 10 that we make is that surely it was open to you to say to somebody look, get
11 this stuff down to the Tribunal, if it takes you a week or two weeks do it.
12 They'll have it in December or early January.

13
14 MR. MAGUIRE: Chairman, I'm sorry to intervene again but there is a letter of
13:12:34 15 the 7th of January of 2008, which is written by the solicitors for the witness
16 and it's at 26144 of the Tribunal reference, which goes through the explanation
17 that the Taoiseach has now given evidence

18
19 MR. O'NEILL: I will be opening the entire of the correspondence on this issue
13:12:52 20 this afternoon.

21
22 Could I suggest that it would be of assistance to the Tribunal that if by two
23 o'clock, Mr. Ahern will produce the documentation which has been shown to him
24 which records these matters. I will take it at short notice and deal with it
13:13:04 25 at the time but we need that documentation. And I can't see why it shouldn't
26 be.

27
28 MR. MAGUIRE: Could I ask equally that the Tribunal would furnish to us
29 stockbrokers which has been referred to here today. And because I do want to
13:13:17 30 return to that at two o'clock if I may. We will see what we can do. But I

13:13:24 1 presume the Tribunal with its resources can do what we want them to do.

2

3 MR. O'NEILL: I am not sure if Mr. Ahern is prepared or otherwise to produce
4 the documentation which has been shown to him and upon which he has based his

13:13:36 5 last responses so that it would be available for consideration before the

6 Tribunal this afternoon.

7

8 CHAIRMAN: All right.

9 A. Well, Chairman, I will be very frank. There is no way by two o'clock at ten
10 past one that I can get the invoices and the data and give them.

13:13:47

11

12 CHAIRMAN: All right.

13 A. It's a matter for the Comhairle officers. I will certainly. I have already
14 told them through their own legal representatives to give in the data. But the
15 fact part I was asked about which was the only part I was asked about first of
16 all was the 5,000. Then I was asked a letter was sent to me I can't remember
17 what date with 19 detailed questions. Now, I was not in any position to deal
18 with those. That is the matter for the constituency to deal with those
19 questions.

13:14:17

20
21 CHAIRMAN: All right. Well it's probably not practical to organise that but
22 certainly.

23

24 MR. O'NEILL: Tomorrow morning by ten I suspect that.

13:14:26

25
26 CHAIRMAN: We would ask that Mr. Ahern would put through the request in the
27 hope that it would come through during the afternoon.

28

29 MR. O'NEILL: Very good.

13:14:33

30

13:14:33 1 CHAIRMAN: And what are -- do we have the letters to the other stockbrokers?

2

3 MR. O'NEILL: Yes. They can be generated. As I say, their evidential value
4 from the Tribunal's point of view is zero.

13:14:45 5

6 CHAIRMAN: Absolutely. Just to repeat the point. We follow-up on numerous
7 items of evidence that occur in the ordinary course of public hearings. Where
8 things are said by witnesses in the witness box to see if we can find further
9 relevant information. And we don't, as a general rule, produce volumes and
10 volumes of letters. Where something is produced and where it's of relevance to
11 the issue being inquired into and where something has to be put to a witness,
12 of course, that's when circulation takes place. So I'm not conceding but
13 certainly arrangements will be made to show you the correspondence. And we'll
14 sit at ...

13:15:29 15

16 MR. O'NEILL: May I also at this point, Mr. Chairman, suggest that such
17 documentation as Mr. Ahern presently has in his file before him which are
18 relevant to the inquiries in relation to the Davy's cheque will be made
19 available to the Tribunal if they have not already been done so, including the
20 documentation from Mr. Robbie Kelleher and any other documentation.

13:15:47 21

22

23 CHAIRMAN: I'm sure he is happy to provide. All right. We'll sit at ten past
24 two.

25

13:15:59 26

27

28

29

30

THE TRIBUNAL THEN ADJOURNED FOR LUNCH.

THE TRIBUNAL RESUMED AS FOLLOWS AT 2:10 P.M.:

13:15:59 1 MR. MAGUIRE: Chairman, I have a submission to make to you, Chairman.
2
3
4

14:19:58 5 Padraic O'Connor suggests that he understood from Des Richardson or assumed
6 that there was an approach to a number of stockbrokers up to five I think,
7 looking for money from the O'Donovan Rossa Cumann. And he was supposedly, this
8 was supposedly in support of a claim by Mr. O'Connor that the contribution was
9 not intended to be personally from him to Bertie Ahern but was from NCB to the
10 local party organisation.
11

12 Now, it became apparent this morning that the Tribunal had written to a number
13 of stockbrokers and received confirmation from them, that they had not received
14 any approaches and that they had not made any contribution except from Davy's,
14:20:46 15 that is, and we're now aware that these letters were written as far back as
16 November of 2006.
17

18 The correspondence and the contradiction of the evidence of Padraic O'Connor
19 was significant. That correspondence was significant and it would be of
14:21:03 20 assistance to Mr. Ahern's legal team and to Mr. Ahern in contradicting the
21 account given by Mr. O'Connor. The documentation was not furnished by the
22 Tribunal to us. It wasn't included in the brief, even though it was clearly
23 relevant to a live issue concerning Mr. Ahern. Namely, whether the
24 contribution from Mr. O'Connor was made personally by him and intended as a
14:21:27 25 personal contribution from Mr. Ahern or whether as Mr. O'Connor contends, it
26 was made by NCB for the party organisation.
27

28 The rules of constitutional and natural justice clearly establish an
29 entitlement of any person against whom an allegation is made at the Tribunal,
14:21:46 30 to receive all documentation relevant to the issues that concern them. It's

14:21:50 1 not for the Tribunal to decide whether it regards any particular document as
2 being of value to its investigations. It's under an obligation to furnish all
3 documentation question is relevant to the issues concerning Mr. Ahern and which
4 may be of assistance to him.

14:22:08 5
6 Where does Mr. O'Neill's assessment that the documents and I quote him "are of
7 zero evidential value"? Where does that come from? They may not suit the case
8 that Mr. O'Neill appears to be weathered to but they are manifestly of value to
9 Mr. Ahern.

14:22:26 10
11 Chairman, the failure to furnish us with these documents is reminiscent of the
12 refusal of the Tribunal to furnish us with copies of Mr. Gilmartin's prior
13 inconsistent statements during Quarryvale I Module. And that refusal, as we
14 know, the Supreme Court has held was a constitutional wrong.

14:22:43 15
16 But what the makes the situation all the more extraordinary is the fact, that
17 during the cross-examination of the Taoiseach on the 21st of December last,
18 Mr. O'Neill referred to the evidence of Mr. O'Connor regarding the approaches
19 to other stockbrokers and questioned Mr. Ahern on the basis that Mr. O'Connor's
14:23:02 20 evidence might be correct.

21
22 And I am going to quote from that transcript. And I am quoting from the
23 transcript of the evidence on the 21st of December of 2008 (sic) which was in
24 the afternoon and it's day 805. And it's at question starting at question 322.

14:23:26 25 And here he is referring to Mr. O'Connor's account of events and he says and
26 this is Mr. O'Neill to Mr. Ahern.

27
28 "But if we take Mr. O'Connor's account of events, he understood that this was a
29 payment which was being requested from his firm, NCB Stockbrokers and he had a
14:23:44 30 belief, whether it was founded on what was said by Mr. Richardson or otherwise,

14:23:50 1 he is unclear but that other stockbrokers were having similar requests made of
2 them and that the competition being as it is, that that was one of the
3 influencing factors in his determination as managing director of NCB group to
4 make a 5,000 pounds payment. You understand that's what he says?

14:24:16 5 A: I understand.

6 Q: Yes, and in support of the payments that were made on the basis of it being
7 an NCB payment rather than it being a personal payment, you know that the
8 cheque which found itself through the albeit convoluted system of bogus
9 invoicing was a cheque written by NCB group to Euro Workforce in the sum of
10 6,050 pounds, isn't that so?

11 A: That's correct.

12 Q: Right. At the time, obviously if Mr. O'Connor's accounts of events is
13 correct, other persons may well have been requested to make similar 5,000
14 pounds contributions towards your funds, isn't that right?

14:24:59 15 A: In relation to getting to, in relation to getting the funds for Gerry
16 Brennan.

17 Q: No, if Mr. O'Connor's version of events is correct, that he believed that
18 the request was being made of him as one as the head of a firm of stockbrokers
19 and that similar requests were being made of up to four others, so as to raise
14:25:26 20 the sum -- the total sum of 20,000 or thereabouts to meet the expenses of the
21 O'Donovan Rossa Cumann, if that version was correct?"

22
23 And it goes on. The transcript goes on. But that gets the intent of what was
24 being suggested to the witness, Mr. Ahern, at the time.

14:25:48 25
26 He never made any reference to the correspondence between the stockbrokers and
27 the Tribunal which contradicted Mr. O'Connor's evidence even though he had that
28 correspondence and we did not have that correspondence. How could he possibly
29 believe that it was fair to have asked those questions without disclosing the
14:26:06 30 correspondence. It was a manifest procedural unfairness.

14:26:16 1 What is also, to us, of grave concern is that there may be other documentation
2 which has also not been disclosed by the Tribunal which Mr. O'Neill may think
3 again is of "zero evidential value" but which may be of considerable assistance
4 to Mr. Ahern.

14:26:34 5
6 We regard this, Chairman, as an example of procedural unfairness and as being
7 extremely serious. Was the decision to withhold the document made by the
8 Tribunal legal team or was it made by the Tribunal itself? And we really want
9 to find out what steps the Tribunal can now take to remedy the situation and to
10 reassure us that the fairness of the Tribunal's procedure's -- reassure us as
11 to the fairness of the Tribunal's procedures.

12
13 We'd also ask the Tribunal at a minimum, that they should conduct an exercise
14 in reviewing the documents received which has not been circulated to ensure
15 that none of this documentation is of relevance to live issues concerning
16 Mr. Ahern or could otherwise be of assistance to him at the Tribunal.

17
18 Chairman, I have also a separate concern in relation to the line of questioning
19 that was being developed by Mr. O'Neill, in fact some of the questions that
14:27:10 20 were asked by yourself in respect of the position as regards the accounts and
21 the records etc. of the documentation relating to the Dublin central
22 constituency which you were asking about before lunch.

23
24 Now, I just want to be clear about this, Chairman. That as far as our client
14:27:59 25 is concerned, the constituency is properly under the control of the
26 constituency organisation. That's the first point and I think that you
27 acknowledge that yourself.

28
29 The organisation has sought and obtained separate representation. The legal
14:28:18 30 representatives have already engaged with the Tribunal. The provision of the

14:28:23 1 documentation is a matter between that organisation and the Tribunal.

2

3 The Taoiseach, important though he may be as the Taoiseach and as a TD in the
4 constituency, he can't dictate to the organisation or bypass the normal

14:28:39 5 procedures to undermine the representation of the organisation.

6

7 He is, as you rightly pointed out, the senior TD, but the organisation is a
8 democratic one and the decisions are made through a clear democratic procedure.

9 We wrote to the Tribunal on the 18th of February and we made it clear that the

14:28:57 10 inquiries should be conducted and completed in private before the public

11 hearing occurred.

12

13 And I think in fact that that had been resorted to, the difficulties that are
14 now being addressed by you as difficulties and are sought to be overcome in the

14:29:15 15 shorthand way of asking the witness to deal with them, indeed over lunch was

16 the request but I think it's now before half ten tomorrow.

17

18 But insofar as there are any difficulties in that regard. It in fact amazes us

19 that the Tribunal decides or has decided to embark on a public hearing in

14:29:35 20 relation to these matters without first sifting through these matters which

21 could well be sifted through on the basis of a private hearing.

22

23 And I think that it's fair to say that in our view that the current apparent

24 problems are a direct consequence of the rushed hearing in the matter. Which

14:29:55 25 to say the least of it, it appears that the preliminary inquiry phase in

26 relation to this hasn't actually been brought to a proper conclusion.

27

28 And we suggest that as far as the Tribunal is concerned, that it directs its

29 inquiries to the people who were responsible for the maintenance of the account

14:30:17 30 and for the keeping of the accounts of the constituency.

14:30:20 1 Mr. Ahern does not own the constituency. The constituency -- he is an elected
2 representative in the constituency. There are proper officers elected to take
3 control of the accounts, who take control of the proceedings of the
4 constituency. And they are separately represented.

14:30:38 5
6 And in the meantime, of course, and I want this to be recorded. That Mr. Ahern
7 will do his best to answer the questions about constituency fundraising but
8 subject to the clear caveat that they are not his accounts. He didn't open the
9 accounts. He doesn't have the authority to withdraw from the accounts. They
14:30:58 10 are not his personal accounts. And they don't relate to his personal or
11 private finances.

12
13 And if I may finally say, Chairman, and this is just a matter of finality.
14 That we find it difficult to understand and I know that we've said this before
14:31:14 15 to you, that we are now, I don't know how many days into this inquiry into the
16 personal finances of Mr. Ahern. I don't think that the word "Quarryvale" I
17 don't think that the word "O'Callaghan" or "Gilmartin" has been mentioned once
18 today. This seems to have gone --

19
14:31:33 20 CHAIRMAN: It's --

21
22 MR. MAGUIRE: If I can just finish, Chairman.
23 This seems to go, going to the wedding is the making of another. Every day
24 seems to yield another intrusive inquiry, again and again, going further and
14:31:50 25 further into details in relation to this man's accounts. And further and
26 further away from the initial allegation, which was an allegation that was
27 made, a hearsay allegation, that's supposed to have been made which Mr.
28 Gilmartin says was made by Mr. O'Callaghan. And here we are, I think we are
29 ten days into the inquiry into the -- of Mr. Ahern's personal finances and
14:32:19 30 maybe not ten.

14:32:21 1 CHAIRMAN: Mr. O'Neill, do you want to?

2

3 MR. O'NEILL: I intend to, subject of course to your ruling, to proceed to

4 conduct the examination of Mr. Ahern, which was to have resumed as soon as

14:32:33 5 possible after the 21st of December last. I don't believe that any of the

6 submissions that were friend, Mr. Maguire, has made to you this afternoon, take

7 away from the fact that that should be done now rather than subsequently. If

8 Mr. Maguire has any issue in relation to the evidence that was given by

9 Mr. O'Connor, if he wishes Mr. O'Connor to be recalled and matters put to him,

14:33:02 10 there is, I'm sure that's something that is something the Tribunal will

11 consider.

12

13 As much as Mr. O'Connor was ever able to say about the possible involvement of

14 stockbrokers was that he believed and from his recollection that companies or

14:33:16 15 corporations were being approached to make similar donations. He accepted that

16 the fact that they might be stockbrokers companies was perhaps a surmise on his

17 part rather than something more. His evidence on that issue was, at best, a

18 very, very vague recollection. It was followed to the extent that it was

19 necessary to do so and found that there was no evidence that could substantiate

14:33:43 20 it.

21

22 That is readily conceded. It makes, in my respectful view to the Tribunal, no

23 difference whatsoever to the evidence that has been heard so far that the

24 inquiries which were made by the Tribunal of stockbrokers produced no result.

14:33:59 25

26 It's not an issue of credibility as regards Mr. O'Connor. He was offering a

27 view that as far as he was concerned there were others being asked and he

28 thought there might be stockbrokers involved. It went no further than that.

29 It is in my view not material and I would hope to continue my examination of

14:34:20 30 Mr. Ahern.

14:34:20 1 CHAIRMAN: Do you remember, Mr. O'Neill, if Mr. Richardson was asked about
2 that, those comments by Mr. O'Connor that he had a feeling that he, that other
3 stockbrokers or ...
4

14:34:38 5 MR. O'NEILL: I would hate to quote exactly from a transcript without having
6 it before me. We can certainly research that but I do know that Mr. Richardson
7 had put to him the alternative understanding of the circumstances in which
8 Mr. O'Connor was asked for money.
9

14:34:58 10 Mr. O'Connor, we've already discussed what he says is his interpretation of the
11 request made of him was. Mr. Richardson was saying that he never gave him any
12 indication that it was anything other than a personal donation, that he was
13 seeking towards Mr. Ahern's personal financial difficulties and that there was
14 no mention of there being a constituency requirement for funds prompting the
14:35:26 15 request for 5,000 pounds payment.
16

17 He did say that at the conclusion of their meeting there had been a request by
18 him for a contribution towards the O'Donovan Rossa dinner, which was to take
19 place later. So there were two in effect, requests made of Mr. O'Connor at the
14:35:45 20 time. But certainly Mr. Richardson was aware and it was put to him that his
21 version of events and Mr. O'Connor's were at odds and he accepted that to be
22 the case.
23

24 So as much as the evidence of inquiry from stockbrokers can do is to establish
14:36:07 25 whether or not there was any approach made to those parties and the evidence is
26 that there wasn't. What we're left with then is a belief that Mr. O'Connor had
27 that he had a vague recollection, which he wouldn't attribute to
28 Mr. Richardson, but that he attributed from his recollection of events that
29 possibly another firm of stockbrokers were mentioned and he mentioned a firm by
14:36:32 30 name, which was not Davy's.

14:36:35 1 So this, in my respectful submission, does not touch upon any issue which
2 requires to be examined with Mr. Ahern this afternoon. And I would like to
3 resume that examination.
4

14:36:48 5 CHAIRMAN: All right.

6
7 MR. MAGUIRE: Chairman, just very briefly in response to that.

8
9 Mr. O'Neill has completely avoided the point in my submission. He put
10 questions to this witness on the 21st of December, on a premise which he knew
11 was wrong or at least should have known because he had the correspondence. He
12 wrote to 15 stockbrokers. The Tribunal wrote to 15 stockbrokers. They knew
13 the answers to the questions that was being asked of the witness. And no
14 reference in this Tribunal, this fact-finding Tribunal, no reference was made
15 to that correspondence at the time that Mr. Ahern was being asked the question.

16
17 And I have asked for a ruling in relation to that and I ask you to make that
18 ruling, Chairman.
19

14:37:34 20 CHAIRMAN: Well we would have to rise for probably half an hour or an hour to
21 consider because we are going to have to look at the correspondence that comes
22 in response to this letter of the 7th of November. And it's not practical and
23 I don't think it in any way prejudices your position or Mr. Ahern's position in
24 relation to his evidence this afternoon.

14:37:57 25
26 But we will deal with it and we will respond to it in the morning. All right?
27 It's not practical to. It would take probably 45 minutes or an hour to do it,
28 which is in effect the entire afternoon gone. All right? So we'll deal with
29 it in the morning.

14:38:18 30

- 14:38:19 1 Q. 332 MR. O'NEILL: Mr. Ahern, this morning we were talking about the cheque on
2 screen, page 25331, which we know to be the Davy's cheque, which you
3 acknowledge receiving. And over the lunch break you've provided the Tribunal
4 with the documentation which you say that you presently have in relation to
14:38:39 5 that, which was the Davy's stockbrokers receipt or not receipt but rather
6 compliments slip and I would like to put that on screen now if I may. And it
7 is a standard compliments slip but there is a manuscript entry on it saying
8 "Bertie best of luck in the elections Robbie K". Is that right?
9
- 14:39:00 10 And are you saying that this was an unsolicited payment to you and
11 Mr. Kelleher, as far as you are concerned, sent this out of the blue to you?
- 12 A. Yes.
- 13 Q. 333 Is that what you believe?
- 14 A. Yes, I've asked the constituency that would be involved. And while they don't
14:39:19 15 have records of everything and they are quite satisfied that they would not
16 have contacted Davy's because they had no contact, no connection with Davys and
17 I believe it was, they believe, the officers the constituency believe that this
18 was unsolicited and when I spoke to Davy's they believe it was also unsolicited
19 because they had sent to 11 or 12 politicians of different political
14:39:44 20 persuasions.
- 21 Q. 334 When you say you spoke to Davy's, are you saying that you had a conversation
22 with Mr. Robbie Kelleher?
- 23 A. Yes.
- 24 Q. 335 And he is the person who told you what you've just said?
- 14:39:53 25 A. Yes.
- 26 Q. 336 Right. So this cheque then finds itself lodged in an account and we saw the
27 reverse of the cheque, which was not endorsed by you, isn't that right? It was
28 not signed the back of your cheque and therefore it could only be accepted into
29 an account other than Bertie Ahern's account by arrangement, isn't that right?
- 14:40:14 30 A. I don't think I ever endorsed any of the cheques, you know, that ...

14:40:18 1 Q. 337 The question I was asking you was whether or not if a cheque is made payable to
2 you personally, that it would not be received into an account unless there was
3 an understanding in that account that cheques made payable to you could be
4 received by that entity?

14:40:33 5 A. Well if in the -- well I think maybe, Chairman, I'll deal with this issue
6 because all over the country, in all of the party accounts the Comhairle Dail
7 Ceantar, the CDC, cc as we always call them by their initials like the PP,
8 parliamentary party, in all of those accounts cheques would be made out to who
9 the leader of the day is. In practically every function, every golf outing
14:41:01 10 there would be cheques made out to Bertie Ahern. 3,000 units, a few hundred
11 Comhairle Ceantar, we have about 50 Comhairle Dail Ceantar and in all of the
12 units, some of them have social committees, some of them have trusts, some of
13 them building funds, some constituency accounts and in all of those people make
14 out cheques to Bertie Ahern. I don't just for. I never sign any of them.
14:41:25 15 It's not my own constituency. I was at a function in Cork recently, the
16 committee there were collecting the cheques for Cork south central, north
17 central.

18
19 And I asked the treasurers that I have a look at the cheque I'm doing an
14:41:40 20 investigation into them and I said no I wasn't I'd just like to look. And
21 there was about 25 per cent of the cheques on the night were made out to Bertie
22 Ahern, it's a practice that people do in the party. So if, I'm just saying,
23 Mr. O'Neill, I don't endorse any of these. What happens if it's a constituency
24 account and it's Bertie Ahern, the financial system accept those as Fianna Fail
14:42:04 25 accounts.

26 Q. 338 Fine. And the references that you made to Cork recently refer to a period
27 obviously when you were Taoiseach and in those circumstances you would expect
28 that a considerable number of the national cheques would be written to the
29 Taoiseach?

14:42:16 30 A. Yes, they would be written out to the Taoiseach of the day. Or if it was my

14:42:20 1 own constituency, they would be made out to Bertie Ahern because as the
2 Chairman said earlier on this morning, I am the senior deputy and have been for
3 25 years.

4 Q. 339 You wouldn't expect that every constituency would be receiving cheques made
14:42:31 5 payable to Mr. Cowen, for example.

6 A. No, Laois Offaly would but I suspect ...

7 Q. 340 At this time you were the representative for Dublin central and you were a
8 minister and it's in that context that we have to view this particular cheque?

9 A. This particular cheque.

14:42:46 10 Q. 341 Isn't that right?

11 A. I am just explaining the generality.

12 Q. 342 Yes.

13 A. Because the point, Mr. O'Neill, when it comes up. If I was to start and when I
14 saw the letter, whenever I saw it in mid December. If I was to start trying to
15 be answerable for every cheque that is being made out to Bertie Ahern that
16 finds itself into party accounts, CDC account, CC accounts, Cumann accounts or
17 PP accounts in this case the building trust account which is a account for St.
18 Luke's, I just can't be answerable to those cheques.

19
14:43:02 20 So, Chairman, it's not that I'm being difficult but I couldn't possibly be
21 answerable to those cheques. Not to mind -- I will be as helpful as I can but
22 I couldn't possibly be answerable for those transactions.

23 Q. 343 But for this particular cheque you can assist the Tribunal because you
24 acknowledge that you received it personally. You have given the compliments
14:43:42 25 slip here which shows that it must have come to you personally. And when it
26 came to you --

27 A. No, no, no, Mr. O'Neill, please. I did not say personally. I said I'd seen
28 it. I would I said this morning, I would not be sitting in the constituency
29 office in the middle of an election. In fact, I rarely get a chance to sit in
14:44:02 30 the constituency office probably other than a Saturday evening or a Saturday

14:44:06 1 night and a Sunday. So I would be shown the file with what by the Cumann
2 officers of what letters or what cheques would come in. They would normally do
3 that or perhaps when they are lodged they would give me or say so and so, so
4 and so gave them. So I would not be there receiving them or going through them
14:44:25 5 and I don't remember this receipt. It was a Cumann officers are or the
6 Comhairle officers looking through records produce that. So I would not be
7 there looking at. I do remember. I do remember Davy's giving cheque. If you
8 had have asked me a few months ago as the Chairman did. I said I did remember
9 Davy's but if you had have asked me a year ago I'd probably said I remember I
14:44:47 10 wouldn't have known what election it was in.

11 Q. 344 Mr. Ahern, this compliments slip here doesn't refer to any particular amount of
12 5,000 pounds, isn't that correct?

13 A. That's correct.

14 Q. 345 As a document itself it's meaningless unless it is associated with the cheque
14:45:01 15 that accompanied it for 5,000 pounds, isn't that right?

16 A. That's correct.

17 Q. 346 So when you saw the cheque, it was when you saw this compliments slip.

18 A. I don't know.

19 Q. 347 Well it follows, Mr. Ahern. I have to put to you --

14:45:11 20 A. Maybe it is. I mean it can follow whatever it likes but if you are asking me
21 in the context of what happened in the General Election of 1992, do I remember
22 a compliments slip. I mean come on give us a break.

23 Q. 348 I am giving you every break, Mr. Ahern.

24 A. Well I don't remember the compliments slip.

14:45:28 25 Q. 349 This is a cheque which is made to you personally. It's not made to Fianna
26 Fail. It's not made to Dublin central organisation, it's made to Bertie Ahern.
27 It's not made to Bertie Ahern TD, it's not made to Bertie Ahern Minister for
28 Finance, there's nothing on the face of the cheque to suggest that it is for a
29 political donation. This document here tied with the cheque indicates that its
14:45:52 30 purpose was, presumably, for the election isn't that right?

- 14:45:56 1 A. That's correct.
- 2 Q. 350 Now, you have told us that you can receive political donations from companies
- 3 by cheque and you can elect to use them for your own purpose, isn't that so and
- 4 we saw an example of that earlier today with the IPBS account, isn't that
- 14:46:08 5 correct?
- 6 A. I'd say that's a possibility.
- 7 Q. 351 Exactly.
- 8 A. As I said this morning, Mr. O'Neill, because you know, you want to tie me in
- 9 that I don't remember who gave me that cheque this morning. I don't remember
- 14:46:21 10 if it was a political donation. It could have been given by the next door
- 11 neighbour, I haven't been able to prove that. But in the risk of doubt,
- 12 Mr. Peelo advised me in that situation it was probably political donation.
- 13 That's an issue if I can't resolve I have to accept it with the Revenue. If I
- 14 can't prove it then it's a different matter. So it's in that context that it
- 14:46:45 15 has to be seen. But I would not know -- I would not know cheques coming in, in
- 16 this case if it's for the election it was clearly for the election account and
- 17 that's why it went in to one of the accounts for the constituency.
- 18 Q. 352 Yes. It didn't go in to the election account?
- 19 A. It didn't go into 1992 election account it went into the building trust
- 14:47:04 20 account.
- 21 Q. 353 That was the only election account that was opened in Dublin central at the
- 22 time was the election account for 1992, isn't that right?
- 23 A. Yeah well the Comhairle Dail Ceantair perhaps could have also a separate
- 24 election account. It went in to the building trust account which was the
- 14:47:22 25 account which the house committee could decide to put it either in to the
- 26 election account or to hold it and put it into the building trust account.
- 27 Q. 354 Well, I mean, are you not the person who would make the decision as to where
- 28 the 5,000 pounds cheque which you received on the basis that it was for your
- 29 election would go?
- 14:47:43 30 A. No.

- 14:47:43 1 Q. 355 Would you not decide --
- 2 A. No, I wouldn't.
- 3 Q. 356 -- decide that it would go into the election?
- 4 A. No, I would not decide that. That is why we have a democratic organisation and
- 14:47:52 5 we elect officers and people work hard to do that.
- 6 Q. 357 The officers are what treasurers?
- 7 A. The officers well normally. The officers of Comhairle Dail Ceantar are the
- 8 elected officer board. In an election they normally would ask, somebody would
- 9 take on the responsibility. Now it's an election agent. Then somebody would
- 14:48:14 10 take on the responsibility of trying to gather the funds and they would be the
- 11 signatory of the account.
- 12 Q. 358 Are the accounts in Dublin central which are maintained for a General Election
- 13 are they accounts which are operated and opened by the treasurers, that is two
- 14 treasurers appointed by the CDC?
- 14:48:39 15 A. Not necessarily.
- 16 Q. 359 Well leave unnecessarily or necessarily out of if for the moment. Can you tell
- 17 me whether or not in the 1992 election, the CDC treasurers opened an election
- 18 account in respect of the funds which were to come in to Dublin central for
- 19 that election?
- 14:49:02 20 A. In the 1992, in the 1992 election, the funds that came in for the campaign run
- 21 from St. Luke's, which was effectively an election campaign to elect us was in
- 22 the name of either Tim Collins, who was the secretary of the building trust of
- 23 St. Luke's, who was the secretary of the trustees and was a secretary of the
- 24 finance committee. So they were in the name of Tim Collins.
- 14:49:29 25 Q. 360 So is the answer to my question that the trustees, the CDC in Dublin central
- 26 constituency in the 1992 election, did not open or control an election account?
- 27 A. No, they did not. The election account was run by the finance committee and
- 28 the secretary of the finance committee was Tim Collins. And the name of the
- 29 account was in Tim Collins.
- 14:49:53 30 Q. 361 Is Mr. Collins the same Mr. Collins that we know to be a friend of yours?

14:49:57 1 A. Yes.

2 Q. 362 A personal friend of yours?

3 A. Yes.

4 Q. 363 Is he a Fianna Fail party member?

14:50:02 5 A. He is an activist and has helped us in Fianna Fail. Not at current times

6 because he has been on ill health for six or seven years. But he has been

7 active in the Dublin central constituency probably from the mid '80s until the

8 late '90's.

9 Q. 364 My question, Mr. Ahern, was whether Mr. Collins at that time in 1992, was a

14:50:23 10 member of --

11 A. Yes, political activist for Fianna Fail.

12 Q. 365 I appreciate one can be active for a party but is he a member of a Cumann for

13 example?

14 A. Well he certainly, he was secretary of the CODR committee, so he would have

14:50:40 15 been associated with at that time with the CODR committee. But what Cumann he

16 was listed as I don't know we have 65,000 members.

17 Q. 366 I'm only asking you about one?

18 A. Well Tim Collins I think would have been linked to the CODR, which Cumann of

19 O'Donovan Rossa.

14:50:53 20 Q. 367 I'm trying to make the distinction between link and being a member of these

21 organisations. And I want to know if you can tell me this whether or not it is

22 the case that Mr. Collins was a member of the Fianna Fail organisation?

23 A. He would have been.

24 Q. 368 Right.

14:51:06 25 A. What Cumann he was actually a member of, I don't know.

26 Q. 369 You don't.

27 A. But I mean, I think because he was associated with Cumann O'Donovan Rossa, I

28 think he was probably a member of that.

29 Q. 370 Was he elected to any position in the CDC?

14:51:21 30 A. He was elected and nominated to look after the trust which he did on behalf of

- 14:51:26 1 the CDC, when St. Luke's was bought in the first place. He acted as the
2 secretary of that committee.
- 3 Q. 371 Well in law he was a trustee of that entity with four other named trustees.
4 A. That's correct.
- 14:51:38 5 Q. 372 They were not trustees for the CDC. They were the trustees for Fianna Fail
6 electoral area of Drumcondra?
7 A. They were. The trust was set up by those who donated to the trust.
- 8 Q. 373 Yes.
9 A. And he was appointed by them to be secretary of the trust. That. The trust
14:52:05 10 was run by Cumann O'Donovan Rossa committee which he was secretary of, because
11 it was effectively for the same issue and the finance committees at that time
12 were linked to that and he, he was secretary. He was effectively secretary of
13 the trust when all of the work was being done to set up the trust. That then
14 was continued by the CODR committee and then continued on to the building
14:52:31 15 trusts or house committee as we call it. And he continued to be secretary of
16 that committee.
- 17 Q. 374 Mr. Ahern, the accounts which were operated by Fianna Fail, what we will call
18 the Fianna Fail accounts, in that period. That is in 1993 or so, included I
19 think the constituency No. 1 account, isn't that right? You are familiar with
14:52:55 20 that account?
21 A. Yes, there was a few accounts. There was the main, the day-to-day account.
- 22 Q. 375 Yes. Is that the constituency No. 1 account of which yourself, Mr. Bertie
23 Ahern, and Mr. Joe Burke were the nominated signatories in relation to that
24 account?
14:53:11 25 A. At that time, yes.
- 26 Q. 376 Yes. And also there was the account that you've referred to which was opened
27 for the purpose of the General Election, isn't that so?
28 A. Correct.
- 29 Q. 377 And in relation to that account, was that the Tim Collins Fianna Fail current
14:53:26 30 account?

- 14:53:26 1 A. Yes, for the election.
- 2 Q. 378 Yes. Now, neither of those accounts were the recipient of the 5,000 pounds
3 from Davy's, isn't that so?
- 4 A. That's correct.
- 14:53:36 5 Q. 379 Yes. So you say that the cheque was lodged to Fianna Fail account in the Irish
6 Permanent Building Society in Drumcondra.
- 7 A. That's correct.
- 8 Q. 380 Isn't that so? So if we look to document 26125. This document is the document
9 which opened the account into which the 5,000 pounds from Davy Stockbrokers was
10 lodged. You know that to be the case?
- 11 A. I know that to be the case.
- 12 Q. 381 And we'll see as we look to the account firstly --
- 13 A. That wasn't the date but that was the. Sorry.
- 14 Q. 382 We'll go down through the details and ensure we have, examine it in some
14:54:27 15 considerable detail. But firstly, if we start with the standard form it's an
16 application form to the Irish Permanent Building Society for the opening of an
17 account type which is a share account, you see that?
- 18 A. Yes.
- 19 Q. 383 Yes. And it then gives the numbers, which are the numbers which were found on
14:54:46 20 the back of the cheque from Davy's when it was produced to the Tribunal and
21 which led to this document being provided to the Tribunal in December 19 --
22 sorry -- in November 2007. It then gives the amount that opened the account
23 7,285.71. And then it gives the account details under first name Mr. and Mrs.
24 etc. The account is BT, isn't that so?
- 14:55:15 25 A. That's correct.
- 26 Q. 384 Do you know why a Fianna Fail account would be opened with the initials BT?
- 27 A. It's the building trust account.
- 28 Q. 385 I see. Do you know why the words building trust account then aren't put down
29 here building trust of Fianna Fail?
- 14:55:33 30 A. Because all of our accounts are in initials CODR, BT, they are CDC, it's the

14:55:39 1 same. All of our accounts are in the same way.

2 Q. 386 Well are they Mr. Ahern? Have you looked at the bank documentation in relation

3 to the constituency account it says No. 1 constituency account Fianna Fail and

4 it gives your name? It doesn't use initials.

14:55:58 5 A. Well our day-to-day accounts -- what we operate in Dublin central is the CODR

6 account, the house account which is called the initials are used for that, the

7 house committee the HC account which actually administer that account.

8 Q. 387 Are you talking about the internal within Fianna Fail?

9 A. The internal working of Fianna Fail.

14:56:15 10 Q. 388 Right. But as regards the opening account and the descriptions and titles and

11 names of these accounts in the financial institutions I think you'd agree with

12 me that other than this account with the I shall as BT the other Fianna Fail

13 accounts have a clear Fianna Fail connection, isn't that so?

14 A. No it's not because in all of the fundraising it's the account that most of the

14:56:37 15 fundraising account is done is CODR.

16 Q. 389 Sorry. Where is there a CODR account, in what bank?

17 A. In AIB.

18 Q. 390 Is it called the CODR?

19 A. The CODR account.

14:56:50 20 Q. 391 And you haven't discovered that to the Tribunal have you?

21 A. It's not my account.

22 Q. 392 Sorry.

23 A. It's a Fianna Fail.

24 Q. 393 It's an account into which monies were raised or monies were lodged by you?

14:57:00 25 A. By Fianna Fail.

26 Q. 394 We are getting into an area, Mr. Ahern which I will revisit momentarily but

27 before doing so I want to stay with what we see on this document here?

28 A. Yes, yes.

29 Q. 395 As we move down through the document we give the postal address care of IPBS

14:57:22 30 it's an indistinct 30 in fact it should be 130 it might be just the copy

- 14:57:31 1 Drumcondra, Dublin. That is the address of the branch itself, isn't that so?
- 2 A. Yes.
- 3 Q. 396 So this is an account which has as its postal address St. Luke's 161 but rather
- 4 the account itself care of the branch itself. I take it you'll appreciate that
- 14:57:50 5 that means that documentation generated within this account was to stay at
- 6 branch and not to be sent elsewhere?
- 7 A. Well to the best of my knowledge, the documentation of that account comes to
- 8 St. Luke's.
- 9 Q. 397 Yes. The instruction on the document itself indicates that it's to be retained
- 14:58:09 10 in the branch?
- 11 A. As I said, it's to the best of my knowledge because I have regularly seen
- 12 documentation in that account which comes to St. Luke's.
- 13 Q. 398 And as we move down through the account we'll see that Mr. Tim Collins' name is
- 14 there and Mr. Tim Collins signs it and it's opened on the 6th of June of '89.
- 14:58:29 15 1989, isn't that so?
- 16 A. Yes.
- 17 Q. 399 As I referred a little earlier to the nature of this account it's a share
- 18 account, at the time this was a building society and there were accounts which
- 19 were called share accounts, effectively deposit account accounts, isn't that
- 14:58:44 20 right?
- 21 A. Yes, that's right.
- 22 Q. 400 Is this the account that you say is a Fianna Fail account?
- 23 A. Yes, absolutely.
- 24 Q. 401 You will see immediately above Mr. Collins' signature he signs and acknowledges
- 14:58:57 25 a declaration in the following terms "I hereby declare that this investment is
- 26 my own property and that it is not made as nominee for any other individual or
- 27 company". It's immediately above his signature, isn't that so?
- 28 A. Yeah, well I don't know.
- 29 Q. 402 If that is true, Mr. Ahern, it means that Mr. Collins in opening this account
- 14:59:23 30 was opening a personal account and not an account for Fianna Fail or any

- 14:59:31 1 association of Fianna Fail or for any building trust, isn't that right?
- 2 A. Well, Mr. Collins, he has been looking after and helping with assistance in the
- 3 constituency for the better part of 20 years. So that was a Fianna Fail
- 4 account.
- 14:59:44 5 Q. 403 The question I asked you was whether or not if this is an accurate declaration
- 6 signed by Mr. Collins, whether it is a fact that this has no connection with
- 7 Fianna Fail if that is true. If this declaration is true, this is his account?
- 8 A. Well I'm not into the declaration. That was into the 6th of the 6th '89, which
- 9 was the General Election campaign. And at that stage the trustee account was
- 15:00:10 10 in his name, the election account of late 1989 was in his name and the building
- 11 trust account was in his name.
- 12
- 13 So there was no doubt in Dublin central who it was a Dublin central
- 14 constituency account in the name of Tim Collins, who was the person who dealt
- 15:00:27 15 with all of these issues for us at that time.
- 16 Q. 404 And is there any reason that you know that he would not have opened this
- 17 account by saying that I do hold the shares in trust for or as the nominee of
- 18 Fianna Fail Dublin central?
- 19 A. I would say the individuals in the building society at the time would have
- 15:00:48 20 known what he was doing.
- 21 Q. 405 In the event that Mr. Collins had the misfortune of dying whilst this was the
- 22 status of this account, I take it you'd appreciate that the proceeds of this
- 23 account would pass to him personally. There being no reference to the fact
- 24 that he held these monies for anybody other than himself, isn't that so?
- 15:01:09 25 A. No, it isn't so. I mean, Mr. Collins' family are not like that. They would be
- 26 quite aware that this was a Fianna Fail account and it was administered by
- 27 Fianna Fail and the money would have been returned to Fianna Fail.
- 28 Q. 406 Have you found any documentation whatsoever, Mr. Ahern, in your researches into
- 29 the origins of this account which records the fact that Mr. Collins was
- 15:01:35 30 authorised or directed by the building trust account to open an account in the

- 15:01:41 1 IPBS?
- 2 A. I'm not sure what documents are there because I didn't check for that. But at
- 3 that time in the 1989 election, it was known in the constituency and known to
- 4 me that we had an account, a building trust account, which was a contingency
- 15:01:59 5 account when we had the work finished in the opening of St. Luke's and the
- 6 development of St. Luke's, that we would build up the contingency to try
- 7 service and maintain it and that was known to me at the time, in 1989 as it is
- 8 today.
- 9 Q. 407 Did you record that in any documentation whatsoever within Fianna Fail which
- 15:02:19 10 shows this to be a Fianna Fail account? Is there any document that you can
- 11 produce to the Tribunal showing a Fianna Fail connection with this document?
- 12 A. Well that's a matter for Fianna Fail to do so.
- 13 Q. 408 I'm asking you, Mr. Ahern.
- 14 A. Well from my point of view, and I am not here answering for Fianna Fail I'm
- 15:02:37 15 answering for myself. But my point of view, I knew from day one as I think
- 16 most of the other people who were involved at the time would have known that we
- 17 had an account which was to provide resources any resources we have golf funds
- 18 went into some of our other funds went into, that was to build up a contingency
- 19 for St. Luke's and that was certainly known to me.
- 15:03:06 20 Q. 409 No more than you are Fianna Fail personified, you are not Dublin central
- 21 organisation personified, isn't that right?
- 22 A. That's right.
- 23 Q. 410 And like all of us, we mightn't be here forever, but you have this personal
- 24 knowledge when you cease to be involved who else had the knowledge that this
- 15:03:25 25 particular account was an account being held for Fianna Fail, on its face it
- 26 doesn't say so?
- 27 A. The officers of the constituency would.
- 28 Q. 411 We have Mr. Collins is one person who you can identify as knowing it about it.
- 29 A. Yes.
- 15:03:40 30 Q. 412 Who else knows about it?

15:03:42 1 A. Well at the time. Officers change as they go on.

2 Q. 413 Yes.

3 A. But at the start when the trustees, maybe I better explain this, Chairman, just

4 to take a few minutes.

15:03:55 5

6 CHAIRMAN: Uh-huh.

7 A. But in the mid '80s when Fianna Fail had a debate it would have been well

8 wrongly written about in last Sunday's Tribune, practically everything was

9 wrong about that article. But in the mid '80s there was a decision to dispose

15:04:15 10 of the house which Fianna Fail had for many decades, I'm not sure how many

11 decades, but certainly back as long before I was a member. And at that time it

12 was decided with the revision of constituency, because it of the difficulties

13 that they were having, which was a run down premises at 72 Amien Street, that

14 we would seek another house in another location.

15:04:39 15

16 At the time I had rented an office but that was neither here nor there. And it

17 was decided to set up a committee that would have the task of doing that. And

18 that committee tended to be the building trust committee to try to set this up.

19 They went to many people I think about 25 people and they did that, they bought

15:05:04 20 which was another fairly well run down house in St. Luke's and in the second

21 half of the '80s or certainly from '87 on, '87 I think to 1990, they developed

22 that house and they were, they were the building trust committee that developed

23 that. And what they did, they also, they raised, they also more or less these

24 individuals formed part of the finance committee. They rang two functions a

15:05:32 25 year, a golf outing most years but not every year, but an annual function which

26 they organised which was held Royal Hospital Kilmainham or in more recent years

27 in Clontarf Castle but certainly in those time, Royal Hospital Kilmainham.

28

29 And they put some of the funds into the constituency account, which is the

15:05:51 30 account that you mentioned. The account was in that one time, it's not in my

15:05:55 1 name now, but in the account of Joe Burke and myself. And they put other money
2 into the building trust account. And at other stages they put money into the
3 CODR account. And that was the decision that they made. And the officers
4 right through, as far as I know, would have been aware of those activities, I
15:06:16 5 recall it being discussed at the Comhairle Dail Ceantar over the years, not
6 many times but it would be reported on. And they over the years they in 1987
7 they bought the house and from '97 to date, they would have spent over 200,000,
8 which I have seen the invoices for, there could have been more that I haven't
9 seen the invoices for. But in recent times looking back certainly over 200,000
15:06:42 10 which they raised and spent that money would be in the BT account and some of
11 it would be in the CODR account.

12
13 That group, unfortunately a number of them are dead and more and more in recent
14 years, as when the new legislation came in in 1995. We then had to appoint a
15:06:59 15 constituency officer and nominated constituency officer. Tim Collins at that
16 stage was in ill health and spent long periods in hospital and another officer
17 took over. Tim Collins looked after the '89 and '92 election and then the
18 other officer looked after the '97, 2002 and 2007. All his work went through
19 the public office commission. So in the period from 1985 to date, we've only
15:07:30 20 had two nominated officers that looked after that.

21 Q. 414 You named Mr. Collins as one and the other is?

22 A. The current one is Dominic Gillane who has carried out that function since
23 1997.

24 Q. 415 Since 1997. Has he carried out that function in relation to this account since
15:07:47 25 1997?

26 A. This account after 1995 when the new laws came in, new legislation everything
27 went through the main account at that stage. I think my name came off it at
28 this stage. This account remained as a contingency for Dublin central and has
29 to this day. And they did not drawdown the money and for the good reason they
15:08:10 30 did not want the money drawn down and then used for some other purpose or used

15:08:14 1 for, well, they have their own internal purposes it's not for me to be saying
2 at a Tribunal why they didn't want it to be easy. They wanted the money
3 maintained so that when the house needs either refurbishment or extension or a
4 wish they have or the constituency has to extend the building at the back they
15:08:32 5 have resources to do so. So the money in this account has remained in the
6 account and borne interest since 1995 and to the best of my knowledge the
7 officers tell me that there has been no entry on this other than interest
8 entries since the summer of 1995.

9 Q. 416 This is --

15:08:50 10 A. And the money therefore remains for what it's meant to be and has remained from
11 the start to be available for the constituency and for St. Luke's building.

12 Q. 417 I see. This account currently has 47,803.52 Euro on deposit, isn't that so?

13 A. That's correct.

14 Q. 418 The last activity on this account took place in 1995, isn't that correct?

15:09:15 15 A. The last activity of transactions.

16 Q. 419 The last customer driven activity?

17 A. That's correct.

18 Q. 420 As opposed to accruing interest every year which has been lodged as a matter of
19 course to the account. The last transaction took place in 1995, isn't that
15:09:31 20 correct?

21 A. That's correct.

22 Q. 421 Yes.

23 A. I have explained a reason for that because after 1995 from the first -- sorry.

24 Q. 422 Sorry.

15:09:43 25 A. Sorry. I have explained the reason for that. Because after that period all of
26 the when you had to in the new system where you have constituency officers, all
27 has to go through constituency subscription account. That's not the name
28 constituency donation account I think it's called.

29 Q. 423 Yes.

15:09:59 30 A. And that's with what happens from 1995 on. I think the Act came in the 1st of

- 15:10:05 1 September '95.
- 2 Q. 424 Are you saying that this is not covered by the Act then as you say?
- 3 A. No, because anything after 1995 the regulation is that all has to go through a
- 4 constituency account. So any money that's raised by golf, any money that from
- 15:10:21 5 the annual dinner, any money that's just given in by as a subscription by an
- 6 individual or by a company all must go through a constituency donation account.
- 7 Q. 425 All right. So this isn't considered for that purpose, public ethics purposes
- 8 being a disclosed account, is that right?
- 9 A. Except. No. You cannot. You cannot put money now directly into an account.
- 15:10:42 10 It must first go through the constituency donation account and you, under law
- 11 you must put it into a constituency donation account. So you cannot put it
- 12 into a separate account first. And that goes to the public offices commission
- 13 and that account is being looked after the by the Dublin central by the one
- 14 officer.
- 15:11:15 15 Q. 426 That's other accounts. But as regards this account which has earned interest
- 16 for the past 12 and a half years, that interest hasn't been returned to
- 17 anybody?
- 18 A. No, it doesn't have to be.
- 19 Q. 427 I see, it doesn't have to be. And there has been no activity in relation to
- 15:11:16 20 the --
- 21 A. None whatsoever. The account remains until Dublin central requires to do some
- 22 either well what they hope to do, it's a matter for the officers. But they
- 23 hope to try and extend the building because they have a difficulty with the
- 24 building which ...
- 15:11:31 25 Q. 428 You mention that in relation to the expenditure on St. Luke's something in the
- 26 order of 200,000 pounds has been spent on that property by the Fianna Fail
- 27 organisation and through the trustees, isn't that right?
- 28 A. That's correct.
- 29 Q. 429 Do you know if any part of that was funded by any withdrawal from the account
- 15:11:55 30 that we are considering at the moment?

- 15:11:58 1 A. No, it was from, as far as I know, it was from the CODR account and the present
2 account.
- 3 Q. 430 Okay. So the funding of St. Luke's, its running cost, its constituency
4 expenses and any other items of expenditure in relation to that property have
15:12:18 5 been met from an account other than this account, isn't that right?
- 6 A. From '95 on met from the main account. And prior to that I think a good bit of
7 it probably was the CODR account, I couldn't be sure of that but it could have
8 been the CODR account.
- 9 Q. 431 This account as you understand it, was some form of a sinking fund is it, a
15:12:42 10 contingency in the event?
- 11 A. It's a contingency fund just for the internal politics of Dublin central.
12 Dublin central have a meeting room in the back of the office, they ultimately
13 will have to put on an extension back on to the building which is going to be
14 quite costly from probably be at the other side of my time but what they are
15:13:05 15 trying to do is build up a fund so that they will be able to build that.
- 16 Q. 432 Yes. In relation to this account, Mr. Ahern, we'll see at page 26135. The
17 statement of the account which covers a period from June of 1994 until June of
18 -- Sorry of 1994, yes, until June of 1996. You see that?
- 19 A. Which June, I think it's June 1989.
- 15:13:37 20 Q. 433 I think the dates are on the left hand column, Mr. Ahern.
- 21 A. I think.
- 22 Q. 434 On the top left I think we see '94 is the year, 6th is the month, 30th is the
23 day. Okay? So it starts on the 30th of June of 1994, you see that?
- 24 A. No, I think the account was opened on the 6th of June 1989.
- 15:13:59 25 Q. 435 I'm asking you about what we see on screen.
- 26 A. Oh, sorry.
- 27 Q. 436 The account ran from 1989 and we'll visit some of those earlier expenditures as
28 well. I'm now about what we see on screen here is a period from June of '94 to
29 the June of '96, two years, you see that?
- 15:14:16 30 A. Yes.

15:14:16 1 Q. 437 And if we move down through it, as regards withdrawals, they are the ones with
2 the minus on them. Everything else in the amounts there is a lodgement, you
3 understand that?

4 A. Yes.

15:14:32 5 Q. 438 In August of 1994, 20,000 pounds was taken out of this account. And in
6 October, two months later, 22,000 pounds in cash was lodged back to the
7 account.

8 A. Yes.

9 Q. 439 Do you have any recollection or knowledge as to why it was that the fund was
10 used in this manner?

11 A. Well I don't recall the period but I've talked to the officers about it so I do
12 know why that happened.

13 Q. 440 Yes. Why was that?

14 A. It happened because they were to, they've had an ongoing problem. The house in
15:15:07 15 St. Luke's has been built. It's adjacent to the Tolka and when the house was
16 built in the early years it was built on rafts, on four rafts. The house has
17 had an ongoing subsidence and a problem with sever dampness on the sidewall.
18

19 But at least -- the reason they have spent so much money over the years. They
15:15:31 20 have spent a large amount of money putting in steel in underneath to prop up
21 the rafts that were moulded or eroded or whatever it was. In 1994, in that
22 particular time they were going to remove part of the sidewall, not remove it,
23 not technically. I'm not really into building but anyway. They were going to
24 remove part of the stone and to change the sidewall by building an outer wall
15:16:01 25 on to it and they had withdrawn that 20,000. They would draw that. That came
26 out as a cheque, was cashed. It was to be used for that period. And what the
27 officers tell me and a number of officers tell me that the engineer who had
28 been involved with them in the early years said this was the wrong thing to do,
29 not the way to do it.

15:16:30 30

- 15:16:30 1 They had a debate with the design team and the engineers and I think some other
2 individuals in construction about it for a period of time. They decided not to
3 do it that way, re-lodged the money. Subsequently did it another way, cost
4 them 89,000 to do it the other way. So that's what that. That's what that
15:16:39 5 transaction is about.
- 6 Q. 441 So they removed money in anticipation that they were going to spend it. They
7 didn't spend it and they re-lodged it to two months later is the explanation
8 for it?
- 9 A. Yes.
- 15:16:49 10 Q. 442 And do you know why that was re lodge in the cash?
- 11 A. Because as I understand when they took it out, at least this is what they tell
12 me, the I haven't checked the paperwork. When they took it out it was cashed
13 immediately. It was cashed on the basis that they were going to get
14 individuals to work on the job over the summer period.
- 15:17:07 15 Q. 443 But no such expenditure was ever incurred at that time?
- 16 A. No, no.
- 17 Q. 444 Though they had put themselves in that position to do so?
- 18 A. Yes. Well they had it arranged. At least I will just give you what I'm told.
- 19 Q. 445 Yes.
- 15:17:20 20 A. They had it arranged to do the job at the end of the builder holidays and it
21 was decided on advice not to do it. They then subsequently did it. Another
22 way, the invoice is there for the other job which they did which cost them
23 89,000.
- 24 Q. 446 And that invoice was not met by any withdrawal from this account.
- 15:17:38 25 A. Not from this account.
- 26 Q. 447 And do you know why that was if this was a contingency account set up for the
27 purpose of dealing with presumably unexpected expenditure on the building. Why
28 was it not funded from this account?
- 29 A. Well, I think their reason is and it's the same reason today. They have a loan
15:17:56 30 on the account which they've continued to pay but they want to hold on to their

15:18:03 1 contingency money.

2 Q. 448 But why I mean surely --

3 A. The reason, Mr. O'Neill, I've told you this. What their plan is to build and

4 they have particular reasons for this which is not relevant to the Tribunal.

15:18:16 5 They want to, in the original planning application they wanted to extend the

6 meeting room so that he they could use the present meeting room for an office

7 either to go up or out. And that still is their plan to try to do that. And

8 to do that it's going to cost them a large amount of money, far more than they

9 have. Presently, as I understand, they have, they are paying back a mortgage

15:18:41 10 of 75,000 and they have about 90,000.

11 Q. 449 Do you include this 47,000 on deposit in that?

12 A. Yes.

13 Q. 450 I see. The page 26128 we see the lodgement which is represented by the Davy's

14 stockbrokers cheque. And it's on the 26th of January 1993. You might see a

15:19:09 15 little more than half way down cheque lodgement for 3,003, it's for 10,000

16 Pounds?

17 A. Yes, yes.

18 Q. 451 Prior to the lodgement of that 10,000 pounds to that account, Mr. Ahern, there

19 was 42,000 pounds on deposit in the account at that time, isn't that so?

15:19:35 20 A. I don't know.

21 Q. 452 Well if you look to the line above you will see?

22 A. Sorry, sorry, sorry, I see it.

23 Q. 453 You will see that there were lodgements down through that period including in

24 the main, large round sum lodgements in each instance except for the interest

15:20:00 25 payments which are fractional amounts, isn't that right?

26 A. Yes.

27 Q. 454 This money came from Davy's in January. Sorry. It came from Davy's in

28 November. It finds itself lodged at the end of January of the following year

29 and it's lodged with another 5,000 pounds cheque -- you will see or cheques.

15:20:27 30 To make it 10,000 pounds lodgement to an account which already has 42,000 in

- 15:20:33 1 it. You see that?
- 2 A. Yes.
- 3 Q. 455 Now, obviously somebody made a decision that the monies raised from Davy's for
4 an election purpose would not be used for an election purpose. Who made that
15:20:48 5 decision?
- 6 A. The house committee made that decision. They made a decision at the end of the
7 campaign, as I understand it, when they met in January that -- I'm not sure if
8 that was one cheque with the five. I'm not sure if it was one other five or it
9 was a make up. That they didn't require it for election purposes so they put
15:21:12 10 it into that account. And that was their call to do it.
- 11 Q. 456 Yes. The monies which are actually being expended in relation to the
12 maintenance of St. Luke's were funded through the constituency No. 1 account,
13 isn't that right?
- 14 A. Some of them, yes. And from the CODR account.
- 15:21:28 15 Q. 457 Yes. Those accounts I think often found themselves in overdraft, particularly
16 the St. Luke's account and that in turn was the basis upon which there was the
17 annual fundraising of funds to meet that expenditure, isn't that right?
- 18 A. That's correct, they've two functions a year, not every year but mainly two
19 functions a year. As I understand it, two of the amounts there, the 19,000, I
15:21:59 20 think is the golf and there is a subsequent another 10,000 which are golf dos
21 in St. Anns and in Malahide and they would put them into that account. Later
22 on or even at that period, the general account which is where most of the money
23 comes out of, is usually overdrawn for the second half of the year before they
24 have the Clontarf as it is now or the Royal Hospital as it was then.
- 15:22:30 25 Q. 458 So while the St. Luke's account is allowed to run into overdraft annually,
26 there is this money sitting on deposit?
- 27 A. Yes but for a very different reason. The house committee function is to make
28 sure that they have the resources to both A, run the constituency. B, have run
29 at election time. And C, make sure that the house is maintained. They have a
15:22:59 30 dual role and they, while one account might go overdrawn, overall they keep it

- 15:23:07 1 usually okay.
- 2 Q. 459 The lodgement of 19,000 pounds which you see on the 25th of August 1992,
3 Mr. Ahern, do you know where that came from?
- 4 A. Yes.
- 15:23:18 5 Q. 460 It's a cheque lodgement?
- 6 A. It's cheques, it's from their golf classic. It's a number of cheques from the
7 golf classic.
- 8 Q. 461 So the golf classic in 1992, raised 19,000 pounds which went straight into this
9 account, is that so?
- 15:23:33 10 A. Yes.
- 11 Q. 462 The withdrawal which we see immediately?
- 12 A. 250 an individual, 1,000 pounds a team.
- 13 Q. 463 Yes.
- 14 A. It's still the same.
- 15:23:44 15 Q. 464 At that time?
- 16 A. Yes. A little bit more now, not much.
- 17 Q. 465 Yes. Have you had an opportunity, by the way, Mr. Ahern, of checking whether
18 or not it is the case that your total election expenses for 1992 election were
19 30,000 pounds?
- 15:23:59 20 A. I didn't but I can do that. I can do that.
- 21 Q. 466 The entry on the 30th of March 1993, shows a withdrawal of 30,000 pounds, that
22 was paid by cheque to a solicitor called Patrick O'Sullivan.
- 23 A. Yes, yes.
- 24 Q. 467 Now long retired I think.
- 15:24:18 25 A. Yes.
- 26 Q. 468 Can you tell us what the purpose of that withdrawal was?
- 27 A. I can. It was a decision by the house committee and the officers to a member
28 of our staff had a private matter, a private family difficulty. And they gave,
29 it was an exceptional issue to deal with a problem of three elderly people and
15:24:48 30 the officers made a decision to give the money in certain circumstances to help

- 15:24:55 1 the individual. And that 30,000 was paid to a solicitor for the vendor of the
2 house where these people lived.
- 3 Q. 469 I see. And is there documentation in relation to that?
- 4 A. Yes, yes.
- 15:25:08 5 Q. 470 And it's documentation you've seen, presumably?
- 6 A. Yes, yes.
- 7 Q. 471 And documentation presumably you can make available to the Tribunal?
- 8 A. Yes, yes.
- 9 Q. 472 In relation to it.
- 15:25:18 10 A. Yes. I should say, the money, it was on a particular basis that the money had
11 to be paid back but it was to assist. It was to assist the staff member's aged
12 relatives and I can give the information to the Tribunal. It was ... it was
13 agreed that it was paid back and it was paid back.
- 14 Q. 473 Yes. The Tribunal, of course, has asked you for this information to date but
15 may only have come to you recently, is that the reason that you haven't up to
16 now?
- 17 A. I have seen the information. I think the legal document of who the vendor is
18 and how it was handled is available. I haven't personally seen it but I know
19 it's available.
- 15:25:57 20 Q. 474 So this building trust account is also some form of a benevolent account which
21 can be used at the discretion of the trustees to meet the requirements of
22 persons deemed needy by the trustees, is that so?
- 23 A. Well they wouldn't normally do it. They did it in these circumstances because
24 it was creating a large emotional and difficulty for three very old people.
15:26:25 25 And they did it on the basis that it would be paid back. But they have the
26 data on and it it and it was ...
- 27 Q. 475 And the surviving trustees of this trust are Mr. Richardson and Mr. Collins, is
28 that right?
- 29 A. Mr. Richardson, Mr. Collins and Mr. Burke.
- 15:26:39 30 Q. 476 And Mr. Burke. I see.

15:26:40 1 CHAIRMAN: Sorry, Mr. Ahern, is that the full cost of a house do you know?

2 A. No, it wasn't the full cost.

3

4 CHAIRMAN: All right.

15:26:49 5 A. It was, Chairman. It was ... it was a time of a restricted rent under the

6 landlord legislation and there was, what would have happened if the aged people

7 would have had to go to court, which they were very old and circumstances were

8 they would have got a restricted use of part of the house. They were very

9 elderly people and they were A, frightened of the court, going to court. B,

15:27:26 10 they were frightened that what they were advised was that the house would be,

11 that they had had the house for a long period. That they would get restricted

12 use of the house. That there would be other tenants in and it was considered

13 because the staff member worked with us that they would help them. It wasn't

14 the full cost of the house but it was the substantial portion of the house and

15:27:50 15 the deeds and the papers behind that are all available.

16

17 CHAIRMAN: And who owns the house?

18 A. The staff member owns the house now.

19

15:28:00 20 Q. 477 MR. O'NEILL: Well --

21 A. I should say for completeness that the individual, there is three aged

22 individuals. One would be now well into her 90's and she is still alive.

23 Q. 478 MR. O'NEILL: So the trust monies are used to be paid to the vendor's solicitor

24 for the purpose of purchasing out the landlord's interest in a property in

15:28:25 25 which three elderly people were resident so as to preserve the property for

26 them for their life time?

27 A. Yes.

28 Q. 479 And I take it. And is, do you know whether or not there is a charge in favour

29 of BT, the building trust over that property or otherwise or is it a case that

15:28:44 30 there is an unincumbered title in the name of the person who is the staff

- 15:28:50 1 member over this property?
- 2 A. No, as I -- what the position is that the money was to be repaid on either the
- 3 elderly people all being deceased or if a mortgage was taken on the house or if
- 4 the property, or if it was called upon by the building trust, as it happened,
- 15:29:10 5 the money has been repaid.
- 6 Q. 480 It has been repaid?
- 7 A. Yes.
- 8 Q. 481 I see. We don't see it, do we, lodged to the account here or perhaps you can
- 9 ...?
- 15:29:18 10 A. No, it's not in that account but the constituency. As I've said it nowadays
- 11 has to go through the constituency donation account. But that can be shown to
- 12 the Tribunal if you show wish.
- 13 Q. 482 I have difficulty in understanding how monies which are being repaid to a trust
- 14 fund which was set up and which gave this money for effectively a charitable
- 15:29:46 15 purpose and it's being returned?
- 16 A. Yes.
- 17 Q. 483 Why that would be in any way considered to be a benefit or anything of that
- 18 nature for that trust that was in the nature of a contribution. It really is a
- 19 restitution of funds?
- 15:30:01 20 A. It is and it is part of that account, there is no doubt about that. But the
- 21 interpretation of the officers is that everything they get now must go through
- 22 that fund but it is part of that fund. I mean, it forms part of the money for
- 23 the ongoing construction or use of, you know, the building trust activities.
- 24 Q. 484 Well was it lodged to the constituency?
- 15:30:25 25 A. Yes.
- 26 Q. 485 No. 1 account then?
- 27 A. To the constituency donations account, yes.
- 28 Q. 486 The constituency donations account. Is that with AIB?
- 29 A. Yes.
- 15:30:36 30

15:30:36 1 CHAIRMAN: Do you know, do you know, Mr. Ahern, when it was repaid, roughly?

2 A. That was worked out with the officers but in fact it hadn't got to be repaid

3 for a period but the individuals opted to pay it back and they have.

4

15:30:54 5 CHAIRMAN: But do you know approximately when?

6 A. In recent times. Certainly not years. In the recent past.

7

8 CHAIRMAN: Sort of weeks or --

9 A. Weeks or months but recently.

15:31:05 10

11 Q. 487 MR. O'NEILL: Is it since the queries were raised --

12 A. I think.

13 Q. 488 -- of you by letter on the 30th of?

14 A. I think the officers were aware of the account. And while they pointed out

15:31:18 15 that it not got to be paid until the agreement was passed and with the interest

16 that had been agreed at the time. It was agreed to pay it.

17 Q. 489 I am trying to work out, Mr. Ahern, when it is that this took place in the

18 context of the Tribunal having written to you looking for details of the

19 account into which --

15:31:39 20 A. It would have been, it would have been after the first Tribunal's letter,

21 sometime after the first Tribunal's letter. I have to point out that the

22 officers informed me that it had not got to be paid. What the agreement was

23 that it would be paid against the death of all of the elderly people or if

24 there was a mortgage was taken out on the property or if they called upon it.

15:32:02 25 Now, they didn't do that but the individual opted to repay it.

26 Q. 490 The person who you refer to as being the officer in relation to this account

27 for the first period of its operation was Mr. Tim Collins, isn't that so?

28 A. That's correct.

29 Q. 491 As we saw, Mr. Tim Collins was the person who opened the account and I've

15:32:34 30 already referred you to the document in which he made the declaration that he

- 15:32:34 1 was the owner of the investment which on your evidence now is wrong, isn't that
2 so?
- 3 A. Well he wasn't the owner.
- 4 Q. 492 Right so it follows that he was wrong in opening the account on that basis. I
15:32:41 5 take it that as far as you are concerned, notwithstanding the fact that he had
6 opened it in the manner in which we see, you of all times have understood it to
7 be an account for Fianna Fail which was being administered through one of its
8 officers in this instance Mr. Collins?
- 9 A. Yes. And answerable in fairness, I want to ... Mr. Collins in all of the
15:33:05 10 period that he has helped the party and helped to develop St. Luke's and to get
11 St. Luke's to where it is today which is a house in trust for the party, are
12 probably worth a million and a half. He has never put a penny out of place or
13 a cent nowadays. He has done a very good job for those years before he ran
14 into ill health, for the constituency. So the, not only he but the trustees
15:33:31 15 and the various members of the building accounts would have always known that
16 that account was for the constituency. There was never a doubt about that.
- 17 Q. 493 Again, as far as you know from the point of view of documentation, is there
18 anything within the trustees' documentation which acknowledges that this is the
19 trust account of the trustee?
- 15:33:53 20 A. I'm not sure in the papers but certainly, but certainly in our understanding it
21 was always the trustees accounts.
- 22 Q. 494 Mr. Collins has given the Tribunal to understand that he has had no dealings
23 effectively with this account since 1995. Does that accord with your belief?
- 24 A. It does. He had a serious illness I think, I'm not sure what year but he
15:34:17 25 hasn't been active.
- 26 Q. 495 Yes.
- 27 A. He hasn't been. He's been several operations from a period of about '96 on.
- 28 Q. 496 Right. You have no difficulty then with the proposition that I am putting to
29 you that the Tribunal understands from him that he had nothing to do with this,
15:34:37 30 the administration or the accounting for this account since 1995?

- 15:34:40 1 A. No, no. Other than I think he still would call in to St. Luke's and he would
2 still attend at the Christmas functions but he has not been an active officer
3 since 1996.
- 4 Q. 497 Yes. And do you know of any annual statements or half annual statements or
15:35:05 5 other communications passing from the society to Mr. Collins which have found
6 themselves in the possession of St. Luke's since 1995, when he was involved?
- 7 A. Yes, I mean, I think they used get an annual interest statement. Irish
8 Permanent interest statement. That used to come to St. Luke's.
- 9 Q. 498 To whom?
- 15:35:30 10 A. To the secretary I think of the building trust account.
- 11 Q. 499 Do you have those documents?
- 12 A. Well I don't but.
- 13 Q. 500 Sorry. Do you know that they exist?
- 14 A. Well I've certainly seen them.
- 15:35:39 15 Q. 501 You've seen them?
- 16 A. I've seen them.
- 17 Q. 502 And can you tell me who they were addressed to?
- 18 A. I, to the best of my ... I think it was secretary of the building trust and
19 addressed to St. Luke's. The correspondence from this account comes to St.
15:35:55 20 Luke's. I have seen correspondence over the years interest payments.
- 21 Q. 503 The St. Luke's is not a destination for correspondence to Mr. Collins since
22 1995, isn't that right?
- 23 A. Well, no, he would still call. His normal correspondence.
- 24 Q. 504 Well any correspondence. If I wrote to Mr. Collins today care of St. Luke's, I
15:36:22 25 take it you'd either send it back to me or you'd send it on to Mr. Collins, you
26 wouldn't take it yourself, isn't that right?
- 27 A. No, no.
- 28 Q. 505 And if there were documents coming to Mr. Collins in relation to this account
29 in 1996, it would be immediately apparent to you that it should be reorganized
15:36:43 30 so that the proper addressee is his successor, the new officer who is coming in

- 15:36:51 1 to run this account, isn't that so?
- 2 A. Yes. But he has never, he has never given up being secretary of the trustees.
- 3 I mean we didn't change the account. They only changed the account as I
- 4 understand it recently because he was in hospital and Mr. Burke was also in
- 15:37:08 5 hospital so they change it had to the current officers. But the current
- 6 officers were well aware that the funds were there and that the account were
- 7 there. Their names weren't on it. They recently put their names on it.
- 8 Q. 506 Yes. If we look to page 26139, there was a document which was sent to the bank
- 9 as it now is. The successor to the building society "To whom it may concern.
- 15:37:41 10 This is to state that I, Tim Collins, wish to request a mandate form for
- 11 account number given/BT account in order to 1 add two other signatories and 2
- 12 to re-name the account building trust/house committee account" signed Tim
- 13 Collins.
- 14
- 15:37:53 15 This document, Mr. Ahern, I take it you would agree with me, is the first
- 16 document generated in relation to this account in which the words "building
- 17 trust" or "house committee account" are referred to, isn't that right?
- 18 A. Well "BT" is it is building trust.
- 19 Q. 507 Yes. And two initials B/T or B and T.B., whatever it might be. This document
- 15:38:22 20 is the first document in relation to the files of the institution concerned
- 21 which refer to it being a building trust house committee account, isn't that
- 22 so?
- 23 A. Well I don't know. From what I know, it was always the building trust account
- 24 run by the house committee.
- 15:38:42 25 Q. 508 Right.
- 26 A. I mean, that's what we in the constituency would know it as.
- 27 Q. 509 Any documentation generated in relation to this account prior to January 19 --
- 28 sorry -- 2008, did not contain the words building trust account nor did it
- 29 contain the words house committee, isn't that so?
- 15:39:01 30 A. Well I'd have to say over the years I don't go to the house committee meetings

15:39:07 1 but I would, if the house committee meeting was in St. Luke's over the years, I
2 would drop in and perhaps maybe go for a drink with the house committee
3 afterwards and that's what their business was, their business is looking after
4 the building trust and they are the house committee. I mean that's always what
15:39:27 5 they were, I don't know about documentation. But that's, as long as I've been
6 certainly from 1986 on, that's what I know them as. The individuals, some of
7 them long gone, but people like the late Jimmy King, Paddy Reilly, who used to
8 meet every week for years and people have dedicated service to Fianna Fail and
9 worked hard for it. They were doing it for the building trust and house
10 committee.

11
12 So to employ that it was something else, I'd have to strongly object. I mean,
13 it was their work that build up the house that's now the St. Luke's
14 constituency office for Dublin central, which is now in the name of Dublin
15:40:05 15 central and for the party nationally it's been built up by the members of the
16 building trust and house committee. So to say they didn't exist. I mean,
17 whatever about what's on a bit of paper somewhere but they have existed very
18 really for me and for everybody else in Dublin central.

19 Q. 510 I am not challenging, Mr. Ahern --

15:40:23 20 A. I am not saying but I just want to clarify it in fairness to them.

21 Q. 511 The existence of the three individuals concerned. What I was asking you was
22 whether or not this particular account generated any documentation whatsoever
23 which records the fact that it is a Fianna Fail account, number one. And I
24 think that you would agree with me that there is no reference in this document
15:40:53 25 here to Fianna Fail, isn't that correct?

26 A. That's correct. But equally, I'd have to say, Mr. O'Neill.

27 Q. 512 Yes.

28 A. That all over the country, I mean, you know.

29 Q. 513 Yes.

15:41:03 30 A. We are not a professional organisation with huge staffs. People take on the

15:41:09 1 job as first treasurer and second treasurer. They take on committee jobs to
2 run golf classics. They open a bank account to put in the money. They do it
3 on the basis of trust. It's not a legal entity that everybody is watching
4 everybody's shoulders. They do report and they do give their treasurers
15:41:27 5 report. And in this case Tim Collins, as secretary since the mid '80s, I can't
6 be sure when, Joe Burke who was chairman, Paddy Reilly, Jimmy Keane and others
7 have given huge service as officers of my constituency to build a house, to get
8 people to donate to that husband, to renovate the house, to get a building
9 trust.

15:41:58 10
11 Whether they put down Fianna Fail on it or whether they haven't put down Fianna
12 Fail on it or whether CODR should always be linked. They recently showed me
13 the correspondence back on the CODR file. CODR, what's CODR the obvious
14 question. But to somebody like me who joined the CODR Cumann 37/8 years ago it
15:42:17 15 only means one thing. If you were here. I understand your job you say CODR
16 that never says Fianna Fail it doesn't but, you know, every member of it and
17 every past member of it every associate member knows what it stands for so
18 that's the point.

19
15:42:32 20 I mean, in the pure technical light of day I understand if you were saying this
21 doesn't show. But it is Fianna Fail and it is what our activists do up and
22 down the country. It's what the people who make the party our 65,000 members
23 do. They don't write homilies behind everything they do.

24 Q. 514 No. You may take it, Mr. Ahern, that the document which we see on screen here
15:42:57 25 is the only recorded documents in the files of the institution itself, the
26 financial institutions?

27 A. Yes.

28 Q. 515 Which indicates to them, and I suggest for the first time in January of 2008,
29 that the account which has been operated there for the past 19 years is a trust
15:43:17 30 account and not the personal account of Mr. Collins. Could you, do you accept

15:43:22 1 that that is so?

2 A. No.

3 Q. 516 That from their point of view, the records of the institution are such that

4 there is no indication in their file to indicate that this account was anything

15:43:34 5 other than a personal share account of an individual called Tim Collins whose

6 documentation in relation to this account was initially to be retained in the

7 branch and subsequently in 1995, was to be sent to 136 Biscane, Malahide, his

8 then address. Would you accept that for me?

9 A. No, I wouldn't. I mean, I don't want to start mentioning the names of

15:44:04 10 officials over the years. But the I think the officials in that building

11 society over the years would know very, very well that the BT account was an

12 account directly linked to St. Luke's.

13 Q. 517 And if they had done so, would you not expect that they would amend their

14 account to recite the fact that it was a trust account because in the event of

15:44:27 15 the unlikely or possibly the early demise of Mr. Collins, given the sequence of

16 illness that you have told us about, this money would have fallen into his

17 estate from the building society's point of view?

18 A. It wouldn't fall into his estate. I mean, if that happened his wife would have

19 been on to one of our officers in five minutes to give it back. When it was

15:44:48 20 pointed out I think in the correspondence, whenever it was when he came back

21 from America and he went into hospital almost immediately because he has been

22 in bad health. He himself stated that really my name shouldn't be on this any

23 more because I'm not active. And I said you know, you've been there all your

24 life and helping us all your life but he said we should have the current day

15:45:15 25 treasurers on it. I mean and that was his initiative. And I wasn't going to

26 say to him just because you haven't got your name all over it.

27

28 Tim Collins, I just say this to you, Chairman. Tim Collins has worked for

29 Fianna Fail on financial issues from the mid '80s and it's never been known in

15:45:34 30 the constituency by anybody. And we've had lots of political rivalry and

- 15:45:40 1 internal rivalry. Never once has he been known to put a penny wrong.
- 2 Q. 518 The two signatories who are here but not named I think you are wear are the two
- 3 joint treasurers of the CDC, isn't that correct?
- 4 A. Yes, that's correct.
- 15:45:55 5 Q. 519 And in the normal course you would expect that the joint treasurers of the CDC
- 6 are the persons who should be accounting to the constituency for the funds of
- 7 the party which are being administered through that constituency, isn't that
- 8 right?
- 9 A. Yes. And when in this case that's what they were doing but their names weren't
- 15:46:16 10 on the account.
- 11 Q. 520 Yes. And in that capacity do they prepare reports for the CDC as to their
- 12 findings?
- 13 A. Yes.
- 14 Q. 521 And as to the status of the various accounts?
- 15:46:30 15 A. Yes.
- 16 Q. 522 And is this done on an annual basis?
- 17 A. Usually. Usually annual basis or if there was an officer board meeting.
- 18 Q. 523 Yes.
- 19 A. The last, I don't go to the Comhairle Dail Ceantar officer board meetings all
- 15:46:46 20 of the time but I perhaps drop in once or twice a year. I think the ones I
- 21 drop into they would report that we have a loan on this we have this. And they
- 22 would always mention this account.
- 23 Q. 524 They would.
- 24 A. Yes.
- 15:46:57 25 Q. 525 And so we should be able to find at least 18 or 19 annual accounts of the joint
- 26 treasurers of the CDC referring to the existence of this account from 1989 to
- 27 date, isn't that so?
- 28 A. Yes, but they don't do big long written reports but they certainly refer to
- 29 them and they certainly report when I have been there they have reported on
- 15:47:22 30 them.

- 15:47:23 1 Q. 526 Yes. They should appear in the report?
- 2 A. Yes, well they certainly refer to them.
- 3 Q. 527 They do. And you've seen them. Have you references to the BT account?
- 4 A. I have seen records of the BT account.
- 15:47:33 5 Q. 528 In the annual reports?
- 6 A. Well it's not a formalised annual report. They report -- they report to the
- 7 constituency.
- 8 Q. 529 Are you saying it's not. It might be an oral recital which isn't recorded?
- 9 A. Oh, no there could be written. There could be written.
- 15:47:57 10 Q. 530 Well are there?
- 11 A. I don't know. You'd need to ask the officers, I don't know.
- 12 Q. 531 Is there any point, Mr. Ahern, in joint treasurers of an elected joint
- 13 treasurers of a committee giving oral reports and not recording the detail of
- 14 the various accounts which are crucial to the operation of the constituency?
- 15:48:10 15 A. Well they give -- well in a lot of our accounts. There wouldn't be much
- 16 reporting in them. Most of them haven't much to report on but they give oral
- 17 reports but in the case, in the case of our constituency account, our, I have
- 18 heard of the treasurers report that the constituency has so much in this
- 19 account or so much overdraft in this account, has a mortgage of whatever they
- 15:48:37 20 have, 75,000, and have money in the building trust or have money in the
- 21 fundraising or CODR account. I've heard them give those reports. All I'm
- 22 saying, Mr. O'Neill, I don't know about the minutes.
- 23 Q. 532 You don't know about the minutes?
- 24 A. I don't "write" them.
- 15:48:53 25 Q. 533 I accept that. But generally would the minutes not record that the treasurers
- 26 had given their report and the report would be contained within?
- 27 A. Probably so.
- 28 Q. 534 And like all of these institutions or bodies or committees, I take it that
- 29 there are records and they are available?
- 15:49:09 30 A. Yes.

15:49:09 1 Q. 535 Am I right in that?

2 A. Certainly records.

3 Q. 536 Yeah. And hopefully those records can be made available to the Tribunal. Now,

4 I think, Mr. Ahern, when the Tribunal set about making inquiries of you in

15:49:22 5 relation to your financial affairs, it determined that it was appropriate to

6 make an affidavit or to indicate that you had should make an affidavit of

7 discovery in relation to your bank accounts, isn't that so?

8 A. That's correct.

9 Q. 537 And I think you complied with that requirement and swore an affidavit on the

15:49:41 10 7th of February of 2005, in which you refer to your varying accounts, isn't

11 that so?

12 A. Correct.

13 Q. 538 And in that affidavit, if we look first to page 23057. There is a reference to

14 various accounts of yours. They are categorised here and they run from the

15:50:11 15 letter A to the letter V at the end of it. You may take it from me we won't

16 have to go through all of them, Mr. Ahern, that of the 23 accounts which are

17 disclosed in the affidavit here, 20 are your accounts and family related

18 accounts, yourself, your wife, your daughters. And when we get to page 23060

19 under the letter "T" here we see the accounts starting at T which are what I

15:50:52 20 might call I think fairly the political accounts, is that so?

21 A. That's correct.

22 Q. 539 They are an account in the name of Bertie Ahern and Joseph Burke constituency

23 office account current account, account number given, held at AIB Drumcondra

24 starting 1988 and running to 1995, isn't that so? The 1995 date being the

15:51:17 25 cutoff date for the purpose of discovery, not that the account didn't continue

26 beyond then but rather that was the window that the Tribunal was looking at,

27 isn't that so?

28 A. I understand that.

29 Q. 540 Now, in the next account you, it is "Fianna Fail Dublin central election

15:51:37 30 account number given" and a narrative follows that "this account was under the

- 15:51:43 1 control of the Dublin central election committee but because the Dublin central
2 constituency office account referred to above was held at the same branch, the
3 bank for address purposes, sent the records to Bertie Ahern and Joe Burke.
4 This account was held at Allied Irish Bank" again in Drumcondra. Isn't that
15:52:05 5 so?
- 6 A. Yes.
- 7 Q. 541 Now, of the 21 accounts that run before this new account, its introductions to
8 each one of these accounts is to read account in the name of and then it goes
9 on to deal with it. This is the first instance upon which that format is
15:52:27 10 dropped in favour of describing the nature of the account rather than
11 identifying the name in which it's held, isn't that so? Do you know if there
12 was any particular reason to change the format when you swore this affidavit?
- 13 A. Are you making the point that you doesn't actually say that.
- 14 Q. 542 It doesn't say account held in the name of Bertie Ahern and Joe Burke Fianna
15 Fail government central account number etc.
- 16 A. No, I think the reason -- well that account, that account had my name on top of
17 it I recall to the best of my knowledge I think it -- it hasn't now. It has my
18 name on the account.
- 19 Q. 543 Yes. Well then it would have, presumably, be correct to refer to it in exactly
15:53:17 20 the same terms as the others. There was an account in the name of?
- 21 A. I think it was just, it was from the bank because it was a Fianna Fail account
22 in St. Luke's they had my name on it. But I don't think I was a signatory of
23 the account but my name was on the statement as far as I recall.
- 24 Q. 544 Yes, I appreciate that that is the position. You did have your name on the
15:53:37 25 statements but for a reason and I was enquiring from you, you didn't address
26 that account as being an account in your name and Mr. Burke, which was the
27 Dublin central election account for 1989, as this was. I am just wondering why
28 it was that you didn't adopt the same format. You don't know?
- 29 A. I can't recall but ...
- 15:53:59 30 Q. 545 Perhaps as we move through the accounts it might come to you. The next account

15:54:04 1 then is account "V" and this account is Fianna Fail Dublin central election
2 account number given and the narrative is "this is the account used by the
3 Dublin central constituency organisation in relation to the 1992 general
4 election --

15:54:24 5
6 CHAIRMAN: Sorry, Mr. O'Neill. Can we go over to the next page.

7
8 Q. 546 MR. O'NEILL: 23061, please. Sorry.
9 The description of the account here is then given as the Fianna Fail Dublin
10 central election account current number. Current account and account number.
11 Now, that is an accurate description of the fact, the basis upon which this
12 account was opened, isn't that right?

13 A. Yes.

14 Q. 547 That is what it was for?

15:54:55 15 A. Yes.

16 Q. 548 But it does not say that it's an account held in the name of anyone, isn't that
17 right?

18 A. Right.

19 Q. 549 It's not an account in the name of Tim Collins for example?

15:55:07 20 A. No, it's not, no.

21 Q. 550 But in fact, that account is an account in the name of Tim Collins Fianna Fail
22 Dublin central election current account, isn't that right?

23 A. Yes.

24 Q. 551 Yes.

15:55:19 25 A. He would have been, in 1989 and in 1992 he was the secretary of the finance
26 committee for the election.

27 Q. 552 He was not named in relation to the 1989 account. He was named on the account,
28 we're talking about the bank records now, where these accounts were opened they
29 have account names. And the account name the 1989 election did not include
15:55:44 30 Mr. Collins' name. It was yourself and Mr. Burke. The account for 1992

- 15:55:50 1 includes Mr. Collins' name but not anybody else's name, though it describes
2 itself as being the Tim Collins Fianna Fail Dublin central account, current
3 account for the election, isn't that so?
- 4 A. I can't. I can't, from my own knowledge I spoke to some of the officers about
15:56:12 5 this recent rely recently. And as I understand it in 1989 and in 1992, Tim
6 Collins was secretary of the General Election finance committee account. So
7 whether his name was on it or not, I think he would have been the main
8 signatory for the cheques both in and out for those elections. He was also
9 secretary of the committee for the CODR, which is the social function which
15:56:39 10 raises the, runs the golf and the annual dinner and he was secretary of the
11 trust.
- 12 Q. 553 And on no occasion was he one of the treasurers or joint treasurers of the CDC,
13 isn't that so?
- 14 A. No.
- 15:56:55 15 Q. 554 He has never held that position within the organisation?
- 16 A. No.
- 17 Q. 555 Now, in addressing your discovery, Mr. Ahern, you chose to identify not only
18 the 20 accounts which are, what I might call yours and your families but also
19 the three political accounts that we've just considered, isn't that right?
- 15:57:17 20 A. Correct.
- 21 Q. 556 T, U and V. Can you explain why you didn't at this point also disclose the BT
22 account, which you say is a Fianna Fail account being maintained for the
23 purpose of the party and in which we know? There has been this substantial sum
24 of money on deposit effectively since 1989?
- 15:57:41 25 A. I didn't, I didn't disclose any of the accounts to do with the trust. I didn't
26 disclose the trust account, which is the original trust account, or the CODR
27 account, or the building trust account. I didn't disclose those because they
28 are not accounts that I've had any control over.
- 29 Q. 557 I'm not sure about the reference to trust account other than the constituency
15:58:03 30 No. 1 account.

15:58:05 1 A. No, there was the CODR account was the building trust account, the BT account.

2 Q. 558 Sorry, Mr. Ahern.

3 A. Sorry.

4 Q. 559 The BT account doesn't contain any reference to CODR.

15:58:20 5 A. No, I know that. Yes, two separate accounts.

6 Q. 560 Okay.

7 A. So there's ...

8 Q. 561 Cumann O'Donovan Rossa has a bank account, is that right?

9 A. That's correct which is a trust account. I did not discover those accounts.

15:58:32 10 Q. 562 Yes.

11 A. But they have nothing to do with me. I didn't set up the trust, I am not a

12 trustee, I am not a beneficiary of the trust, I never put money in or out of

13 those accounts. So I didn't discover any of those accounts.

14 Q. 563 But is that any different from these other constituency accounts?

15:58:56 15 A. Yes totally different. Totally different --

16 Q. 564 T is not an account into which you put any money. It's an account for the

17 constituency. I am suggesting to you --

18 A. But, Mr. O'Neill, you are a hard man because earlier on today you were making a

19 big point on the last day that if my name is on the account I should be

15:59:09 20 discovering nearly every account my name is on and now you are saying if my

21 name isn't on them I shouldn't be discovering them at all. I mean, the reality

22 is that these accounts were the trust, the St. Luke's trust account and the

23 committee that looks after that is the house committee and that they generate

24 the money to run that house.

15:59:25 25

26 That is an account that I have no association with. I don't generate money for

27 it, I'm not -- I'm not a signatory to that account. I can't draw money out of

28 that account and I'm not a beneficiary of that account and I'm not a trustee.

29 I have no say in those accounts.

15:59:43 30 Q. 565 Mr. Ahern, I have to suggest to you that exactly the same consideration that

15:59:46 1 you've just given there applies to account V. Tim Collins Fianna Fail Dublin
2 central account is not an account upon which you had any drawing rights. It's
3 not an account upon which you say was held for your benefit. It's not an
4 account into which you say you put in money. Yet it is an account that you
16:00:07 5 discovered in your affidavit and I'm asking you in that context?

6 A. Yes because it's the General Election account, Mr. O'Neill, that elected me.

7 Q. 566 Yes but the General Election account into which you also put the 5,000 pounds
8 from Davy's. Would that that not be exactly the same type of --

9 A. No, it wouldn't be the same. It wouldn't be the same.

16:00:32 10 Q. 567 I have quite an amount to go.

11

12 CHAIRMAN: All right.

13

14 MR. O'NEILL: I have some more questions on this issue. And I'm not going to
16:00:41 15 finish before ...

16

17 CHAIRMAN: We will sit tomorrow at is it half ten?

18

19 MR. O'NEILL: Any time that suits, Mr. Ahern.

16:00:48 20 A. Could I ask just to be helpful how long might it take tomorrow because I will
21 plan the day if I had a rough idea.

22

23 CHAIRMAN: I think it's going to be the day. Our best estimate, certainly
24 this morning was that we would take today and tomorrow. So I think it will be
16:01:06 25 the day.

26 A. Half ten.

27

28 MR. O'NEILL: It would prove helpful if the documents were with us by ten.

29

16:01:12 30 CHAIRMAN: E, oh, I'm sure Mr. Ahern will do his best. Just if he wants us to

16:01:18 1 get documents. Will we sit at a quarter past or half ten.

2 A. Half ten.

3

4 MR. O'NEILL: Whatever suits, Mr. Ahern.

16:01:26 5 A. Half ten.

6

7 CHAIRMAN: All right. Half ten.

8

9 **THE TRIBUNAL THEN ADJOURNED UNTIL THE FOLLOWING DAY,**

16:02:17 10 **FRIDAY, 22ND FEBRUARY 2008, AT 10:30 A.M.**

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