

09:28:05 1 **THE TRIBUNAL RESUMED AS FOLLOWS ON WEDNESDAY**

2 **22ND OCTOBER 2008 AT 10 AM:**

3

4 CHAIRMAN: Ms. Dillon.

10:06:05 5

6 MS. DILLON: Good morning, Sir. I think Ms. Comings will cross examine

7 Mr. O'Callaghan on behalf of Mr. Albert Reynolds. Mr. O'Callaghan please.

8

9 **MR. OWEN O'CALLAGHAN IS CROSS EXAMINED BY MS. COMINGS**

10:06:23 10

AS FOLLOWS:

11

12 CHAIRMAN: Morning, Mr. O'Callaghan.

13 A. Morning, Sir.

14

10:06:31 15

CHAIRMAN: Now, Ms. Cummings.

16 MS. CUMMINGS: Morning gentlemen and Chair, firstly I'd like to thank the

17 Tribunal for accommodating us this morning.

18

19 CHAIRMAN: That's all right.

10:06:41 20

Q. 1 Now, Mr. O'Callaghan, I appear with Mr. Michael Cush on behalf of

21 Mr. Albert Reynolds, with whom I believe you are familiar, isn't that

22 correct?

23 A. Yes.

24 Q. 2 And you will be aware, I think, that Mr. Gilmartin has made serious

10:06:54 25

allegations about Mr. Reynolds implicating him in a number of incidents of

26 wrongdoing, isn't that also correct?

27 A. Yes.

28 Q. 3 Now Mr. Gilmartin you may or may not be aware of this, has accepted in

29 evidence before this Tribunal, that he has no personal knowledge of any

10:07:10 30

wrongdoing on the part of Mr. Reynolds, are you aware of that?

10:07:14 1 A. Yes.

2 Q. 4 And, but Mr. Gilmartin relies on conversations which he says he had with
3 you in support of those allegations, isn't that correct?

4 A. Yes.

10:07:25 5 Q. 5 Now, you will appreciate the difficulty that Mr. Reynolds is in, because
6 he obviously was not a party to those conversations and he can't deny what
7 was or was not said on those occasions, isn't that correct?

8 A. That is correct.

9 Q. 6 So my purpose here today is just to put a number of those allegations to
10 you and invite you to confirm or deny the allegations being made by
11 Mr. Gilmartin, is that okay?

12 A. That is okay.

13 Q. 7 Okay. Now, the first of those allegations pertains to a sum of 150,000
14 pounds which Mr. Gilmartin alleges was given to Mr. Albert Reynolds in or
10:08:00 15 about 3 o'clock in the morning in your house in March of 1994, can you
16 confirm that that did not occur?

17 A. That did not occur.

18 Q. 8 And can you also confirm that you never said anything of that kind to
19 Mr. Gilmartin?

10:08:13 20 A. Never said it to Mr. Gilmartin.

21 Q. 9 Mr. Gilmartin has also made an allegation that there was a payment of
22 approximately 40,000 pounds to Mr. Reynolds through a company called
23 Shefran, which may or may not have been associated with the designation in
24 Athlone and may or may not have been associated with Golden Island in some
10:08:33 25 way. Can you confirm that no payment of 40,000 pounds was made by you to
26 Mr. Reynolds in connection with any of those matters?

27 A. Absolutely no payment was made in relation to those matters.

28 Q. 10 Mr. Gilmartin has also seen fit to suggest that you said to him that there
29 were some intervention by Mr. Reynolds with the IDA acting on your behalf
10:08:54 30 to do a disservice in some way to Mr. Gilmartin, can you confirm that

- 10:08:57 1 insofar as you are aware Mr. Reynolds never intervened with the IDA,
2 either at your solicitation or on your behalf?
- 3 A. Mr. Reynolds never intervened.
- 4 Q. 11 Can you also confirm or deny whether you ever suggested such a thing to
10:09:12 5 Mr. Gilmartin?
- 6 A. Never even happened.
- 7 Q. 12 Now, there was also a suggest by Mr. Gilmartin that you asked Mr. Reynolds
8 to phone one of the councillors, one of the Fianna Fail councillors, I
9 think, on Dublin City Council in order to generate support for the
10:09:30 10 Quarryvale development, did you ever say that or did that ever occur?
- 11 A. That never happened.
- 12 Q. 13 Now, Mr. Gilmartin has also made a suggestion that Mr. Reynolds may have
13 intervened in or about the tax designation of Blanchardstown, either
14 causing that to fail or otherwise. Can you confirm or deny whether or not
10:09:49 15 that ever happened to the best of your knowledge, and whether or not you
16 ever said such a thing to Mr. Gilmartin?
- 17 A. That never happened and I never mentioned that to Tom Gilmartin.
- 18 Q. 14 Did you at any time ever lead Mr. Gilmartin to believe that Mr. Reynolds
19 had interfered on your behalf or otherwise, with the English Revenue,
10:10:10 20 again in order to do down Mr. Gilmartin?
- 21 A. Absolutely not.
- 22 Q. 15 Did you at any stage suggest to Mr. Gilmartin that Mr. Reynolds was on
23 your pay roll in any, to any shape or form?
- 24 A. Absolutely not.
- 10:10:26 25 Q. 16 Did you ever suggest to Mr. Gilmartin that you made offshore payments to
26 Mr. Reynolds or any other politicians?
- 27 A. No.
- 28 Q. 17 Did you ever make any offshore or any kind of donations at all,
29 personally, to Mr. Reynolds?
- 10:10:38 30 A. No.

10:10:45 1 Q. 18 Insofar as any payments were made by you, those were political donations
2 to Fianna Fail, isn't that correct?
3 A. Yes.
4 Q. 19 And they would have been in lesser amounts than the numbers talked about
10:10:54 5 by Mr. Gilmartin?
6 A. Yes.
7 Q. 20 Isn't that correct? For the avoidance of any doubt, Mr. Gilmartin also
8 seems to have alleged at some stage that Mr. Reynolds was your
9 coordinator, in other words that you went to Mr. Reynolds when he said
10:11:10 10 that you wanted "strings pulled", can you confirm or deny whether or not
11 that --
12 A. Sorry could you repeat that please?
13 Q. 21 Yes. Mr. Gilmartin has alleged that Mr. Reynolds was your coordinator, in
14 other words that you went to Mr. Reynolds whenever you wanted and I quote
10:11:26 15 here "strings pulled" can you confirm or deny whether that accurately
16 reflects the factual position or if you ever said such a thing to
17 Mr. Gilmartin?
18 A. I never said it to Mr. Gilmartin and it never happened.
19 Q. 22 I think you will agree with me that you have no personal knowledge of any
10:11:42 20 wrongdoing whatsoever on the part of Mr. Reynolds, isn't that correct?
21 A. That is correct, yes.
22 Q. 23 Thank you very much, Mr. O'Callaghan.
23 A. Thank you.
24
10:11:50 25 CHAIRMAN: Thank you, Ms. Cummings. Mr. Sreenan?
26
27 **THE WITNESS WAS RE-EXAMINED BY MR. SREENAN AS FOLLOWS:**
28
29 Q. 24 Chairman. Mr. O'Callaghan, just to, a few questions by me of
10:11:57 30 re-examination, I think you are aware that insofar as any allegations have

- 10:12:01 1 been made against you that they have been largely made by Mr. Gilmartin
2 and I want to ask you about some specific allegations that Mr. Gilmartin
3 has made. I think you are aware of fact that Mr. Gilmartin has made
4 certain allegations in relation to a meeting with Mr. Finbar O'Hanrahan at
10:12:22 5 Buswells Hotel, is that correct?
- 6 A. Yes.
- 7 Q. 25 Leave aside any dispute now for the moment as to the date of the meeting,
8 but he has made an allegation that as he came out of the bar that you said
9 to him "Did he tap you?" now did you say that or anything like that to
10:12:40 10 Mr. Gilmartin?
- 11 A. No, I certainly did not.
- 12 Q. 26 I think we have seen from the evidence that Mr. Gilmartin had a meeting
13 with Mr. Gallagher, Mr. Hanratty and Mr. O'Neill counsel on behalf of the
14 Tribunal, on the 30th September of 1998, in which he discussed that
10:13:07 15 meeting and I think you are aware of the fact that in that record there is
16 no reference to you allegedly saying to Mr. Gilmartin the words "Did he
17 tap you?"
- 18 A. That's correct.
- 19 Q. 27 I think you are aware of the fact that the first time Mr. Gilmartin
10:13:22 20 appears to have made that allegation, despite earlier opportunities was in
21 his statement of the 25th May 2001?
- 22 A. Yes.
- 23 Q. 28 Can I turn then to the issue of the 5 million pounds demand, and the
24 allegation that there was a 5 million pounds demand of Mr. Gilmartin in
10:13:46 25 Dail Eireann. Were you present on any occasion in Dail Eireann when 5
26 million pounds was demanded from Tom Gilmartin?
- 27 A. No, I was not.
- 28 Q. 29 Or when any sum was demanded from him in Dail Eireann?
- 29 A. No, I was not.
- 10:14:05 30 Q. 30 Were you ever present when any money was demanded from Tom Gilmartin by

- 10:14:10 1 anybody?
- 2 A. No, I was not.
- 3 Q. 31 In a memorandum of a telephone conversation between Mr. Gilmartin and
- 4 Mr. Hanratty, counsel to the Tribunal, on the 3rd June 1999, Mr. Gilmartin
- 10:14:26 5 alleged that at one stage he saw Albert Reynolds talking in an alcove to
- 6 you, that Mr. Gilmartin had decided to leave and saw this on his way out,
- 7 that you called him back and asked him where he was going, and that all of
- 8 this happened in Dail Eireann and that in response Mr. Gilmartin said he
- 9 was fed up with you and your gangster friends, and that you said that
- 10:14:50 10 neither he nor any Unionist would put a foot on Quarryvale. Now, did that
- 11 conversation ever take place?
- 12 A. Never took place.
- 13 Q. 32 Did you ever pass to Mr. Gilmartin on any occasion, any remark about
- 14 Unionists putting foot on Quarryvale?
- 10:15:06 15 A. Never.
- 16 Q. 33 Is that the type of language that you would use?
- 17 A. I would not and never did use that language.
- 18 Q. 34 Now, Mr. Gilmartin has also made certain allegations in relation to
- 19 something that you are alleged to have said about the Lee Tunnel in Cork,
- 10:15:29 20 and in particular he alleges that at his first meeting with you on the 7th
- 21 December 1988, that you told him that you had just come from a dinner for
- 22 the launch of the Lee Tunnel and that you had the line of the tunnel
- 23 altered so as to suit the Mahon site. Now, did you say that to
- 24 Mr. Gilmartin on the 7th December 1988?
- 10:15:53 25 A. No, I did not say that to Mr. Gilmartin.
- 26 Q. 35 Or did you say it to him at any stage?
- 27 A. No, I did not, I never said it to him.
- 28 Q. 36 And was the line of the tunnel altered to suit your site?
- 29 A. The line of the tunnel was altered to suit the site, yes, that is correct.
- 10:16:09 30 Q. 37 Was it as a result of anything that you did?

10:16:10 1 A. Absolutely nothing, I had nothing to do with it.

2 Q. 38 Did you acquire the site after the line of the tunnel was altered?

3 A. Yes.

4 Q. 39 Did you acquire it as a result of a process of public tender?

10:16:21 5 A. Yes.

6 Q. 40 That was advertised widely?

7 A. All over Europe, yes.

8 Q. 41 And it was suggested by Mr. Gilmartin that the late Mr. Charles Haughey

9 was behind this change in the routing of the tunnel, is that correct?

10:16:36 10 A. Absolutely incorrect.

11 Q. 42 Am I right in suggesting that the line of the tunnel was altered as a

12 result of lobbying or submissions made by residents in the harbour area

13 who didn't want the tunnel coming out on their side or close to their

14 houses?

10:16:56 15 A. That's correct, by the Mahon Community Association.

16 Q. 43 You have been asked earlier this morning about allegations that

17 Mr. Gilmartin made about payments to Mr. Reynolds and you have answered

18 those questions, but I want to draw your attention to some specific

19 allegations made by Mr. Gilmartin, not just in relation to Mr. Reynolds,

10:17:20 20 but also Mr. Mac Sharry and Mr. Ahern. In a memorandum of a telephone

21 conversation between Mr. Gilmartin and Mr. Gallagher, counsel to the

22 Tribunal on the 6th November 1998, Mr. Gilmartin claimed that at the end

23 of 1992/1993 some 40,000 pounds was paid to Albert Reynolds and 30,000

24 pounds was paid to Bertie Ahern, whom he believed were prime minister and

10:17:47 25 Minister for Finance respectively, that no money was paid in Shefran, that

26 the money was paid direct, that Shefran was being used as a money

27 laundering operation.

28

29 Now, you have said that no monies were paid to Albert Reynolds, was 30,000

10:18:02 30 pounds paid to Bertie Ahern at the end of 1992/1993 by you as alleged by

10:18:09 1 Mr. Gilmartin?

2 A. Absolutely not.

3 Q. 44 Was any money paid to Mr. Ahern by you, at any time?

4 A. Absolutely not.

10:18:23 5 Q. 45 And on the 25th November 1999, in a memorandum of a telephone conversation
6 with Tribunal counsel, Mr. Gilmartin alleged that you paid 150,000 pounds
7 to the then Taoiseach Albert Reynolds in Cork in 1994 at 3 am in your
8 house, and that this was allegedly a payment for a tax designation of a
9 property in Athlone. I think you have answered that already, but you
10:18:47 10 might confirm for the record, that no monies were paid by you for any tax
11 designation of a property in Athlone?

12 A. That is correct.

13 Q. 46 And he also alleged that Bertie alleged that Bertie Ahern got a cut of
14 this money, is there any truth in that allegation?

10:19:03 15 A. Absolutely not.

16 Q. 47 Did you say anything at any stage to Mr. Gilmartin that would have led him
17 to believe that either of those things could have happened?

18 A. No.

19 Q. 48 And in a further memorandum of a telephone conversation, bearing the same
10:19:19 20 date, with Tribunal counsel, Mr. Gilmartin alleged that you paid 150,000
21 pounds to senior politicians in 1989, is that correct?

22 A. No, that is not correct.

23 Q. 49 That you paid 250,000 pounds to senior politicians in connection with
24 Quarryvale, is that correct?

10:19:39 25 A. That is not correct.

26 Q. 50 That in 1989, 50,000 pounds was paid to Ray Mac Sharry, did you pay any
27 money to Ray Mac Sharry?

28 A. I did not.

29 Q. 51 Either 50,000 pounds or any sum?

10:19:51 30 A. I did not pay any sum to Ray Mac Sharry.

- 10:19:54 1 Q. 52 Or in 1989 or at any time?
- 2 A. At any time.
- 3 Q. 53 And 50,000 pounds to Bertie Ahern and that Bertie Ahern also got another
- 4 30,000 pounds subsequently. I think you have made it clear from your
- 10:20:06 5 previous answer that that is also untrue?
- 6 A. That is not correct.
- 7 Q. 54 Is there any truth at all, in any of those allegations?
- 8 A. None whatsoever.
- 9 Q. 55 You are also aware that an allegation has been made by Mr. Gilmartin in
- 10:20:27 10 relation to the contract that you entered into with him on the 31st
- 11 January 1989, that has been the subject of considerable evidence before
- 12 the Tribunal, and he has alleged that he was not shown the agreement which
- 13 he signed and that it had been falsified by you and Mr. Deane, your
- 14 solicitor to alter it's terms. Now is there any truth in that allegation?
- 10:20:53 15 A. That is absolutely incorrect.
- 16 Q. 56 Did Mr. Gilmartin ever make that allegation to you prior to giving that
- 17 evidence in the Tribunal?
- 18 A. Never.
- 19 Q. 57 And it was not in his statement that he provided to the Tribunal?
- 10:21:08 20 A. I believe not.
- 21 Q. 58 Now, Mr. Gilmartin also made an allegation in relation to what is
- 22 described as the Starry O'Brien affair, and in a telephone conversation
- 23 with Tribunal counsel on the 26th September 2002, which was nearly a year
- 24 after the counsel in question had left the Tribunal, he claimed firstly
- 10:21:36 25 that Mr. Ahern had got in excess of 100,000 pounds from you and that you
- 26 had said that to Mr. Gilmartin and I think that's covered by your previous
- 27 answers, you say that's untrue?
- 28 A. Yes.
- 29 Q. 59 And he claimed that the Starry O'Brien affair was set up so that
- 10:21:59 30 Mr. O'Brien would make a false allegation that he had paid the money to

- 10:22:04 1 Mr. Ahern, that this was an attempt to exonerate Mr. Ahern by making a
2 false allegation which Mr. O'Brien would then subsequently withdraw. Now
3 did you have any involvement in this alleged setting up of a false
4 allegation to be made by Starry O'Brien, which Mr. O'Brien could then
10:22:26 5 subsequently withdraw once Mr. Ahern challenged it?
- 6 A. I had absolutely nothing to do with anything like that.
- 7 Q. 60 How many times have you ever met Mr. O'Brien in your life?
- 8 A. Once.
- 9 Q. 61 And when was that and what was the occasion?
- 10:22:41 10 A. I met him in the late '80s, I think, it could be the early '90s, when he
11 approached me about a site he was interested in Carrickaline in Cork and
12 asked me would I be interested in getting involved with him, I said I
13 would not. That was my only meeting with Denis (Starry) O'Brien.
- 14 Q. 62 Did you have any further contact with him, direct or indirect?
- 10:23:05 15 A. Never, never since then. Never since then actually.
- 16 Q. 63 And Mr. Gilmartin claimed that after that affair, that all of
17 Mr. O'Brien's debts were cleared by you?
- 18 A. Yes.
- 19 Q. 64 Is there any truth in that?
- 10:23:18 20 A. Absolutely none whatsoever.
- 21 Q. 65 And that Mr. O'Brien went on holiday to Lanzarote, the implication being
22 that that was paid for by you?
- 23 A. Absolutely wrong of course.
- 24 Q. 66 And that he got a new car, again the implication being that you provided
10:23:35 25 that to him, is there any truth in that?
- 26 A. There is no truth at all in that.
- 27 Q. 67 And did you say anything to Mr. Gilmartin that could have at any stage,
28 led him to believe that that was the case?
- 29 A. I never discussed the subject with Tom Gilmartin.
- 10:23:55 30 Q. 68 Now, Mr. Gilmartin has also alleged that you were involved in the

10:24:00 1 appointment of Mr. Fitzgerald as a County Manager, that in a memorandum of
2 the 5th November 1998 of a telephone conversation with Tribunal counsel,
3 he alleged that the Cork County Manager was in your pocket and implied
4 that you had engineered the appointment of a Mr. Fitzgerald and
10:24:25 5 subsequently in a telephone conversation with Tribunal counsel on the 25th
6 November 1999, some 18 months later, he alleged that you had the casting
7 vote to appoint Mr. Fitzgerald as manager of one of the Dublin local
8 authorities. Did you have any involvement whatsoever in the appointment
9 of Mr. Fitzgerald as a County Manager or Assistant County Manager?

10:24:49 10 A. Absolutely none.

11 Q. 69 Did you say anything to Mr. Gilmartin to believe that you did?

12 A. No, I didn't. I did not.

13 Q. 70 Or to lead him to believe that you did?

14 A. I did not.

10:25:02 15 Q. 71 To turn to another allegation made by Mr. Gilmartin against you, he
16 alleged that on the 26th February, sorry he alleged in a meeting with
17 Tribunal counsel on the 26th February 1998, that there was an occasion
18 when you were asked, when you asked him to go with you to Clondalkin, that
19 he thought he was going to inspect a site or meet somebody of
10:25:25 20 significance, but instead that you took him to a pub where you sat for
21 some time and you were then approached by a man wearing dark glasses, that
22 he threatened Mr. Gilmartin and said that he had a file on Mr. Gilmartin
23 in relation to his activities in the north, and that the meeting was
24 intended to frighten him, namely Mr. Gilmartin, and make sure that he
10:25:48 25 would not continue with any development in the Clondalkin area.

26
27 Now, I think you have told the Tribunal already about your visit with
28 Mr. Gilmartin to a public house in Clondalkin, and we don't need to
29 recount the facts of that, but what I want to ask you specifically is in
10:26:06 30 relation to that allegation, did anybody approach Mr. Gilmartin during

- 10:26:11 1 that visit to the public house in Clondalkin and threaten him, either a
2 person wearing dark glasses or otherwise?
- 3 A. Absolutely not.
- 4 Q. 72 Did anybody say the words that were attributed to that person?
- 10:26:26 5 A. Absolutely not.
- 6 Q. 73 That you travelled to that meeting with Mr. Gilmartin and back again by
7 taxi, is that so?
- 8 A. That is correct.
- 9 Q. 74 It was a meeting with a number of local residents in the area, mostly
10 ladies?
- 11 A. It was a meeting with two people that represented the local people in the
12 area, a Mr. Jennings and a Mr. McCann.
- 13 Q. 75 Mr. Gilmartin also alleged that he received a phone call while he was in
14 Luton at one stage from the late Mr. Monahan, and that he believed that
10:27:05 15 Mr. Monahan had got Mr. Gilmartin's telephone number from Pdraig Flynn
16 and that Mr. Monahan had said to him that site you got you'll never build
17 on it because I got my foot on you, and Mr. Gilmartin then alleges that
18 alleges that a number of days later, two days later, that you said the
19 same thing to Mr. Gilmartin. Now did you ever say to Mr. Gilmartin "That
10:27:33 20 site you got, you'll never build on it because I got my foot on you"?
- 21 A. I never said that.
- 22 Q. 76 Did you ever threaten Mr. Gilmartin in anyway?
- 23 A. No.
- 24 Q. 77 At any stage during your relationship with him?
- 10:27:46 25 A. No.
- 26 Q. 78 In a telephone conversation with Tribunal counsel on the 6th November
27 1998, Mr. Gilmartin alleged that Mr. Albert Reynolds was involved in
28 trying to force the Department of Agriculture to go to Cork and that in
29 doing so he was acting on your behalf, now is that correct?
- 10:28:16 30 A. With regard to that allegation, yes a group of people in Cork including

- 10:28:21 1 myself at that particular time were lobbying to try to get the Department
2 of Agriculture relocated to Cork, that's correct, we didn't succeed.
- 3 Q. 79 Did you lobby Mr. Reynolds for that?
- 4 A. Yes, we did indeed, yes.
- 10:28:33 5 Q. 80 And did you do it according to Mr. Gilmartin, with the intention that your
6 property in Cork would be leased to the State to accommodate the
7 Department of Agriculture?
- 8 A. No, I did not have a property suitable in Cork, this, if the Department of
9 Agriculture was being relocated to Cork it would have been relocated to a
10 greenfield site that I had no involvement in.
- 11 Q. 81 What was the purpose of seeking to have the Department of Agriculture
12 moved to Cork?
- 13 A. Well, a lot of Cork people still believe that the Department of
14 Agriculture should be located in Munster, preferably Cork.
- 10:29:13 15 Q. 82 Were there a number of prominent persons involved in that lobbying apart
16 from yourself?
- 17 A. Yes, there were three or four more people involved.
- 18 Q. 83 I think, subsequently another State body did move to Cork that was the
19 Central Statistics Office?
- 10:29:26 20 A. Yes the result of the lobbying was the Central Statistic Office was
21 relocated to Cork not the Department of Agriculture.
- 22 Q. 84 Did that relocate to a site owned by you?
- 23 A. No, not at all, no. It was relocated to a greenfield site I had nothing
24 at all to do with it.
- 10:29:41 25 Q. 85 There were a number of allegations made by Mr. Gilmartin to Mr. Hanratty
26 counsel to the Tribunal, and in the first, on the 4th June 1999, he
27 claimed that tax designation files were taken from the Department of
28 Finance, that they were produced by Mr. Bertie Ahern at a meeting at the
29 Mont Clare Hotel and that information was disclosed as to the proposed
10:30:03 30 designation areas and that money allegedly changed hands, and he claimed

- 10:30:09 1 that time was allowed to enable the purchase of properties in those areas
2 after the designations went ahead and that present at the meeting were
3 amongst others, yourself, and Mr. John Deane, and that others named as
4 being present included Mr. Ken Rohan a property developer from Dublin
- 10:30:28 5 called Mark Kavanagh and Mr. Harry Crosbie. Now firstly, were you present
6 at any such meeting?
- 7 A. Not at all.
- 8 Q. 86 Either in the Mont Clare Hotel or anywhere else?
- 9 A. Neither in the Mont Clare Hotel or anywhere else.
- 10:30:44 10 Q. 87 Were you privy to any tax designation files from any government
11 department?
- 12 A. Absolutely not.
- 13 Q. 88 Did you pay money to any government minister, Mr. Ahern or otherwise, in
14 connection information in relation to tax designation?
- 10:30:56 15 A. No.
- 16 Q. 89 And in a further meeting with Tribunal counsel, on the 8th July 1999
17 Mr. Gilmartin claimed that there were in fact two incidents in which tax
18 designation files went missing, that one was where files went missing from
19 the Department of the Environment and it was those that were brought to
20 the Mont Clare Hotel and that the other was when files went missing from
21 the Department of Finance and those were now, he alleged, brought to the
22 Westbury Hotel and that Mr. Ahern was present at both meetings. Again
23 were you present at any such meetings in the Westbury Hotel, either
24 relating to files from the Department of Finance or any other government
25 department?
- 10:31:23 26 A. Absolutely not.
- 27 Q. 90 Did you ever say anything to Mr. Gilmartin that could have led him to
28 believe that you were?
- 29 A. No.
- 10:31:52 30 Q. 91 In that meeting, Mr. Gilmartin also alleged, that you had purchased lands

- 10:31:57 1 in Limerick from long standing owners who couldn't get planning permission
2 for retail use, that they were in some financial difficulties and that you
3 sent in the bank to put the squeeze on the owners, and that the bank
4 involved was AIB, and that you ended up running the whole deal and that
10:32:15 5 the owner turned into your minor partner, is there any truth in that?
6 A. Absolutely not.
7 Q. 92 He alleged that the same thing happened to Carlie Kent in Kilkenny and
8 that again the bank was AIB is there any truth in that?
9 A. Absolutely not.
10:32:31 10 Q. 93 And that the same thing happened in respect of the Golden Island
11 development in Athlone, is there any truth in that?
12 A. No.
13 Q. 94 Did you say anything to Mr. Gilmartin to lead him to believe that such had
14 happened?
10:32:44 15 A. No, I never discussed anything like that with Mr. Gilmartin.
16 Q. 95 Mr. Gilmartin also made an allegation in a telephone conversation with
17 Tribunal counsel on the 25th November 1999, that you had been involved in
18 the demise of a certain named politician, whose demise he said was brought
19 about indirectly by you. It's not entirely clear what he meant by that,
10:33:14 20 but did you have any involvement in the demise of that politician?
21 A. No, absolutely nothing.
22 Q. 96 Mr. Gilmartin alleged that Mr. Ahern left the Fianna Fail Ard Fheis on the
23 weekend of the 20th November 1998 and travelled to Cork to discuss
24 Tribunal business with you, is there any truth in that allegation?
10:33:47 25 A. Certainly not.
26 Q. 97 Did Mr. Ahern leave the Ard Fheis in order to meet with you in Cork or
27 elsewhere?
28 A. Certainly not.
29 Q. 98 And did he discuss Tribunal business with you, either on that occasion or
10:34:01 30 otherwise?

- 10:34:02 1 A. Never.
- 2 Q. 99 It's alleged that Bertie Ahern changed his mind about officially opening
3 the Liffey Valley shopping centre in November 1998 and the suggestion is
4 that the reason for that change of mind was because of the attention that
10:34:21 5 the Tribunal was turning to the Quarryvale property, is there any truth in
6 the suggestion that that is the reason why Mr. Ahern pulled out of opening
7 the Liffey Valley shopping centre?
- 8 A. Absolutely no truth in that.
- 9 Q. 100 I think you have explained previously that the Duke of Westminster gave
10:34:41 10 certain dates when he was available to attend an official opening, that
11 Mr. Ahern accepted one of those dates and the Duke of Westminster
12 subsequently indicated that he was unavailable?
- 13 A. That's correct.
- 14 Q. 101 And that Mr. Ahern then subsequently was not available through his office,
10:34:57 15 for any other date that had been put forward?
- 16 A. That is correct.
- 17 Q. 102 It was suggested by Mr. Gilmartin that you arranged to deter potential
18 investors from investing in Barkhill in 1990, did you do that?
- 19 A. Absolutely not.
- 10:35:14 20 Q. 103 In 1990 or at any other time?
- 21 A. Absolutely not.
- 22 Q. 104 To return to a topic that was raised by my colleague, did you have any
23 involvement in the IDA showing an interest in a site on Fonthill Road that
24 apparently Mr. Gilmartin was interested in for the purposes of the
10:35:35 25 Quarryvale investment?
- 26 A. No.
- 27 Q. 105 Did you ask Mr. Reynolds to have any involvement in that?
- 28 A. Absolutely not.
- 29 Q. 106 Did you say to Mr. Gilmartin that Mr. Reynolds had seen to it that the IDA
10:35:51 30 would get involved in it or that Mr. Gilmartin would not get his hand on

- 10:35:55 1 that site?
- 2 A. Not at all.
- 3 Q. 107 Did you have any involvement in informing the United Kingdom Inland
4 Revenue of Mr. Gilmartin's tax affairs?
- 10:36:10 5 A. Certainly not.
- 6 Q. 108 He has alleged that you had an involvement with led to his prosecution and
7 bankruptcy by the Inland Revenue in the United Kingdom, did you have any
8 involvement with that?
- 9 A. Absolutely not.
- 10:36:23 10 Q. 109 Or did anybody on your behalf have any involvement in that?
- 11 A. No.
- 12 Q. 110 He has alleged that you had a discussion with him in a taxi going to
13 Dublin Airport, in relation to a payment to Mr. Colm McGrath, and that you
14 allegedly showed him what he has variously described as both a draft or a
10:36:52 15 cheque for 10 or he says 20,000 pounds in the car, and that you said that
16 that would be 30,000 that you had given Mr. McGrath at that stage, now did
17 that incident ever happen?
- 18 A. That never happened.
- 19 Q. 111 Did you ever travel in a taxi with Mr. Gilmartin to the airport?
- 10:37:14 20 A. Not to the airport, no.
- 21 Q. 112 Can you remember how many times you would have been with Mr. Gilmartin in
22 a taxi in your life?
- 23 A. Twice actually. Once to the meeting with the so-called men with the dark
24 glasses and a return journey from that meeting, two occasions.
- 10:37:31 25 Q. 113 Did you ever show him any cheque that was allegedly to be paid to
26 Mr. McGrath?
- 27 A. Not at all.
- 28 Q. 114 Did you tell him that he would have to sneak into the airport so that
29 Mr. McGrath wouldn't see him?
- 10:37:46 30 A. Not at all.

- 10:37:49 1 Q. 115 Did you tell him on any occasion that you were having a meeting with
2 Mr. McGrath at Dublin Airport?
- 3 A. No.
- 4 Q. 116 He has also alleged that at Allied Irish Banks you were involved in a
10:38:06 5 stunt in which you apparently engaged on regular occasions, where you
6 would slip out to the toilet in advance of a tea break and hide in a broom
7 cupboard to listen to conversations, is that true?
- 8 A. No, absolutely not.
- 9 Q. 117 And that on one occasion that he was there and you had disappeared from a
10:38:36 10 conversation and that you then fell out of a broom cupboard that he
11 literally heard rattling and when he looked, that the door or he opened
12 the door of the broom cupboard and you fell out of it, is there any truth
13 in that?
- 14 A. Absolutely no truth in that.
- 10:38:56 15 Q. 118 He claims that you were very big in Fianna Fail and were able to deliver
16 the Cork vote to Charlie Haughey in internal party situations, is there
17 truth if that?
- 18 A. That is so wrong.
- 19 Q. 119 That you are a supporter of Fianna Fail and well known as a supporter of
10:39:14 20 Fianna Fail, politically, have you ever been a member of Fianna Fail?
- 21 A. No, but yes I am, have been and still am a supporter of Fianna Fail,
22 supporter of Fianna Fail.
- 23 Q. 120 Have you ever attempted or would you be able to deliver the votes of
24 elected representatives to Charlie Haughey or anybody else?
- 10:39:31 25 A. Absolutely not.
- 26 Q. 121 He has alleged that you said to him, and that Mr. Deane, your solicitor
27 said to him, that and I quote "You had Mr. Haughey on your pay roll, that
28 you had Mr. Ahern on your pay roll, that you had Mr. Reynolds on your pay
29 roll, and that you had Mr. Liam Lawlor on your pay roll" is there any
10:40:03 30 truth in that allegation?

- 10:40:05 1 A. No.
- 2 Q. 122 And did you say such a thing?
- 3 A. Never said such a thing.
- 4 Q. 123 Was any such thing said in the presence of Mr. Deane by anybody?
- 10:40:15 5 A. Not that I know of.
- 6 Q. 124 I think you have also been aware of allegations made by Mr. Dunphy in
- 7 private testimony to the Tribunal, not in fact repeated in his written
- 8 statement, but to some extent repeated in his oral testimony, and his
- 9 testimony to the effect, both in private session and orally, was firstly
- 10:41:03 10 he regarded you as an honest and first class and thoroughly direct person.
- 11 He suggested that you had said to him that Bertie Ahern was a person who
- 12 would take the money and didn't deliver and that you had either said or
- 13 implied to him that you had paid money to Bertie Ahern in return for
- 14 promised favours, but he also accepted in evidence that if you came in
- 10:41:29 15 here and testified that you had never said that, that he would accept your
- 16 testimony. Now did you ever say that to Mr. Dunphy?
- 17 A. No, I never did.
- 18 Q. 125 Unlike Mr. Gilmartin, as you have indicated in evidence to the Tribunal,
- 19 you have been a long time supporter of the political and democratic
- 10:41:51 20 process, isn't that correct?
- 21 A. Yes.
- 22 Q. 126 And I think of Fianna Fail in particular, but you haven't confined your
- 23 political and democratic support to the Fianna Fail party?
- 24 A. Yes.
- 10:42:02 25 Q. 127 And I think over the years you have made political contributions both to
- 26 Fianna Fail and other political parties, and members of those parties?
- 27 A. Yes.
- 28 Q. 128 And I think you have been generous in your support of causes, that you
- 29 believe in included both democratic and charitable causes?
- 10:42:22 30 A. Yes.

- 10:42:22 1 Q. 129 And of course I think you appreciate that there is nothing wrong with
2 making political donations as such and there is nothing wrong with
3 lobbying for a cause that you believe in?
4 A. Yes.
- 10:42:33 5 Q. 130 That you are entitled, in a democracy, to financially support politicians
6 and political parties whose views you wish to advance?
7 A. Yes.
- 8 Q. 131 But I think equally you are aware that what is improper is to bribe a
9 politician for his vote, to pay him or to agree to pay him, to vote in a
10 certain way, you are aware of that?
11 A. Yes.
- 12 Q. 132 You are aware that that would be a payment for a corrupt, as opposed to a
13 legitimate political or democratic process?
14 A. Yes.
- 10:43:03 15 Q. 133 Have you ever made any payment to any politician for a corrupt purpose?
16 A. Never.
- 17 Q. 134 Have you ever paid or promised to pay a politician for his vote?
18 A. No.
- 19 Q. 135 Did you authorise anybody to do it on your behalf?
10:43:22 20 A. No.
- 21 Q. 136 Insofar as Mr. Dunlop has testified that he made improper payments to
22 politicians, did he do so on your behalf or with your authority?
23 A. Not with my authority.
- 24 Q. 137 Did you have any fore knowledge of such payments?
10:43:42 25 A. No, I did not.
- 26 Q. 138 When did you first find out about them?
27 A. April of 2000.
- 28 Q. 139 That's when he gave evidence on it to this Tribunal first?
29 A. That is correct.
- 10:44:02 30 Q. 140 I just want to ask you some questions about your role in this Tribunal,

- 10:44:09 1 have you cooperated with this Tribunal?
- 2 A. Yes, to the best of my ability.
- 3 Q. 141 I think you have made extensive discovery of documents, can you remember
- 4 approximately how many documents you have had to discover over the years?
- 10:44:21 5 A. I think the figure is somewhere around 30,000 documents.
- 6 Q. 142 I think unlike Mr. Gilmartin, you have not destroyed relevant documents?
- 7 A. Absolutely not.
- 8 Q. 143 You haven't burnt documents that would be of interest to the Tribunal?
- 9 A. Absolutely not.
- 10:44:36 10 Q. 144 I take it that you have incurred significant cost in terms of
- 11 representation before this Tribunal?
- 12 A. Yes, indeed, very much so.
- 13 Q. 145 You have had to fight a case to the Supreme Court in relation to the
- 14 procedures of this Tribunal, which must have been a daunting task for any
- 10:44:49 15 citizen?
- 16 A. Yes, indeed.
- 17 Q. 146 You have heard allegations made by Mr. Gilmartin and sensational
- 18 allegations reported in a drip fed manner through the press over the years
- 19 before you have had an opportunity to respond?
- 10:45:08 20 A. Yes.
- 21 Q. 147 And information has emerged about Mr. Gilmartin's immunity, you don't have
- 22 any immunity and you never sought it?
- 23 A. That is correct.
- 24 Q. 148 Can I just ask you about the personal effect of this on you overall these
- 10:45:20 25 years of involvement with the Tribunal, while you and your family have
- 26 been trying to live your ordinary domestic life and you have been trying
- 27 to run your business?
- 28 A. Well in one word devastating.
- 29 Q. 149 Thank you, Mr. O'Callaghan.
- 10:45:40 30 A. Thank you.

10:45:47 1 CHAIRMAN: Thank you, Mr. Sreenan. That completes the cross-examination.
2
3 MS. DILLON: Yes, Sir.
4
10:45:54 5 CHAIRMAN: I just want to ask Mr. O'Callaghan one thing, Mr. Sreenan
6 touched upon it, this allegation that Mr. Gilmartin made about you falling
7 out of a cupboard in, during a break at a meeting in AIB.
8 A. Yes, Sir.
9
10:46:14 10 CHAIRMAN: Leaving aside for the moment the specific account of falling
11 out of the cupboard which I accept was a very important part of the
12 allegation, can you recall any incident or event when, where perhaps you
13 might have, by chance or innocently appeared from a somewhat hidden
14 position, not having gone there purposely, and given Mr. Gilmartin the
10:46:41 15 impression that you had suddenly appeared from a hidden position and
16 possibly might have been in a position to eavesdrop, can you remember any
17 incident of that nature?
18 A. Absolutely not, Sir.
19
10:46:55 20 CHAIRMAN: You are certain of that?
21 A. I am positive of that. Absolutely.
22
23 CHAIRMAN: All right. That's, that concludes Mr. O'Callaghan's evidence
24 to the Tribunal and thank you for your attendance, over a somewhat
10:47:13 25 prolonged period of time.
26 A. Thank you.
27
28 MR. SREENAN: Chairman, can I just inquire generally as to the process
29 and, particularly in terms of closing submissions, clearly there is no --
10:47:27 30

10:47:30 1 CHAIRMAN: The process involves parties being invited to make submissions
2 within a period of I think four or five weeks, Mr. O'Callaghan or at least
3 your solicitor will receive a letter probably in the next couple of days
4 with that invitation to yourselves, and you will then have the opportunity
10:47:54 5 to make written submissions if you want to do so, there is no compulsion
6 on a party to do so.

7
8 MR. SREENAN: Obviously the difficulty I face Chairman is that as far as I
9 am concerned the only allegations against Mr. O'Callaghan at present are
10:48:07 10 those that have been made by Mr. Gilmartin and one in particular by
11 Mr. Dunphy that I have dealt with. In due course I am assuming that the
12 Tribunal will indicate to Mr. O'Callaghan and the other parties whom I
13 represent, any proposed findings that they may wish to make against him or
14 be thinking of making against him because it's only then when I could deal
10:48:31 15 with specific matters. If I was to address the whole of the evidence
16 before the Tribunal it would take me many months to prepare closing
17 submissions and the closing submissions would be extremely lengthy and
18 probably would waste a lot of the time of this Tribunal by addressing
19 matters that the Tribunal has no interest in.

10:48:47 20
21 CHAIRMAN: Well the position in relation to informing witnesses or
22 parties of findings or indicative findings, this Tribunal will not be
23 following that procedure. It hasn't done so before and the majority of
24 Tribunals, as far as we are aware, has not followed that procedure,
10:49:13 25 certainly in this country.

26
27 Now a letter will, in the next few days a letter -- that will be dealt
28 with specifically in correspondence to all parties concerned, including
29 yourselves, and obviously it's a matter which you may wish to consider
10:49:30 30 when you receive that letter.

10:49:33 1 MR. SREENAN: Yes, I am taking it that the Tribunal is simply indicating
2 it's present disposition and hasn't a closed view on that it would be
3 certainly something I wish to make submissions on and the Ansbacher
4 Tribunal to my knowledge and the Moriarty Tribunal to my knowledge, has
10:49:48 5 provided parties with proposed findings and the text of proposed findings
6 and then given them the opportunity of addressing those. I'd certainly
7 indicate that proposed findings have been altered in the light of
8 submissions made at that stage, and I think the two Tribunals concerned
9 have found that process very useful and certainly the parties have found
10:50:09 10 that it protected their rights to a fair hearing. So I would like to make
11 further submissions on that.

12
13 I know the Tribunal doesn't have a fixed view on it at this stage.

10:50:18 15 CHAIRMAN: Well that is our view at this stage. But you will receive a
16 letter next week and I think when you receive that letter that will
17 provide you with the opportunity to respond as you see fit and we can deal
18 with it on that basis.

10:50:33 20 MR. SREENAN: Thank you, Chairman.

21
22 MS. CUMMINGS: Sorry, Chairman, just on behalf of Mr. Reynolds. The
23 allegations being made against Mr. Reynolds as the Tribunal will be aware,
24 stem from allegations by Mr. Gilmartin, and also Mr. Gilmartin says that
10:50:47 25 he heard other things from anonymous sources, it would of course be very
26 helpful to Mr. Reynolds in the preparation of any submissions to this
27 Tribunal if there could be an indication that anonymous hearsay could not
28 possibly be relied upon by the Tribunal in making any findings against
29 Mr. Reynolds

10:51:06 30

10:51:07 1 CHAIRMAN: We wouldn't be in a position to give any such assurance. You
2 will have an opportunity to make submissions in writing if you wish to do
3 so, that's an issue which we'll certainly deal with in submissions.
4

10:51:23 5 MS. CUMMINGS: Does it then remain the position that the Tribunal would be
6 prepared to make findings on the basis of anonymous --
7

8 CHAIRMAN: No, at this stage we are not going to enter into that sort of
9 discussion. You can make submissions and clearly that is an important
10 submission from your perspective, you can deal with it in correspondence
11 with the Tribunal, all right? I think next week we have probably about a
12 half a day of --
13

14 MS. DILLON: Evidence in relation, I think primarily to the financial
15 matters relating to the late Mr. Liam Lawlor, and then there is the
16 reading into the transcript, the evidence in relation to another module by
17 Mr. Kavanagh.
18

19 CHAIRMAN: Then there may be, possibly, a further half day of evidence.
10:52:14 20

21 MS. DILLON: There may be a further half day of evidence
22

23 CHAIRMAN: Other than that this particular module, in fact the public
24 hearings, have concluded. But we'll deal with that next week.
10:52:27 25

26 MS. DILLON: I think the sitting is on Wednesday, I think, sir.
27

28 CHAIRMAN: All right. Thank you.
29

10:52:43 30 **THE TRIBUNAL THEN ADJOURNED TO THE FOLLOWING WEEK,**

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WEDNESDAY 29TH OCTOBER 2008 AT 10.30 AM.