



**Tithe an Oireachtais**

**An Comhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan**

**Turascáil Eatramhach ar Thuarascáil an Coimisiúin Fiosrúcháin Neamhspléach faoi Dhúnmharú Seamus Ludlow**

**Samhain 2005**

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**Houses of the Oireachtas**

**Joint Committee on Justice, Equality, Defence and Women's Rights**

**Interim Report on the Report of the Independent Commission of Inquiry into the Murder of Seamus Ludlow**

**November 2005**

Joint Committee on Justice, Equality, Defence and Women's Rights.

Interim Report on the Report of the Independent Commission of Inquiry  
into the Murder of Seamus Ludlow

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Joint Committee on Justice, Equality, Defence and Women's Rights.

Interim Report on the Report of the Independent Commission of Inquiry  
into the murder of Seamus Ludlow.

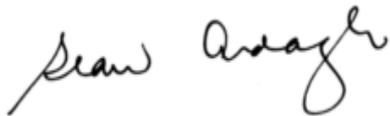
The Joint Committee wishes to extend its deepest sympathy to the relatives of Mr Seamus Ludlow who was killed in 1976.

I, Seán Ardagh T.D., the Chairperson of the Joint Committee on Justice, Equality, Defence and Women's Rights, having been authorised by the Committee to submit this Report, do hereby present and publish a report of the Committee entitled 'Interim Report on the Report of the Independent Commission of Inquiry into the murder of Seamus Ludlow'.

This report was received by the Joint Committee on Justice, Equality, Defence and Women's Rights on Thursday, 3 November 2005.

In accordance with the referral motions by Dáil and Seanad Éireann today, the Committee has decided to establish a Sub-Committee to consider, including in public session, the report and to report back to the Joint Committee, in order that the Joint Committee can report back to the Houses of the Oireachtas by 31 March, 2006.

As part of the consideration of the report, the Committee intends that the Sub-Committee will invite submissions from interested persons and bodies and hold public hearings, in January 2006, with a view to producing a final report on the matter. The report will detail any submissions received, the hearings held, and such comments, recommendations or conclusions as the Committee may decide to make, and the said report will be published.



.....  
Seán Ardagh T.D.,  
Chairperson,  
3rd November 2005.

## Appendix A

### Orders of Reference

.JOINT COMMITTEE ON JUSTICE, EQUALITY, DEFENCE AND WOMEN'S RIGHTS.

#### Dáil Éireann on 16 October 2002 *ordered*:

- “(1) (a) That a Select Committee, which shall be called the Select Committee on Justice, Equality, Defence and Women’s Rights, consisting of 11 Members of Dáil Éireann (of whom 4 shall constitute a quorum), be appointed to consider -
- (i) such Bills the statute law in respect of which is dealt with by the Department of Justice, Equality and Law Reform and the Department of Defence;
  - (ii) such Estimates for Public Services within the aegis of the Department of Justice, Equality and Law Reform and the Department of Defence; and
    - (iii) such proposals contained in any motion, including any motion within the meaning of Standing Order 157 concerning the approval by the Dáil of international agreements involving a charge on public funds,
- as shall be referred to it by Dáil Éireann from time to time.
- (b) For the purpose of its consideration of Bills and proposals under paragraphs (1)(a)(i) and (iii), the Select Committee shall have the powers defined in Standing Order 81(1), (2) and (3).
- (c) For the avoidance of doubt, by virtue of his or her *ex officio* membership of the Select Committee in accordance with Standing Order 90(1), the Minister for Justice, Equality and Law Reform and the Minister for Defence (or a Minister or Minister of State nominated in his or her stead) shall be entitled to vote.
- (2) (a) The Select Committee shall be joined with a Select Committee to be appointed by Seanad Éireann to form the Joint Committee on Justice, Equality, Defence and Women’s Rights to consider-
- (i) such public affairs administered by the Department of Justice, Equality and Law Reform and the Department of Defence as it may select, including, in respect of Government policy, bodies under the aegis of those Departments;
  - (ii) such matters of policy for which the Minister for Justice, Equality and Law Reform and the Minister for Defence are officially responsible as it may select;
  - (iii) such related policy issues as it may select concerning bodies which are partly or wholly funded by the State or which are established or appointed by Members of the Government or by the Oireachtas;

- (iv) such Statutory Instruments made by the Minister for Justice, Equality and Law Reform and the Minister for Defence and laid before both Houses of the Oireachtas as it may select;
- (v) such proposals for EU legislation and related policy issues as may be referred to it from time to time, in accordance with Standing Order 81(4);
- (vi) the strategy statement laid before each House of the Oireachtas by the Minister for Justice, Equality and Law Reform and the Minister for Defence pursuant to section 5(2) of the Public Service Management Act, 1997, and the Joint Committee shall be authorised for the purposes of section 10 of that Act;
- (vii) such annual reports or annual reports and accounts, required by law and laid before both Houses of the Oireachtas, of bodies specified in paragraphs 2(a)(i) and (iii), and the overall operational results, statements of strategy and corporate plans of these bodies, as it may select;

Provided that the Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act, 1993;

Provided further that the Joint Committee shall refrain from inquiring into in public session, or publishing confidential information regarding, any such matter if so requested either by the body concerned or by the Minister for Justice, Equality and Law Reform or the Minister for Defence;

- (viii) such matters relating to women's rights generally, as it may select, and in this regard the Joint Committee shall be free to consider areas relating to any Government Department; and
- (ix) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas,

and shall report thereon to both Houses of the Oireachtas.

- (b) The quorum of the Joint Committee shall be five, of whom at least one shall be a Member of Dáil Éireann and one a Member of Seanad Éireann.
  - (c) The Joint Committee shall have the powers defined in Standing Order 81(1) to (9) inclusive.
- (3) The Chairman of the Joint Committee, who shall be a Member of Dáil Éireann, shall also be Chairman of the Select Committee.”.

**Seanad Éireann on 17 October 2002 ordered:**

- “(1) (a) That a Select Committee consisting of 4 members of Seanad Éireann shall be appointed to be joined with a Select Committee of Dáil Éireann to form the Joint Committee on Justice, Equality, Defence and Women’s Rights to consider –*
- (i) such public affairs administered by the Department of Justice, Equality and Law Reform and the Department of Defence as it may select, including, in respect of Government policy, bodies under the aegis of those Departments;
  - (ii) such matters of policy for which the Minister for Justice, Equality and Law Reform and the Minister for Defence are officially responsible as it may select;
  - (iii) such related policy issues as it may select concerning bodies which are partly or wholly funded by the State or which are established or appointed by Members of the Government or by the Oireachtas;
  - (iv) such Statutory Instruments made by the Minister for Justice, Equality and Law Reform and the Minister for Defence and laid before both Houses of the Oireachtas as it may select;
  - (v) such proposals for EU legislation and related policy issues as may be referred to it from time to time, in accordance with Standing Order 65(4);
  - (vi) the strategy statement laid before each House of the Oireachtas by the Minister for Justice, Equality and Law Reform and the Minister for Defence pursuant to section 5(2) of the Public Service Management Act, 1997, and the Joint Committee shall be so authorised for the purposes of section 10 of that Act;
  - (vii) such annual reports or annual reports and accounts, required by law and laid before both Houses of the Oireachtas, of bodies specified in paragraphs 1(a)(i) and (iii), and the overall operational results, statements of strategy and corporate plans of these bodies, as it may select;

Provided that the Joint Committee shall not, at any time, consider any matter relating to such a body which is, which has been, or which is, at that time, proposed to be considered by the Committee of Public Accounts pursuant to the Orders of Reference of that Committee and/or the Comptroller and Auditor General (Amendment) Act, 1993;

Provided further that the Joint Committee shall refrain from inquiring into in public session, or publishing confidential information regarding, any such matter if so requested either by the body concerned or by the Minister for Justice, Equality and Law Reform or the Minister for Defence;

- (viii) such matters relating to women's rights generally, as it may select, and in this regard the Joint Committee shall be free to consider areas relating to any Government Department;

and

- (ix) such other matters as may be jointly referred to it from time to time by both Houses of the Oireachtas.

and shall report thereon to both Houses of the Oireachtas.

- (b) The quorum of the Joint Committee shall be five, of whom at least one shall be a member of Dáil Éireann and one a member of Seanad Éireann,
- (c) The Joint Committee shall have the powers defined in Standing Order 65(1) to (9) inclusive,

## **JOINT COMMITTEE ON JUSTICE, EQUALITY, DEFENCE AND WOMEN'S RIGHTS.**

### **POWERS OF THE JOINT COMMITTEE**

The powers of the Joint Committee are set out in Standing Order 81(Dáil) and Standing Order 65 (Seanad). The text of the Dáil Standing Order is set out below. The Seanad S.O. is similar.

- "81. Without prejudice to the generality of Standing Order 80, the Dáil may confer any or all of the following powers on a Select Committee:
- (1) power to take oral and written evidence and to print and publish from time to time minutes of such evidence taken in public before the Select Committee together with such related documents as the Select Committee thinks fit;
  - (2) power to invite and accept written submissions from interested persons or bodies;
  - (3) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;
  - (4) power to draft recommendations for legislative change and for new legislation and to consider and report to the Dáil on such proposals for EU legislation as may be referred to it from time to time by any Committee established by the Dáil(whether acting jointly with the Seanad or otherwise) to consider such proposals and upon which has been conferred the power to refer such proposals to another Select Committee;
  - (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss policy for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy;

- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss proposed primary or secondary legislation (prior to such legislation being published) for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such proposed legislation;
- (7) subject to any constraints otherwise prescribed by law, power to require that principal office holders in bodies in the State which are partly or wholly funded by the State or which are established or appointed by members of the Government or by the Oireachtas shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: provided that such an office holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;
- (8) power to engage, subject to the consent of the Minister for Finance, the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
- (9) power to undertake travel, subject to—
  - (a) such rules as may be determined by the sub-Committee on Dáil Reform from time to time under Standing Order 97(3)(b);
  - (b) such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 98(2)(a); and
  - (c) the consent of the Minister for Finance, and normal accounting procedures."

### **SCOPE AND CONTEXT OF COMMITTEE ACTIVITIES.**

The scope and context of activities of Committees are set down in S.O. 80(2) [Dáil] and S.O.64(2) [Seanad]. The text of the Dáil Standing Order is reproduced below. The Seanad S.O. is similar.

“(2) It shall be an instruction to each Select Committee that-

*(a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;*

and

*(b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil.”*

## Appendix B

# JOINT COMMITTEE ON JUSTICE, EQUALITY, DEFENCE AND WOMEN'S RIGHTS

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### *List of Members*

- Deputies    Seán Ardagh (FF) (Chairman)  
Joe Costello (LAB)  
Máire Hocht (FF) (Government Convenor)  
Finian McGrath (Independent/ Technical Group)  
Gerard Murphy (FG)<sup>1</sup> (Vice-Chairman)  
Breeda Moynihan-Cronin (LAB) (Opposition Convenor)  
Seán O Fearghaíl (FF)  
Jim O'Keefe (FG)<sup>2</sup>  
Charlie O'Connor (FF)  
Denis O'Donovan (FF)  
Peter Power (FF)
- Senators    Maurice Cummins (FG)<sup>3</sup>  
Tony Kett (FF)  
Joanna Tuffy (LAB)  
Jim Walsh (FF)

## Appendix C

### Motions of the Dáil and Seanad

Tá Dáil Éireann tar éis an tOrdú seo a leanas a dhéanamh:

“Go n-iarrann Dáil Éireann ar an gComhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan, nó ar Fhochoiste den Chomhchoiste sin, breithniú a dhéanamh, lena n-áirítear breithniú i seisiún poiblí, ar an Tuarascáil ón gCoimisiún Fiosrúcháin Neamhspleách faoi dhúnmharú Shéamuis Ludlow, agus ar na tuairimí arna dtabhairt ag an gCoimisinéir Wren agus ag an mBreitheamh Barron ar an gcéanna, agus tuairisc a thabhairt do Dháil Éireann roimh an 31 Márta, 2006:—

- maidir le Tuarascáil an Choimisiúin Fiosrúcháin Neamhspleách faoi dhúnmharú Shéamuis Ludlow agus leis na tuairimí arna dtabhairt ag an gCoimisinéir Wren agus ag an mBreitheamh Barron ar an gcéanna d’fhonn cibé moltaí a dhéanamh is cuí leis an gCoiste agus d’fhonn aon athruithe is gá a dhéanamh ar fhorálacha reachtacha; agus
- maidir leis na hathruithe reachtacha agus eile, más ann, a bhfuil gá leo i ndáil le fógra a thabhairt do na neasghaolta i dtaobh ionchoisní maidir le dúnmharuithe nó básanna in imthosca amhrasacha.

Dáil Éireann has made the following order:

That Dáil Éireann requests the Joint Committee on Justice, Equality, Defence and Women's Rights, or a sub-Committee thereof, to consider, including in public session, the Report of the Independent Commission of Inquiry into the murder of Seamus Ludlow, and the observations made thereon by former Commissioner Wren and Mr. Justice Barron, and to report back to Dáil Éireann by 31st March, 2006 concerning:—

- the Report of the Independent Commission of Inquiry into the murder of Seamus Ludlow and the observations made thereon by former Commissioner Wren and Mr. Justice Barron for the purposes of making such recommendations as the Committee considers appropriate and any changes to legislative provisions; and
- the legislative and other changes, if any, required in relation to the notification to the next of kin of inquests in relation to murders or deaths in suspicious circumstances.”

Tá Seanad Éireann tar éis an tOrdú seo a leanas a dhéanamh:

“Go n-iarrann Seanad Éireann ar an gComhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan, nó ar Fhochoiste den Chomhchoiste sin, breithniú a dhéanamh, lena n-áirítear breithniú i seisiún poiblí, ar an Tuarascáil ón gCoimisiún Fiosrúcháin Neamhspleách faoi dhúnmharú Shéamuis Ludlow, agus ar na tuairimí arna dtabhairt ag an gCoimisinéir Wren agus ag an mBreitheamh Barron ar an gcéanna, agus tuairisc a thabhairt do Seanad Éireann roimh an 31 Márta, 2006:–

- maidir le Tuarascáil an Choimisiúin Fiosrúcháin Neamhspleách faoi dhúnmharú Shéamuis Ludlow agus leis na tuairimí arna dtabhairt ag an gCoimisinéir Wren agus ag an mBreitheamh Barron ar an gcéanna d’fhonn cibé moltaí a dhéanamh is cuí leis an gCoiste agus d’fhonn aon athruithe is gá a dhéanamh ar fhorálacha reachtacha; agus
- maidir leis na hathruithe reachtacha agus eile, más ann, a bhfuil gá leo i ndáil le fógra a thabhairt do na neasgholta i dtaobh ionchoisní maidir le dúnmharuithe nó básanna in imthosca amhrasacha.

Seanad Éireann has made the following order:

That Seanad Éireann requests the Joint Committee on Justice, Equality, Defence and Women's Rights, or a sub-Committee thereof, to consider, including in public session, the Report of the Independent Commission of Inquiry into the murder of Seamus Ludlow, and the observations made thereon by former Commissioner Wren and Mr. Justice Barron, and to report back to Seanad Éireann by 31st March, 2006 concerning:–

- the Report of the Independent Commission of Inquiry into the murder of Seamus Ludlow and the observations made thereon by former Commissioner Wren and Mr. Justice Barron for the purposes of making such recommendations as the Committee considers appropriate and any changes to legislative provisions; and
- the legislative and other changes, if any, required in relation to the notification to the next of kin of inquests in relation to murders or deaths in suspicious circumstances.”





**REPORT OF THE INDEPENDENT**  
**COMMISSION OF INQUIRY**  
**INTO THE MURDER OF**  
**SEAMUS LUDLOW**

**PRESENTED TO AN TAOISEACH ON 19 OCTOBER 2004**

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## **PREFACE**

Seamus Ludlow, a 47 year-old, unmarried forestry worker from Thistle Cross, Dundalk, Co. Louth, was killed in the early hours of the morning on 2 May 1976. He was shot a number of times. To date, no one has been charged in relation to his death.

Towards the end of 1995, members of the Ludlow-Sharkey family received information from a journalist to the effect that a group of loyalist extremists from Mid-Ulster were responsible for Seamus Ludlow's murder. Over a series of meetings, the journalist named specific persons whom he believed should have been suspects for the murder. He suggested that the family hold a press conference, and also contact the Garda Commissioner with this information.

On 2 May 1996, the twentieth anniversary of Seamus Ludlow's death; a press conference was held by the family in Buswell's Hotel, Dublin. A letter was also sent to the then Garda Commissioner Patrick Culligan. The letter expressed concern at the failure to effect a prosecution in the case, and at "the general conduct of the investigation by the Gardaí at the time." In particular, it was said that in the period following the murder, the family had been led to believe by individual Gardaí that republican paramilitaries were responsible. The letter concluded:

"We would greatly appreciate, therefore, if you as Garda Commissioner could see your way to order a new investigation into the murder with a view to bringing to justice those responsible for this terrible crime. The Ludlow-Sharkey family pledge its full and total co-operation in any such new investigation and undertake to provide the Gardaí with the name of the person believed to be the killer. We should point out however that we understand the Gardaí already possess this information."

A new investigation was ordered by the Commissioner, and this re-activation of the case brought to light information received from the RUC in 1979 concerning four loyalist suspects for the killing. The RUC had also offered to arrange interviews with two of the suspects; but it seems that the offer was not taken up at the time.<sup>1</sup>

When this was brought to the attention of the Commissioner in 1997, contact was made with the RUC and the four men were arrested by RUC officers in February 1998. The four, whose names were not among those given to the Ludlow-Sharkey family by the journalist in 1995/96, were interviewed and released. A file was then sent to the Director of Public Prosecutions in Northern Ireland for a decision on whether charges should be preferred against these men.

## **THE VICTIMS' COMMISSION:**

On 10 April 1998, an agreement, known as the 'Good Friday Agreement' was reached as a result of multi-party talks under the Chairmanship of United States Senator

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<sup>1</sup> See chapter 3.

George Mitchell, former Finnish Prime Minister Harri Holkeri and Canadian General John de Chastelain. The Agreement was ratified by popular referendum in this State and in Northern Ireland on 22 May of that year.

In response to sections of the Agreement that proclaimed the need for the suffering of victims of violence to be recognised and addressed, a Victims Commission was set up in this State. It was asked:

“To conduct a review of services and arrangements in place, in this jurisdiction, to meet the needs of those who had suffered as a result of violent action associated with the conflict in Northern Ireland over the past thirty years and to identify what further measures need to be taken to acknowledge and address the suffering and concerns of those in question.”<sup>2</sup>

In a report published in July 1999, it was acknowledged that there was a widespread demand to find out the truth about specific crimes for which no one had been made amenable. The murder of Seamus Ludlow was singled out for attention in this regard.

At the time of publication of the report, the Director of Public Prosecutions in Northern Ireland had not yet made a decision as to whether prosecutions would be initiated in the Ludlow case. With that in mind, the report concluded:

“Because a file on this case is now with the DPP in Northern Ireland, I am anxious that no recommendation of mine should endanger the prosecution of any guilty party. At the same time I am aware of the family’s strong wish that the full truth of the case should be brought to light. I am swayed by their argument that a criminal trial will not necessarily bring out the full facts of the case. I recommend that an enquiry should be conducted into this case along the lines of the enquiry into the Dublin-Monaghan bombings. To avoid compromising any criminal prosecution, this inquiry should not publish its report until any prosecution has finished, unless no prosecution has been initiated before the completion of the inquiry or within twelve months, whichever is the later.”

As will be seen, the DPP in Northern Ireland subsequently decided not to initiate any prosecutions in relation to the Ludlow murder.<sup>3</sup>

### **THE COMMISSION OF INQUIRY:**

Arising from the recommendations of the Victims Commission, the Government set up the present Commission of Inquiry with former Chief Justice Liam Hamilton as Sole Member. Mr Hamilton began his duties on 1 February 2000 but was forced to resign on 2 October 2000, owing to ill health. The Government appointed former Supreme Court judge Henry Barron in his place.

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<sup>2</sup> *A place and a name* – report of the Victims Commission, July 1999, p.2.

<sup>3</sup> See chapter 5.

Initially, the Inquiry received terms of reference in relation to two incidents – the Dublin / Monaghan bombings of 17 May 1974 and the bombing of Kay’s Bar, Dundalk on 19 December 1975. At a later date, the Inquiry agreed to report also on the shooting of Seamus Ludlow, under the following Terms of Reference:

*To undertake a thorough examination, involving fact finding and assessment, of all aspects of the killing of Seamus Ludlow, including:*

- *The facts, circumstances, causes and perpetrators of the killing;*
- *The nature, extent and adequacy of Garda investigations, including co-operation with and from relevant authorities in Northern Ireland;*
- *The reasons why no prosecutions took place, including whether, and if so by whom and to what extent, the possibility of the initiation of criminal proceedings was impeded; and*
- *The material, information and evidence presented at the inquest into Mr Ludlow’s death and the circumstances relating to the non-attendance of relatives of Mr Ludlow at the inquest.*

# **THE WORK OF THE COMMISSION**

1. OVERVIEW
2. AN GARDA SIOCHANA
3. DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM
4. POLICE SERVICE OF NORTHERN IRELAND
5. NORTHERN IRELAND OFFICE
6. OTHERS

## **OVERVIEW:**

Unlike the two earlier reports of this Inquiry, the issues to be investigated were relatively clear-cut. The Inquiry had to deal with three separate periods of Garda investigation. The first period, in 1976, concerned the original investigation into the murder.

The second period was in 1979-80, and dealt with the receipt of information concerning four named suspects for the murder, and what inquiries were made thereafter.

The third period commenced in 1996 and ended in 1999 with the decision of the Director of Public Prosecutions in Northern Ireland not to institute any proceedings against the suspects. This period dealt with the eventual arrest and questioning of the suspects, and also with Garda inquiries into the reasons why the information in 1979 was not followed up.

The Inquiry has sought to examine every piece of documentation relating to the murder and subsequent investigations. In that regard it has received full co-operation from An Garda Síochána, the Department of Justice and other Government Departments.

Meetings were held with members of the Ludlow-Sharkey family. The Inquiry sought to interview every Garda officer who participated in the original and subsequent investigations, as well as those officers and Government officials who received, or ought to have received, information about the case at different stages during the past three decades. In relation to material held outside this jurisdiction, the Inquiry entered into correspondence with the Northern Ireland Office and the PSNI.

## **AN GARDA SIOCHANA:**

Before dealing with the information received from An Garda Síochána, it may be helpful to summarise the internal structure of the police force at that time. The force was divided into seven branches of which the following were relevant to the investigation into Seamus Ludlow's murder:

- C1: Crime Ordinary - dealt with indictable offenses, and extradition requests from countries other than the United Kingdom. It was mainly responsible for investigating serious crime in the Dublin area.

C3: Security & Intelligence - dealt with subversive or politically motivated crime. Any intelligence received by any Garda officer in that regard was filtered through C3. It also acted as the main channel of communication between the RUC and An Garda Síochána.

The Special Detective Unit (SDU), also known as Special Branch, also came under the control of C3. Based in Dublin, it was tasked with checking up on intelligence received by C3 concerning subversives active in the Republic. Although SDU was a subset of C3, its members were not permitted as a rule to deal directly with the police in Northern Ireland. This was done by others in C3.

It should be noted that the principal function of C3 was to gather intelligence: the investigation of specific crimes was the purview of C1 and / or the Technical Bureau (see below).

C4: The Technical Bureau - handled forensic, ballistic, photographic and mapping duties in all major investigations. It was based in Dublin. It also incorporated a specialised Murder Investigation Unit (colloquially known as the Murder Squad) which operated with a wide investigative brief on a countrywide level.

Although given its own branch number, the Technical Bureau ultimately came under the control of Crime Ordinary (C1). It was run by a Chief Superintendent, who reported to an Assistant Commissioner.

With regard to the work of this Inquiry, An Garda Síochána provided, as before, all relevant files in their possession. These included the original investigation file, with its investigation report and accompanying statements; the Security and Intelligence (C3) file, and a limited number of documents from the Technical Bureau. The Inquiry was also furnished with a number of reports written by Chief Superintendent Ted Murphy during the period 1996-99, when he was conducting enquiries into the manner in which the original investigation was carried out, and into other issues raised by the Ludlow-Sharkey family.

Some Garda documents are either missing or were never brought into existence. For example, there are no Security and Intelligence (C3) files on three of the suspects about whom information was received from the RUC in 1979.<sup>4</sup> There was a file on the fourth suspect that had been opened in 1976 as a result of unrelated information received from the RUC, but unfortunately it is missing.

The Inquiry was given to understand that each of the sections of the Technical Bureau – including the Murder Investigation Unit - made and maintained their own files. However, searches of Garda archives found no files from the Murder Investigation Unit nor the Fingerprint section for the relevant period, and apparently incomplete

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<sup>4</sup> See chapter 3.

files from the Ballistics section. Some exhibits are missing, including two of the bullets found at the murder scene, and photographic records of certain fingerprints taken at the scene.

As will be seen, An Garda Síochána also assisted the Inquiry with requests for documentation from the PSNI.

### **DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM:**

The Inquiry first made contact with the Department of Justice concerning Ludlow on 30 May 2002. In response, the Department supplied the Inquiry with two files numbered S39/98 and S57/99. The first file begins with cuttings of newspaper articles from the *Sunday Tribune* dated 8 and 15 March 1998, in which the existence of the four suspects was revealed for the first time to the general public. The other file begins in November 1999 with a request from the Ludlow-Sharkey family for an inquiry into the murder. Neither of the two files related to the original 1976 investigation, nor to the 1979-80 period, when the information on the suspects first came to the attention of An Garda Síochána.

On 18 June 2002, the Inquiry wrote seeking confirmation that no contemporaneous files on the murder could be found. This request was repeated in a letter of 17 October. A reply from the Security & Northern Ireland Division of the Department dated 15 November 2002 contained the following:

“Contemporary file on the murder of Seamus Ludlow

You requested that this file be forwarded to you. However, after a thorough search I have found no record of or reference to such a file or files having been opened.”

On 22 January 2003 the Department wrote again, indicating that a file on the death of Seamus Ludlow had been found in the 72/ series (a classification dealing with autopsies and crime statistics). The letter continued:

“A search was made of the register of that series and, as a result, the following files have been identified:

- (i) 72/17/142 ‘Mr Seamus (James) Ludlow, Culfore Cottages, Culfore, Ravensdale, Dundalk, Co. Louth: Death of’ which contains a request for an autopsy on the victim and a copy of the Garda file on the case...”

The Inquiry wrote again on 28 November 2003, requesting a further search for original files. This search was carried out by Department officials, but with negative results, as a letter of 26 February 2004 made clear:

“This search included the checking of both the electronic and paper-based file registers held by the Department’s Security and Northern Ireland Division,

which would have dealt and continues to deal with this matter, as well as the Department's general file register.

The search has revealed no evidence that any other files exist – or were ever opened – on the murder of Seamus Ludlow, other than the three files already forwarded to you.”

It is clear from the above that there was a Departmental file opened on the death of Seamus Ludlow, which contained a copy of the Garda investigation file. But no additions were made to it when the Gardaí received information from the RUC regarding suspects in 1979: nor was a new file opened on the matter. Given that the publication of similar information in the *Sunday Tribune* articles of March 1998 led to the opening of a new file, it is hard to understand why the same was not done in 1979 - assuming that this information was indeed passed to the Department.

### **THE POLICE SERVICE OF NORTHERN IRELAND (PSNI):**

As a reading of this report will make clear, there should be considerable documentation in the possession of the RUC concerning the murder of Seamus Ludlow.

The Inquiry wrote to Assistant Chief Constable Raymond White of the PSNI on 29 April 2002, setting out the basic facts of the Ludlow case and seeking “any files, data or information you can provide relevant to the death of Seamus Ludlow and to the terms of reference enclosed.” This letter was acknowledged by Asst Chief Constable White's successor, Asst Chief Constable C.C.K. Albiston, on 15 May.

The Inquiry wrote again to the PSNI on 21 May 2002, seeking in particular, any files concerning the information given to An Garda Síochána in 1979 and any documents relating to the questioning of Seamus Ludlow's brother-in-law Kevin Donegan by British Army officers in May 1976. Reminders were sent on 10 July, 31 July and 19 November 2002.

On 21 November 2002, Asst Chief Constable Albiston replied as follows:

“I am sure that you will appreciate that extensive enquiries have been necessary to assemble the information which you seek.

I hope soon to be in a position to furnish a report to the Northern Ireland Office who will then be in a position to forward such material as they deem appropriate.”

Thereafter, the Inquiry directed its requests for information to the Northern Ireland Office. On 9 June 2003, a report from the PSNI was annexed to a letter from the Secretary of State for Northern Ireland. The report contained no new information concerning the suspects named to Gardaí in 1979. It also stated that no records had been found concerning the questioning of Kevin Donegan.

On 11 March 2004, the Inquiry was informed by the Director of Public Prosecutions that it might be possible for An Garda Síochána to obtain relevant material in the possession of the PSNI “through the machinery of judicial co-operation.”<sup>5</sup> The Inquiry subsequently wrote to the Garda Commissioner asking that this procedure be availed of. Reminders were issued on 14 July and 2 September.

On 30 September 2004, a copy of the RUC investigation file submitted to the DPP for Northern Ireland in October 1998 was passed from the PSNI to the Inquiry via An Garda Síochána. The file contained a substantial amount of material relating to the interviewing of suspects in 1998; but no documentation from 1977, when information on the suspects was first received by the RUC Special Branch.

### **NORTHERN IRELAND OFFICE:**

Contact was made regarding the Ludlow case with the Secretary of State for Northern Ireland, the Right Hon. Dr John Reid MP in a letter dated 29 April 2002. On 21 May 2002, a further letter from the Inquiry drew attention to the questioning of Kevin Donegan by British Army officers.

Although receipt of these letters was acknowledged, no substantive replies were forthcoming. On 19 November 2002, the Inquiry wrote again to the Northern Ireland office, setting out the letters to which replies had not been received.

The first substantive response to the Inquiry’s requests for information was contained in a letter from Dr Reid’s successor, the Right Hon Paul Murphy MP, dated 30 November 2002. He wrote:

“You asked for any material we were able to locate on the murder of Seamus Ludlow. I understand that you have also contacted PSNI Crime Department on this and you will receive a separate response regarding any investigation papers they hold. However, as far as Government records are concerned, the MoD have found three references to this in 3 Brigade’s intelligence summaries for the period.”

Quotations from the above documents then followed. The first, headed INTSUM No 18/76 for the period 26 April to 3 May 1976 and dated 4 May 1976, speculated as to possible UVF involvement:

“The threat from Mid-Ulster UVF to border areas in the Republic continues. The mysterious death of Seamus Ludlow may be indicative of future UVF tactics although there are no reports to substantiate that he was killed by extreme Protestants... The corpse of the late Seamus Ludlow was found in a laneway about half a mile from his home... He had been shot in the hand once and 3 times in the side. He has no trace in this office. It is too early to say whether any terrorist organization was involved but it is worth noting that the Mid-Ulster UVF has openly talked about apprehending PIRA suspects in

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<sup>5</sup> Letter from the DPP to the Inquiry, 11 March 2004.

border areas; this occurred on BBC Panorama last year. They have the capability and cross-border activity is expected from them.”

The second extract, from INTSUM No 19/76, dated 10 May 1976, simply noted a statement by Gardaí that the weapons carried by 8 SAS officers arrested near Omeath, Co. Louth on 6 May were in no way related to the weapons used to kill Seamus Ludlow.

The final extract, from INTSUM No 20/76, had no further information concerning the killing, but expressed an opinion that the fact that Irish security forces were following up the Ludlow murder would make further cross-border activity less likely.

The Inquiry wrote again to the Northern Ireland Office on 17 February 2003, pointing out that its request for information on the questioning of Kevin Donegan had not been answered. The Secretary of State for Northern Ireland responded on 9 June 2003 stating:

“I hope that this response will address all the issues you have raised. I would emphasize again that I do wish to co-operate with your investigation as fully as possible.”

The letter continued:

“You are seeking information on Seamus Ludlow, specifically in relation to the questioning of his brother-in-law by the Army in 1976. The Ministry of Defence has already provided what information they have on Ludlow, which I included in my letter of 30 November 2002... We do not have any further information to add to this.”

The Inquiry queried this apparent lack of documentation in a further letter dated 28 November 2003, but received the same response in reply.<sup>6</sup> A final attempt to elicit information under this heading was made on 14 July, but had not been replied to at the date of completion of this report.

## **OTHERS:**

The Inquiry has contacted a large number of Garda officers, who would have been stationed at Headquarters or at Dundalk in 1979 when the information concerning the four suspects was received. Very little information has been received under this heading. Most of those contacted had no memory of the crime itself, and those that did, had no recollection of the information received concerning suspects, although it is apparent from the Inquiry’s work that very few people would have known of that information.

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<sup>6</sup> Letter from Northern Ireland Office to the Inquiry, 6 July 2004.

# **THE GARDA INVESTIGATION**

- 1. EYEWITNESS ACCOUNTS**
- 2. THE FORENSIC INVESTIGATION**
- 3. INTELLIGENCE INFORMATION**

## **EYEWITNESS ACCOUNTS**

### **Discovery of the body:**

Seamus Ludlow's body was found at about 3 p.m., lying on a briar-covered bank at the side of a narrow lane, about 3.5 miles from Dundalk town. The Garda report described the location as follows:

“To gain access thereto, one would travel 2.5 miles from Dundalk along the main Dundalk / Newry Road, turn right at Thistle Cross down a road known locally as the Bog Road, for a distance of about one mile. At this point a laneway measuring a distance of four-tenths of a mile is located to the left of this road as one approaches from Thistle Cross. The body of the deceased was found lying on some hedging on the right hand side of this laneway about ten yards down. The rear entrance to Ballymascanlon Hotel is located about 100 yards further along the Bog Road.”<sup>7</sup>

The position in which the body was found suggested that it had been thrown there after the deceased was killed.

The two persons who discovered the body left the area immediately and reported it to Gardaí in Dundalk at 3.16 p.m. A radio message was then sent to Sgt Jim Gannon, who was in a patrol car near the area along with another Garda officer. The two men arrived at the scene at 3.20 p.m., found the body and contacted Dundalk Garda station. Within minutes, other Gardaí arrived. The area was sealed off and traffic diversions set up.

At 4.30 p.m., the scene was visited by a priest from Dundalk. At 5 p.m., a doctor from Dundalk visited the scene and confirmed that the victim was dead.

Members of Seamus Ludlow's family had been out looking for him since the morning. At 5.15 p.m. his brother Kevin Ludlow was stopped by Gardaí at the entrance to the Bog Road:

“He stopped me and told me I couldn't go up because there was a bit of an accident. The Guard then explained that it wasn't really an accident, but that a body had been found. I explained about my brother being missing and he said then I could go on... As soon as I saw the body I knew it was Seamus and said 'That's poor Seamus alright'.”<sup>8</sup>

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<sup>7</sup> Investigation Report, 21 May 1976.

<sup>8</sup> Statement of Kevin Ludlow, 6 May 1976.

### **Background of the deceased:**

Seamus Ludlow lived in a house at Thistle Cross, along with his sister, Annie Sharkey, her husband and their ten children. His mother also lived with them.

He had spent his working life as a labourer in various situations. At the time of his death, he was employed in a local sawmill at Ravensdale Wood, Dundalk. He was said by family, friends and colleagues to have been a quiet, unassuming man whose life revolved around work and home. His social life consisted of regular visits to various pubs in Dundalk and occasionally to the Border Inn, Carrickcarnan. Although comfortable in company, it was said that he usually drank alone. On Saturdays, when he got a half-day from work, he would usually head straight to the Border Inn; arriving home any time between 6 and 9 p.m. If he did not do that, he would usually go into Dundalk in the evening.

He was also known in Dundalk for his charitable work: for many years he acted as ‘Santa Claus’ for children in a Dundalk housing estate.

Other than a preference for the Fine Gael party, Seamus Ludlow had no known political affiliations, and nothing whatsoever to connect him with any subversive organisation. In fact, members of his family recalled that he was firmly opposed to the IRA and similar groups, and regularly made this known to his teenage nieces and nephews.

### **Movements of the deceased:**

It was established that the deceased was working at the sawmill on Saturday, 1 May 1976 until lunchtime. He arrived home at about 2 p.m. and had a light meal. He left the house at 3 p.m., saying he was going to the Lisdoon Arms, Dundalk for a few drinks.

He remained at the Lisdoon Arms until about 9.15 p.m., when he left in the company of one John Dunne. The two men went to the Horse and Hound pub, Linenhall St, Dundalk for one drink, then left to go to the Vine, another pub in the town. John Dunne left there at about 11.15 p.m. A number of witnesses recalled the deceased drinking in the Vine until 11.30 p.m. One witness said they saw him leaving at around that time. He was alone.

According to family members, friends and others who knew him, it was his usual practice to ‘thumb’ a lift home. The manager of the Lisdoon Arms told Gardaí:

“I often saw him thumbing lifts out to his house at the Lisdoon Arms and also at Newry Bridge. He very seldom asked anyone for a lift home, even if someone from near him was in the bar. He seemed to prefer to thumb.”<sup>9</sup>

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<sup>9</sup> Statement dated 3 May 1976.

A number of witnesses, including some who knew him well, told Gardaí that they saw him in the vicinity of Newry Bridge at various times between 11.50 p.m. and 12.15 a.m. On the other hand, other witnesses who knew the deceased and who crossed Newry Bridge before or after midnight stated that they did not see him there.

No one claimed to have seen him being offered or accepting a lift; but as there were no sightings of him in the Newry Bridge area after 12.30 a.m., it seems reasonable to suppose that he had been picked up by that time.

According to the investigation report, there was a Garda checkpoint in operation near the Newry Bridge during the relevant time. Registration numbers of cars noted during this time were followed up (mostly with the RUC) but nothing emerged to connect any of them with the murder.

The Garda investigation team went to considerable lengths in their efforts to trace the deceased's movements on the night in question. Every household on the main and ancillary roads from Newry Bridge to the Border was visited and questionnaire forms were filled out:

“In all, 1,700 questionnaires were completed and processed, but nothing of value was obtained which gave any indication as to how or what time the deceased was picked up, or as to how or what time his body was placed in the position in which it was later found.”<sup>10</sup>

On the night of 1 May 1976 there was a dance in progress at the Ballymascanlon Hotel, a short distance from the place where the body was found. The dance finished at 1.30 a.m., and a number of people were found to have left the hotel by the rear entrance and travelled along the Bog Road to Thistle Cross, passing the lane where the body was in the process. Four witnesses claimed to have seen a car parked near the lane entrance; but this was contradicted by the evidence of a number of other witnesses. Gardaí re-interviewed three of the witnesses who said they did not see a car, and were satisfied they were telling the truth. The investigation report concluded:

“Without prejudice to the veracity of either party as to whether a car was parked there or not, further enquiries to clear up this point proved negative.”<sup>11</sup>

One week after the murder, on the night of 8 May, 35 Gardaí mounted checkpoints at various points along the Dundalk / Newry road between 11 p.m. and 3 a.m. This was with a view to interviewing any motorists who may have travelled the same route on the night of the murder. In all, about 1,400 cars were stopped; but no positive information resulted from these inquiries.

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<sup>10</sup> Investigation Report, 21 May 1976.

<sup>11</sup> Ibid.

## **THE FORENSIC INVESTIGATION**

### **Post-mortem examination:**

The State Pathologist, Dr. John Harbison arrived at the scene of the murder at 7.55 p.m. on 2 May 1976. He carried out a preliminary examination of the body prior to its removal to the Morgue at Dundalk District Hospital, where a full post-mortem was carried out. He described his initial impression of the scene as follows:

“I saw the body of a middle aged male lying on top of a grassy bank beside the laneway with his head uppermost. His feet were on the side of the bank over some briars away from the laneway... The man was clothed in a shirt and pullover, with an overcoat and jacket thrown over the body. The right arm was extended, with the hand lying also among briars and nettles on top of the bank. The body lay on its back...

Preliminary inspection of the body revealed the shirt and pullover pulled up off the abdomen...”

It was clear from the presence of bullet-holes in the jacket and overcoat that the deceased had been wearing them when he was shot: someone (presumably the killers) must have taken them off after he was dead.

As the body was taken down from the bank, a bullet fell from the clothing. Sgt Gannon picked it up and showed it to Dr Harbison before handing it to D/Garda Michael Niland, Ballistics Section, Technical Bureau.

The post-mortem proper was begun at 12.20 a.m.. The clothing was removed and examined by Dr Harbison before being handed to D/Garda Niland. In the course of this, a second bullet was discovered in the deceased’s clothes. This was also taken possession of by D/Garda Niland.

Dr Harbison then examined the wounds to the body and concluded that the deceased had died from shock and haemorrhage as a result of bullet wounds in his heart, right lung and liver. These wounds came from three shots. The fatal shot – that to the heart – came horizontally from the front, from a point slightly to the left of the deceased. The other two shots also came from the front, but much more to the left.

A third bullet was extracted from the victim’s chest by Dr Harbison, and handed to D/Garda Niland. Two samples of blood from the body were also taken: one was kept by Dr Harbison; the other given to Dr Jim Donovan at the State Laboratory.<sup>12</sup>

### **Examination of the scene:**

The immediate scene and surrounding area were examined by officers from the Ballistics, Fingerprint, Photographic and Mapping sections of the Technical Bureau. The lack of blood stains where the body was found, together with the fact that the

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<sup>12</sup> Post-Mortem Report of Dr. J.F.A. Harbison, State Pathologist.

deceased's shoes were clean, suggested that he was shot elsewhere – possibly in a car – before being thrown on top of the hedgerow at the side of the laneway.

The three bullets found in the body and clothing of the deceased were examined by D/Garda Niland, who concluded:

“All these bullets... are copper-jacketed revolver bullets of .38 inch calibre of a type known as .38 Smith & Wesson, and all were discharged from the same firearm.”<sup>13</sup>

The investigation report stated:

“These bullets were later brought by D/Gda Niland to the Data Reference Centre, Belfast for comparison with their files to establish if they had a similar pattern on record. This comparison proved negative.”

There is no further statement by D/Garda Niland in Garda files, but a handwritten note found in a notebook belonging to D/Inspector John Courtney would appear to suggest that the bullets did not remain in Belfast, but were simply photographed for future reference. The note referred to the three bullets and the circumstances in which they were found, and then stated:

“Data Reference Centre, Herbie Donnelly, photographed and reorded [recorded?] them, on 11/5/76.”

One of the two persons who discovered the body also found a key on the ground nearby. Attempts by Gardaí to trace ownership of it were unsuccessful. According to the investigation report, the condition of the key when it was found suggested that it might have been at the scene for some time.

A hand-drawn map of the murder scene, found in the archives of the Technical Bureau, showed two other items – a man's black leather glove (right hand) and a bag of dry bread. There was no reference to these items in the investigation report. Their significance, if any, cannot be assessed at this remove.<sup>14</sup>

## **INTELLIGENCE INFORMATION:**

The Garda investigation team received no reliable piece of intelligence information as to who might have been responsible for Seamus Ludlow's death. The investigation report stated:

“Many theories have been put forward suggesting various reasons why the deceased was murdered. Likewise, the same theories have been put forward as

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<sup>13</sup> Statement of D/Garda M. Niland, 18 May 1976.

<sup>14</sup> A former member of the Fingerprint Section has told the Inquiry that fingerprints were also found on two chip bags, but there is no mention of this in the available Garda documentation. See below p.68.

to how, why and at what time the deceased was picked up, presumably near the Newry Bridge on the main Dundalk / Newry road.

Those put forward as being responsible include the PIRA, Protestant extremist groups, the SAS, members of the deceased's family, neighbours of the deceased, and that the deceased was a victim of mistaken identity...

With all the theories available, there is nothing tangible in any of them which bears up to any scrutiny, with the result that one is left in the final analysis with the deceased having last been seen alive in the vicinity of Newry Bridge about 12.30 a.m. on 2-5-76... and then vanish until found dead at about 3 p.m. on the same day, without any apparent reason. In other words, the whole episode appears, at this stage, to be a complete and unresolved mystery.”<sup>15</sup>

The investigation team quickly established that there was no conceivable motivation – financial, personal or otherwise – for any of Seamus Ludlow's relatives, neighbours or friends to have been involved in his death. He was not on bad terms with anyone; he had little or no money; and his will bequeathed the house at Thistle Cross to his sister, with whose family he lived.

Suspicion that members of the SAS might have been involved in the murder arose from a separate incident that occurred on the night of 5 May 1976. At 10.40 p.m. a car containing two armed SAS soldiers was stopped at a Garda checkpoint at Cornamucklagh, Omeath, Co. Louth. It was travelling south at the time. The two men were detained and taken to Dundalk Garda Station for further questioning.

At 2.15 a.m. on the same night, two more cars containing a total of six SAS soldiers were stopped at the same checkpoint – again, travelling south. These men were also armed. All six were taken to Dundalk and questioned. The cars involved in the incidents were technically examined, as were the firearms belonging to the soldiers.

In the course of interviewing the soldiers, they were questioned about the murder of Seamus Ludlow. Nothing emerged which might have connected them his death. There was no evidence that they had been in the area on the night of 2 May 1976, and none of the weapons with which they were found at Omeath were of .38 calibre. The investigation report concluded:

“There is no evidence to connect them with this crime.”

An article in the *Sunday World* of 16 May 1976 speculated that the deceased was killed as a result of mistaken identity. The correspondent, who was based in Dundalk, wrote:

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<sup>15</sup> Investigation Report, 21 May 1976.

“... I learned from inquiries that the popular sawmill worker, who had no involvement in politics, was the ‘double’ of a top Provisional IRA man who is on the wanted list of both the SAS and the outlawed Ulster Volunteer Force.

The Provisional to whom the dead man bore such a remarkable resemblance served for nine years in the British Army before joining the IRA. He is reckoned to be the Provo’s top marksman.”

The article continued:

“Local people to whom I have spoken say that the sleeves of the murdered man’s coat were ripped out. This could be relevant to the mistaken identity theory, for the Provo marksman they may have thought they had ‘lifted’ is tattooed on both arms.”

As we have seen, the coat sleeves were not in fact ripped out, but the deceased’s coat and jacket were removed from his body after he was killed.

The Garda investigation team identified a man whom they thought most likely to have been the ‘Provo’ referred to in the article – an IRA member and former British Army soldier who had tattoos on both arms. This man was interviewed by D/Gardaí T. Dunne and T. Hynes, who concluded that it would be difficult to mistake the deceased for him.

Efforts were made by Gardaí to get the names of potential suspects for the shooting from the RUC. The investigation report stated:

“Many enquiries have been made through the channels of the RUC in an effort to illicit from them who they thought might be in a position to help us in our enquiries, but whereas we have received the usual co-operation, it must be appreciated that they have neither the time nor the manpower to concern themselves too fully with the problems prevailing on our side, when they are so fully taken up with events up North. Nevertheless, contact is being maintained, and I feel that if anything of a tangible nature should arise, results will be made known to us.”

The importance of maintaining such contact was also emphasised by the Garda Commissioner, Edmund Garvey. In a handwritten note for the Commissioner C3 dated 4 June 1976, he acknowledged receipt of the investigation report and stated:

“Keep in touch with the RUC. Something useful may be forthcoming in time.”

Shortly after Seamus Ludlow’s murder, the Provisional IRA made a statement denying any involvement in his death. At the time the investigation report was written, no information had been received to contradict this.

However, on 1 October 1976 an intelligence report cited an unknown source as stating that Ludlow was murdered by a named Provisional IRA officer from Belfast, who was

at that time awaiting trial on firearms charges. It was said that Ludlow was shot because he was believed to be working for British Intelligence.

However incredible this sounded, it required following up: on 14 October a letter was sent to RUC Special Branch, outlining the information received and asking for their views. On 19 October, the RUC replied as follows:

“A low grade source has reported that [Seamus Ludlow] was murdered by the PIRA as they suspected him of passing information to Security Forces in the South.

Ludlow’s brother is also believed to be a member of the PIRA.”

It is worth stressing (a) that the source was low-grade; and (b) that the RUC information accused Ludlow of giving information to the security forces in the State – not to the British security forces, as the Garda informant had alleged.

The information received from the RUC was passed from C3 to the Chief Superintendent in Drogheda, and then to detectives in Dundalk, with a request for observations. On 31 December 1976, a report by D/Sgt Owen Corrigan, Dundalk stated:

“Subject has three brothers and none of them is a member of the PIRA.”

The report promised further enquiries “of a delicate nature” into whether any of the extended family members were IRA sympathisers, and concluded:

“This matter will continue to receive attention by all concerned.”

The last reference to this information in the Garda files was a letter from the office of the Assistant Commissioner, C3 to the Chief Superintendent, Drogheda asking for a report on the result of D/Sgt Corrigan’s further enquiries. There is no response to this on file, which may indicate that the allegations were not regarded as credible.

In any event, the views of senior Gardaí as to who was responsible for Seamus Ludlow’s murder were changed irrevocably in 1979, when information of far greater credibility was received from the RUC. This information, which placed the blame for his death on loyalist subversives, is the subject of the next chapter.

## **INFORMATION RECEIVED FROM RUC**

1. INFORMATION RECEIVED FROM THE RUC
2. FORENSIC INVESTIGATION
3. FURTHER INQUIRIES

### **INFORMATION RECEIVED FROM THE RUC:**

On 30 January 1979, a letter was sent from the RUC Chief Constable's office to C/Superintendent Michael Fitzgerald, Security and Intelligence (C3), Garda Headquarters, Dublin. It was headed, 'Murder of Seamus Ludlow at Ravensdale, Co. Louth on 2 May 1976' and read as follows:

"It has been learned from a source believed to be reliable that the undermentioned members of the Red Hand Commandos (RHC) were involved in the murder of Seamus Ludlow at Ravensdale, Co. Louth on 2 May 1976:

Paul HOSKING, 23 years... Glasgow and formerly of... Comber, Co. Down.

William Richard LONG, 32 years... Comber, Co. Down, at present serving life imprisonment for the murder of David Spratt, 48 Dickson Park, Ballygowan, Co. Down at Comber on 2 June 1976.

Samuel CARROLL, 27 years... Bangor, Co. Down, at present serving a 4-year prison sentence for firearms offences.<sup>16</sup>

James Reid FITZSIMMONS, 38 years... Killyleagh, Co. Down.

Our headquarters Regional Crime Squad have been informed."

On 5 February, this information was conveyed by letter from Garda Headquarters to Chief Superintendent R.Cotterell, the Divisional Officer at Drogheda.

On 15 February 1979, Superintendent John Courtney and Detective Sergeant Owen Corrigan travelled to RUC Headquarters in Belfast and met with the head of CID, Chief Superintendent William Mooney. Courtney was at that time Border Superintendent, based at Dundalk Station. He had been promoted in September 1978. Prior to this appointment, he had been a Detective Inspector with the Murder Investigation Unit, Technical Bureau; in which capacity he had assisted Detective Superintendent Dan Murphy with the original 1976 investigation.

In the course of the meeting they were introduced to two RUC Special Branch officers who said they had information regarding the Ludlow murder. In his report of the meeting (dated 15 February but clearly written 2 or 3 days later, as it refers to further information received on 17 February) D/Supt Courtney gave an account of what they were told.

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<sup>16</sup> RUC records show that on 4 April 1978, Samuel Carroll had been sentenced to 4 years imprisonment for possession of a firearm and ammunition in suspicious circumstances.

It must be emphasised that Supt Courtney's report was based on his own recollection of what was said to him by the RUC officers at their meeting: it was not a verbatim transcript of the information given to the RUC by their informant. It is reproduced here solely for the purpose of assessing what information was available to Gardaí in 1979. He wrote:

“On the 15<sup>th</sup> February 1979 I had a discussion with [two named Special Branch officers]. This meeting took place at Belfast. Both these men related the following. A contact told them that No. (1) Hosking, was involved in a murder in Dundalk some time ago. Hosking and the other three travelled to Dundalk in Fitzsimmons' car. All the persons mentioned were at the time members of the North Down Volunteers, and they went to Dundalk to shoot some 'Provo' at random. They had a snub-nosed Smith and Wesson revolver...

After going to Dundalk they drove around to see if they could see some 'Provo'. They saw a middle aged man 'thumbing' a lift. They took him into the car. They travelled along the road. They ordered this man to get out of the car; he objected because he hadn't reached his destination. Carroll then shot him: the informant thinks the shooting took place in the car; he is not sure. They got rid of the body and returned home...

Hosking knew he was going on a mission that night, but didn't know where it was. He asked the others if he could go with them. They allowed him to go, but Carroll wasn't too happy about him afterwards; he did not trust him...

Number (2) William Long is in prison for his involvement in the murder of a Mr Spratt 2/6/1976. He admitted his involvement in this murder. He has not been interviewed for the murder of Mr Ludlow.<sup>17</sup>

Number (3) Samuel Carroll did the actual shooting. The weapon used is believed to be in the Bangor area...

Carroll who is in prison for possession of firearms is regarded as a highly dangerous criminal who has committed a number of murders. He would not admit his involvement in any of them. He is regarded as a man who will kill just for the sake of killing.

Number (4) James Reid Fitzsimmons, his car was used in the commission of the murder. Inquiries are being made to establish the present location of his car. It may contain bloodstains or other evidence.

Fitzsimmons is a Corporal in the UDR and is held in high esteem. Following the murder he had a suspected heart attack, but it is thought it was not a heart attack only sheer worry over what they had done to Ludlow. He has not been interviewed for the murder of Mr Ludlow.”

Concerning the provenance and value of this information, D/Supt Courtney wrote:

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<sup>17</sup> Although Long pleaded guilty to conspiracy to murder Mr Spratt and possession of a firearm with intent to endanger life; ballistics tests established that his own gun, a .38 revolver, was not the murder weapon.

“[one of the Special Branch officers] is satisfied that this information is true... [He] has this information for the past 18 months and he gave no information or reason to me for not disclosing it before now. But he did say his informant begged him not to interview Hosking and he may have decided not to disclose the information until Hosking had left the country. Hosking left Ireland about 6 months ago.

On the 15<sup>th</sup> February, 1979 I discussed the matter with D/Chief Supt. Wm. Mooney, Head of CID, Belfast. He informed me that he would give every co-operation in the investigation. He did suggest that Fitzsimmons should be interviewed at the same time as Hosking. C/Supt. Mooney has established through the Scottish Police (on 17/2/79) that Hosking is in Scotland and residing at the address stated.

C/Supt Mooney has stated that he will arrange for [the two Special Branch officers] to travel to Scotland if required. These two detectives would be of assistance if we decide to interview Hosking.”

Copies of D/Supt Courtney’s report were sent from C/Supt Cotterell, Drogheda to the heads of C1 (Crime Ordinary), C3 (Security and Intelligence) and C4 (Technical Bureau) on 19 February 1979. The accompanying letter stated:

“For information. Superintendent Courtney on my instructions is discussing the matter fully with D/Superintendent [Dan] Murphy at the Technical Bureau today when further steps to be taken will be decided upon.”

On 22 February, C/Supt Fitzgerald, C3 responded:

“Your correspondence on above subject has been received and noted. Report any further developments.”

On 28 February 1979, a further letter from RUC Headquarters was received by C/Supt Fitzgerald. It read as follows:

“I give hereunder further details of the person[s] named in our letter of 30 January 1979; as requested by Superintendent Courtney, Dundalk.

Paul Hosking: No photograph or description available.

William Richard Long: Height 6’1”; thin build; thin long face; pale complexion; dirty fair hair; green eyes; long straight nose; sometimes wears a short beard. Copy of photograph enclosed.

Samuel Black Carroll: Height 5’8”; slim build; oval face; pale complexion; brown hair; blue eyes. Copy of photograph enclosed.

James Reid Fitzsimmons: No photograph or description available.”<sup>18</sup>

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<sup>18</sup> The letter was dated 14 February 1979: but given that D/Supt Courtney’s meeting with the RUC had not taken place by then, and the fact that the letter was not received in Dublin until 28 February, it seems likely that this was a typographical error, and that the letter was in fact some days after the meeting in Belfast.

A copy of this letter, with the attached photographs, was sent from C3 to C/Supt Cotterell in Drogheda on 1 March 1979.

No further information was received concerning the search for Fitzsimmons' car. It is not known what enquiries were made by the RUC in that regard. On 21 November 2003, the Inquiry wrote to the Northern Ireland Office seeking further information on this, but met with no response.

### **FORENSIC INVESTIGATION:**

In his original report, made following his meeting with the RUC on 15 February 1979, D/Supt Courtney stated:

“Comparisons have been made with photographs of the bullets found and taken from Mr Ludlow's body with the weapon used in the murder of Spratt – the forensic department in Belfast are of opinion that it is not the same weapon. However they will not be definite until they make comparison with one of the bullets found in Ludlow. I would suggest that one of the bullets found in Ludlow be taken to Belfast.”

From this passage, it would appear that the comparison was made prior to the meeting on 15 February, presumably at the behest of the RUC. However, the only written record available to the Inquiry is contained in a letter from Norman Tulip of the Data Reference Centre, Belfast to Superintendent Raymond White, RUC Headquarters dated 6 March 1979. It stated:

“Enquiries from SB (RUC)... reveal an interest in connecting the murder of Ludlow to the revolver used in the murder of D Spratt at Darragh Road, Comber on 2 June 1976. Similar enquiries from Garda Technical Bureau indicate mutual interest North and South.

The murder weapon in the case of Spratt was a .38” Smith and Wesson revolver serial number 943510, submitted as exhibit 9 to NIFSL,<sup>19</sup> who gave positive matching with bullets removed from the body of Spratt.

The murder weapon in the case of Ludlow was a .38” revolver with barrel rifled five grooves right hand twist, but no weapon was recovered at the scene or since. Comparisons [were] made by DRC with (a) bullets from the murder of Spratt, (b) bullets from the Smith and Wesson revolver used in the murder of Spratt, and (c) bullet exhibit from the murder of Ludlow. There was no difficulty in matching (a) with (b), but no match could be made between (a)/(b) with (c), and opinion is expressed that the revolver used in the murder of Spratt was not used in the murder of Ludlow.

The revolver used in the murder of Ludlow has however the same rifling characteristics as that used in the murder of Spratt and could be of the same

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<sup>19</sup> Northern Ireland Forensic Science Laboratory.

type. Test-fired bullets are available from the Smith and Wesson revolver seized in the Spratt murder, and these can be made available to the Garda should they wish to formulate their own opinion. The revolver has been disposed of, destroyed by the military, and neither it nor further control samples are available.”

It would appear that D/Supt Courtney’s advice that a bullet be sent to Belfast was taken. The Garda Ballistics Section files contain a letter from ‘Herbie’ [presumed to be Herbie Donnelly, Data Reference Centre, Belfast] to ‘Pat’ [D/Insp Pat Jordan, Ballistics Section] dated 28 March 1979 which read:

“Enclosed exhibit which you left after your last visit. Checked against case you suggested. No match confirmed by Victor’s staff.<sup>20</sup> Other comparisons also negative.”

On 28 November 2003, the Inquiry wrote to An Garda Síochána asking if there were any exhibits still extant in the relation to the death of Seamus Ludlow from which DNA samples might be obtained. A reply dated 8 March 2004 indicated that there were not.

### **FURTHER INQUIRIES:**

On 9 April, Assistant Commissioner John Fleming, Crime Ordinary (C1) branch, wrote to C/Supt Cotterell enquiring as to the outcome of the discussion between D/Supt Courtney and C/Supt Murphy which was supposed to have taken place on 19 February. The letter ended with the instruction: “Report in early course.” A photocopy of the letter also appears in the Security and Intelligence (C3) file, although it is not stamped, and there is no indication as to when it was received.

On 12 April, C/Supt Cotterell forwarded this letter to the Superintendent at Dundalk, adding “For early report in duplicate, please.” No reply was received until 18 May 1979, when a handwritten response from D/Supt Courtney stated:

“I have discussed this matter with C/Supt D. Murphy, and he told me that at present he is involved in an interview – D/Sgt to D/Inspector. Immediately after the interview he will make the necessary arrangements regarding travelling to Glasgow to interview the suspect there.”

Although the request for information had come from C1, this note was sent by C/Supt Cotterell to C3. It was received there on 21 May, and forwarded to C1 on 24 May.

Further notes requesting reports on any developments were sent from C1 to the Chief Superintendent, Drogheda on 5 July 1979, 10 October 1979 and 18 January 1980.

On 23 January 1980 C/Supt Cotterell raised the matter with the Superintendent in Dundalk, Supt Fahy. A response was received from the latter on 8 April, to the effect

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<sup>20</sup> Victor Beavis, Northern Ireland Forensic Science Laboratory.

that the queries had been forwarded to D/Supt Courtney, who in July 1979 had returned from Dundalk to Garda Headquarters, where he was once more attached to the Investigation Section, Technical Bureau (C4).

In the meantime, on 12 March 1980 a further reminder was sent from C1 to Drogheda. Having drawn attention to previous unanswered letters, it concluded:

“I would thank you to state if there are any further developments to report in regard to the suspects referred to by the Superintendent, Dundalk, in his report of the 15<sup>th</sup> February, 1979.”

A response from the Divisional Office, Drogheda was received by C1 on 25 March 1980. It set out the information received from Dundalk that all minutes had been passed to D/Supt Courtney at C4, and added:

“This discreet aspect of the investigation was dealt with solely by the Superintendent and perhaps you would contact member direct.”

A handwritten note to D/Supt Courtney from the Assistant Commissioner’s office, C1 dated 26 March suggests that this was done.<sup>21</sup>

This would appear to have been the last written correspondence on the subject. There is no indication of any reply from D/Supt Courtney; the suspects were not interviewed, and the Inquiry has seen no documentation to suggest that the matter was pursued any further. It seems the case lay dormant until 1996, when complaints by the Ludlow-Sharkey family prompted a re-opening of the file, and led eventually to an internal Garda inquiry into why no further progress had been made. This is the focus of the next two chapters.

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<sup>21</sup>See appendix D.

## **COMPLAINTS OF LUDLOW-SHARKEY FAMILY**

It is clear that the catalyst for the family's campaign to learn the full truth concerning the Garda investigation into Seamus Ludlow's murder was a meeting with investigative journalist Joe Tiernan, which took place in late 1995. According to members of the family, Tiernan had shown up at the Ludlow house some ten years previously. He spoke to James Sharkey's mother, telling her that he had some information concerning Seamus Ludlow's murder. She indicated that she was not interested in discussing the subject, and he left.

In October 1995, he returned and asked if he could speak to a member of the family. James Sharkey agreed to meet with him. According to the latter, Tiernan said he had been told by an unnamed Garda officer that the Gardaí knew all along who had killed Seamus. His Garda informant had not given him the names of the suspects, but had said that there were four of them and that they came from Dundonald, Belfast. Eventually in 1998, Tiernan named his Garda source to the family as D/Supt Owen Corrigan.<sup>22</sup>

Tiernan himself did not believe that loyalists from Belfast would come all that way to kill someone. His own belief was that Seamus Ludlow was killed by members of a loyalist subversive gang from Mid-Ulster, led by Robin 'The Jackal' Jackson.

Some months after his contact with the family in October 1995, Joe Tiernan invited the Ludlow-Sharkey family to a meeting organised by him at the Carrickdale Hotel. Also present were a number of other families from Mid-Ulster who had had relatives or family members murdered. Tiernan addressed the meeting and alleged that Robin Jackson and his associates were responsible for those murders. He produced a list of 19 suspects whom he said were part of Jackson's gang.

Members of the Ludlow-Sharkey family had several more meetings with Tiernan. He encouraged them to hold a press conference and also to write to the Commissioner of An Garda Síochána outlining the information he had given them.

On 2 May 1996 - the twentieth anniversary of Seamus Ludlow's death - a press conference was held by the family in Buswell's Hotel, Dublin. A letter was also sent to the then Garda Commissioner Patrick Culligan. In addition to setting out the information received from Joe Tiernan that loyalist subversives were responsible for the killing, a complaint was made that the family "were continually led to understand" by Gardaí investigating the murder that republicans from the North Louth area were responsible for the murder. The full text of the letter was as follows:

"Re: Murder of Seamus Ludlow, Dundalk 1976

Dear Commissioner,

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<sup>22</sup> Notes from meeting between the Inquiry and members of Ludlow-Sharkey family including James Sharkey, 27 June 2002.

We the Ludlow-Sharkey family, on this the occasion of the 20th anniversary of the death of our beloved brother (and uncle) Seamus Ludlow, who was kidnapped and brutally murdered on 2nd May 1976, write to you to express our concern at the failure of the Gardaí to ever effect a prosecution in this case. We also wish to express our concern at the general conduct of the investigation by the Gardaí at the time, particularly in the light of new information which has subsequently come into our possession.

Following the murder and during the period when Gardaí conducted interviews with members of our family, we were continually led to understand by individual Gardaí, that republicans from the North Louth area were responsible for the murder. We now of course know - from information supplied to us by a number of sources - that this was grossly misleading, and indeed mischievous information and that the murder was in fact carried out by loyalists from Northern Ireland in possible, (but un-proven) collusion with members of the Northern Ireland security forces.

It has further been brought to our attention that the people involved (or some of them) were the same people involved in the slaughter of three members of the Miami Showband less than a year earlier.

This tragic situation, as you can appreciate, has caused great pain and suffering to all members of our family throughout the years, but in particular to those of us who have grown from minors to mature adults, and we are greatly baffled as to why the authorities should do this.

The tragedy and great sense of loss has been further compounded by the fact that Seamus was totally innocent of any wrong-doing and had no connection to any organisation whatsoever.

By reason of the foregoing our family now believes that there is an onus on the authorities- even at this late stage- to put things right and allow justice to be done.

We should greatly appreciate, therefore, if you as Garda Commissioner could see your way to order a new investigation into the murder with a view to bringing to justice those responsible for this terrible crime. The Ludlow-Sharkey family pledge its full and total co-operation in any such new investigation and undertake to provide the Gardaí with the name of the person believed to be the killer. We should point out however that we understand the Gardaí already possesses this information.

We would also greatly appreciate if you could see your way to meet a delegation from our family to discuss this tragic case in the light of these new developments. We are fully willing to travel to Dublin to attend any such meeting

Finally we wish to courteously inform you that the family, on this sad and sombre anniversary, has decided to avail of the opportunity to highlight some of the disturbing events surrounding this case in the media.

We look forward to hearing from you in anticipation.

Yours sincerely..."

The then Deputy Commissioner of Operations Pat Byrne requested that contact be made with the Ludlow-Sharkey family. This was done, and a meeting was arranged for 16 May at the Ludlow household. An Garda Síochána were represented by D/Supt Michael Finnegan and Supt Michael Staunton. According to James Sharkey, local Sergeant Jim Gannon was also present, though he is not mentioned in D/Supt Finnegan's report.

James Sharkey handed a list of seven suspects to the Garda officers. He told them the information had come from a journalist (Joe Tiernan), whom he declined to name at that time. D/Supt Finnegan concluded his report as follows:

"If the journalist in question meets us, a further report will follow on the outcome of such meeting.

In the meantime, arrangements have been made with D/Sergeant Brendan McArdle, Ballistics Section, to try and establish if the weapon used in the murder of Seamus Ludlow has since been used in any incident either in the Republic or in Northern Ireland and if so, to see if it can be linked to any particular group or individual."

On 27 May, James Sharkey contacted Supt Michael Staunton at Dundalk Garda Station to arrange a further meeting at the Ludlow family home on 30 May, at which Joe Tiernan was to be present. The meeting took place as planned, but the journalist did not come.

In a report to the Chief Superintendent, Dundalk dated 26 June 1996, D/Supt Finnegan indicated that further inquiries had revealed the existence of D/Supt Courtney's report of 15 February 1979. He outlined its contents, stating:

"It contains information which on its face, looks likely to be true. It identifies four suspects for the murder, and gives an in-depth description of the role played by each. However, for some reason which is not set out in the file, it appears that these suspects were never arrested or interviewed about the murder."

D/Supt Finnegan noted that the four names were not known to the Ludlow-Sharkey family. He then set out what was known of the four suspects' current whereabouts, and asked for directions as to whether they should be interviewed about the Ludlow murder.

This report was forwarded to Deputy Commissioner Byrne, who on 11 July 1996 directed that a Detective Superintendent from the Criminal Investigation Unit study the file and submit recommendations.

The officer chosen for the task was Detective Superintendent Ted Murphy (later promoted to Chief Superintendent). In the course of his work he interviewed members of the family, and undertook to investigate a number of additional matters raised by them.

A full account of these matters, and the information uncovered by C/Supt Murphy in relation to them, is contained in a later section of this report. The next chapter concerns C/Supt Murphy's findings in relation to the principal matter at issue – the reason why the four suspects were not interviewed in 1979 or subsequently – and the response of An Garda Síochána to his findings.

## **FURTHER INQUIRIES**

1. **REQUESTS FOR INFORMATION**
2. **DETENTION OF SUSPECTS**
3. **RUC INVESTIGATION FILE**
4. **NEWSPAPER ALLEGATIONS**
5. **DECISION OF DIRECTOR OF PUBLIC PROSECUTIONS, NORTHERN IRELAND**

### **REQUESTS FOR INFORMATION:**

Although the information obtained by D/Supt Courtney in 1979 was clearly viewed as more reliable than that given to the Ludlow-Sharkey family by Joe Tiernan in 1996, efforts were made to follow up all possible suspects for the murder. In a report dated 20 January 1997, D/Supt Murphy suggested that the RUC be asked to provide the following information concerning the seven names given by Tiernan:

- Detailed background information on each individual;
- Evidence of association between any or all of them;
- Information concerning any arrest or detention of those individuals which took place between 1 January 1976 and 1 January 1977;
- The purpose of any such arrests, and any charges arising from them;
- Whether they were questioned about murders committed along the border;
- Any information or intelligence on RUC files suggesting that those individuals were involved in any cross-border murders, including that of Seamus Ludlow;
- Any records which might show an association between those individuals and the four suspects named in D/Supt Courtney's 1979 report – Hosking, Long, Carroll and Fitzsimmons.

On 5 February 1997, D/Supt Murphy reported that the RUC had agreed to carry out such enquiries, but that it would take a number of weeks to do so.

The outcome of these enquiries does not appear in the documents seen by the Inquiry, but it is presumed that nothing of any substance emerged to connect those named by Joe Tiernan with the murder of Seamus Ludlow. By the time of a meeting in RUC Headquarters, Belfast on 3 April 1997, the focus was clearly on Hosking, Long, Carroll and Fitzsimmons. D/Supt Murphy reported:

“Present was D/Inspector... who is co-ordinating enquiries. He informed the members that he has traced the four nominated suspects to their present addresses. One of them resides in England.

He has also spoken to the two RUC police officers who obtained the original information concerning the four suspects. One officer has now retired. Both officers are now co-operating with him...

D/Inspector... is satisfied with his progress to date and will communicate any official requests through official channels. He is satisfied that the suspects can be dealt with in his jurisdiction in accordance with the provisions of the Offences Against the Person Act, 1861.<sup>23</sup> He will communicate further prior to any action being taken against the four suspects.”

By letter dated 26 June 1997, the RUC sought copies of the investigation report, photographs and ballistic reports from An Garda Síochána. These were provided on 15 September.

On 27 November 1997, D/Supt Murphy attended another meeting at RUC Headquarters. It was reported that provisional dates of 7 and 14 January 1998 had been selected to detain the four suspects:

“Arrests and interviews will be arranged by the RUC and co-ordinated by Det. Inspector... Members from this Unit will be present to provide briefing instructions. In the event of any admissions the Director of Public Prosecutions’ office in Dublin will be consulted to obtain appropriate advices.”

The Inquiry has spoken to Deputy Director Barry Donoghue from the DPP’s office in Dublin, who confirmed that he had a short meeting with D/Supt Ted Murphy at which he was informed of the fact that four suspects were to be arrested in Northern Ireland for the murder of Seamus Ludlow. There was no written correspondence and he did not keep a note of the meeting. He stated:

“I may have telephoned an official in the Northern Ireland DPP’s office to say that we would have no objection to charges being preferred in their jurisdiction if that were to be contemplated. This would have been on the basis of comity between prosecution agencies and on the basis that the Gardaí had no evidence on which they could consider the preferring of charges here. I do not recall any further contact from the Gardaí on this issue.”<sup>24</sup>

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<sup>23</sup> S.9 of the Act provides: “Where any murder or manslaughter shall be committed on land out of the United Kingdom... and whether the person killed were a subject of her Majesty or not, every offence committed by any subject of her majesty in respect of any such case... may be... tried, determined and punished in any county or place... in which such person shall be apprehended or be in custody, in the same manner in all respect as if such offence had actually been committed in that county or place...”

<sup>24</sup> Note from Deputy Director Barry Donoghue to the Director of Public Prosecutions, 23 September 2004.

## **DETENTION OF SUSPECTS:**

Fitzsimmons, Hosking and Long were eventually arrested by RUC officers on 18 February 1998. On the following day, Samuel Carroll was arrested at his home in England and flown to Belfast. All four men were held at Castlereagh Detention Centre, Belfast and interviewed over a number of days by teams of RUC officers. They were then released without charge.

A number of Garda officers including D/Supt Ted Murphy were present at Castlereagh Detention Centre while the interviews were being carried out. According to D/Supt Murphy, the principal reason for their attendance was in case clarification was required concerning matters within Garda knowledge. In accordance with established protocol, they did not sit in on the interviews themselves, but attended conferences at which progress evaluations and suggestions for lines of questioning were made.<sup>25</sup> D/Supt Murphy's report of 6 March 1998 contained a summary of the information obtained at these interviews. A fuller account was contained in documents submitted by the RUC to the DPP in Northern Ireland for his consideration. These documents were not made available to D/Supt Murphy, but were received by the Inquiry in October 2004 and are considered below.

## **RUC INVESTIGATION FILE:**

Prior to the release of the four suspects, the overall facts of the case (including the admissions of Hosking and Fitzsimmons) were discussed with the Director of Public Prosecutions in Northern Ireland. He advised that an investigation file be submitted to him for his directions. D/Supt Murphy has told the Inquiry that he informed the DPP in this jurisdiction that the matter was being pursued by his counterpart in Northern Ireland.

The investigation file was assembled by RUC officers in Belfast. Gardaí gave assistance, supplying documents from the original investigation as requested. D/Supt Murphy's report concluded:

“[They] and all their colleagues who assisted in the arrests and interviews of the suspects acted in a most professional manner and spared no effort in endeavouring to bring this matter to a successful conclusion. They are to be highly complimented for their efforts and assistance.”

In due course, a letter of appreciation was sent from the Garda Commissioner to the RUC Chief Constable, embodying these sentiments.

The investigation file prepared for the DPP in Northern Ireland and seen by the Inquiry consisted of the following:

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<sup>25</sup> Note of meeting with former C/Supt Ted Murphy, 5 October 2004.

- 1) Copies of documents relating to the original Garda murder investigation, supplied by An Garda Síochána to the RUC at their request.
- 2) Statements made by the RUC officers who arrested and interviewed Hosking, Fitzsimmons, Long and Carroll in 1998. These statements contain accounts of what transpired during the interviews with the suspects. They are not direct transcripts, but are based on notes taken at the time.
- 3) A statement from an RUC officer who met with Hosking in 1986 and 1987.
- 4) The RUC file in relation to the murder of David Spratt at Comber on 2 June 1976.
- 5) Criminal records of Fitzsimmons, Long and Carroll (Hosking did not have a criminal record).

**Paul Hosking:**

Hosking was interviewed on 12 occasions between 18 and 21 February 1998. His first response was to tell officers that he couldn't understand why they were talking to him about the Ludow murder, as he had already told Special Branch all he knew about it in 1986 or 1987. When asked was he involved in the murder, he replied:

“I would be a victim of being in the wrong place at the wrong time.”

He then proceeded to give an account of the events of that day, which was noted by the interviewers as follows:

“Hosking then told the following story to us.

‘I used to drink in Comber in the First and Last [pub] and I got to know a team from Belfast who were Red Hand. There was a guy called Dick Long, Mambo, another fellow from Killyleagh who was in the UDR and was a friend of Dick Longs. I got to know these boys over several weeks and then they asked me, I think it was Dick Long, to go with them to the border because there was rumours of IRA roadblocks on the border and they wanted to go down and have a look. I said ok and I went with them...

Me and Mambo and Dick Long and this other man from Killyleagh, we went in this man's car. It was a sporty job and he was driving. We stopped for a drink in Killyleagh and then drove on to Dundalk and stopped in some pub there, don't ask me where and then drove on out of Dundalk...

We picked up this man, we gave him a lift because he was thumbing, and then they took him up the road and shot him.<sup>26</sup> It was terrible, I have lived with this for years.’

At this point Hosking became upset and appeared shaken.”

When questioned further, Hosking said that Long used to come down to the First and Last pub regularly. He named two others who regularly accompanied him – one of whom, Kenneth Brown, was later convicted with Long of offences relating to the murder of David Spratt.

“He [Hosking] wasn’t drinking buddies with them but occasionally he would have the odd drink with them for 10/15 minutes. He told us he couldn’t be sure but thought they had been coming into the bar for 2/3 months before the night of the ‘disaster’.”

Hosking told them that Carroll (whom he knew only by his nickname, ‘Mambo’) first appeared in the bar about one month before the murder. He was in the company of Long. Contrary to what he said at first, Hosking did not recall seeing Fitzsimmons (the man from Killyleagh) before the night Seamus Ludlow was killed. He was asked if he had ever heard them discussing loyalist paramilitaries. He replied:

“He told us he didn’t but said that everybody in the bar said they were ‘Red Hand Commando paramilitaries’.”

He himself denied any association with the Red Hand Commandos, although he admitted he was a member of the North Down Volunteers (an affiliate of the UDA) at the time.

On the day in question, Hosking had gone to the First and Last bar in the afternoon.

“He said he couldn’t remember fully clearly but recalled that the bar was ‘dead’, near empty. He added the ‘boys’ had gone over for he thought the Rangers / Celtic cup final.”

Long, Fitzsimmons, Carroll, Brown and another man came in around 6 or 7 p.m. He was not sure if they came in together. Hosking said he had about seven pints in the First and Last bar.

At some point, someone suggested that they ‘go for a run’ elsewhere. Hosking, Long, Carroll and Fitzsimmons left together in Fitzsimmons’s car – a yellow, two-door sports model. According to Hosking, Long sat in the back behind the driver’s seat; Hosking sat beside him, and Carroll sat in front. Each time they got into the car that evening, they sat in the same positions.

Hosking told the RUC that they went to a bar in Killyleagh – possibly in a hotel - where he had another 3 or 4 pints, and then drove on to a bar in Omeath. He thought

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<sup>26</sup> As will be seen below, he later gave further details of where and by whom Seamus Ludlow was shot.

they arrived there around 10.30 p.m. – he remembered watching highlights of the F.A. Cup Final on ‘Match of the Day’.

After leaving Omeath, they drove down to the Border. Hosking thought he remembered them passing through an official checkpoint.

“He [Hosking] didn’t know where but there was a checkpoint, a building with an arm thing across the road. He told us the driver from Killyleagh stopped the car got out and walked over to the building and showed something to a soldier inside it through a window or something. He told us that he remembered vaguely the driver came back to the car and when he got in he was sort of laughing and said something about showing his UDR pass. He added he couldn’t remember what. He told us they all drove to Dundalk and went into a pub. They all had another two or three drinks.”

Hosking remembered seeing a man thumbing a lift as they left Dundalk. He couldn’t say who said to stop, but Fitzsimmons did so, and the man got in the back, between Long and Hosking.

“He recalled the man said that they had drove by his house. Then he said no, that in fact he (the man) indicated his house was over there and the man pointed he thought to his right but he couldn’t be sure. He told us the driver kept driving. Hosking couldn’t recall but thought at this stage they were on a smaller darker road than they had been on, but he didn’t recall turning off a main road. At this point Hosking said that Dick Long said to turn round to stop to go to the toilet. The driver stopped the car.”

In a later interview, he added that the driver reversed into a laneway. At the request of the interviewing officers, he drew a rough sketch of the area.<sup>27</sup>

“When it stopped Mambo got out and Hosking said he got out and went over to the hedge and went to the toilet. Hosking said ‘All I heard was bang, bang, bang four or five times.’ Hosking said he stood there in shock and all he could remember was, Mambo pulled the man out of the car and Dick Long was pushing him out. Hosking indicated to us at this stage he was about the width of the interview room from the car. We asked Hosking what happened. He told us he couldn’t recall. He told us that Mambo and Dick Long threw the man on top he thought of a hedge just beside where he was. Hosking strongly denied when put to him that he assisted to dump the body.”

When it was put to him that he must have turned around after hearing the first shot, he was said to have replied:

“When I was going to the toilet I heard a bang and turned and Mambo was leaning into the car and shooting the man another 2 or 3 times. Dick Long was still beside the man in the car and the driver was still behind the wheel.”

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<sup>27</sup> See appendix B.

Hosking described his own position at that time as being level with the headlights of the car. The front passenger door was wide open. Carroll was outside the car, crouched down and leaning inwards as he shot Seamus Ludlow.

Throughout his detention, Hosking continued to maintain that he had not helped to move the body out of the car or onto the hedge. He said he could not explain why the victim's coat and jacket were on top of the body when it was found.

Once the body had been thrown on to the hedge. They all got back in the car as before.

“He told us the fella from Killyleagh as far as he could recall never got out of the car and it spun away...

He said there was an eerie silence in the car. He said he was shocked the whole way. He recalled that Mambo said that he would shoot a Protestant if he could get away with it. He was asked in what context this was said. Hosking replied: ‘I think this was aimed at me.’”

He was questioned repeatedly concerning what conversation, if any, took place on the journey home, but maintained that he was in shock at the time and could not remember. He stated:

“When we came back from the border we went to Killyleagh and we all got out of the car. The driver went into his house and me and Long and Mambo got into another car that Long drove back to Comber... They dropped me off at the end of my street and Mambo and Long drove on.”

He said he could not remember anything about the car in which they drove back to Comber.

Hosking told the interviewers that when he got out of the car, he realised that he had blood on his trousers.

“He thought there must have been blood inside the car but he didn't recall seeing it. Hosking told us he went into the house, took off his trousers and put them into the washing machine. He told us that was it, he then went to bed.”

On the following night, he was in the First and Last bar again, and Long and Carroll came in.

“He told us that Dick Long told him there was possibly a contract out on him and he (Dick Long) would have to see if he could get it cleared. He added he (Dick Long) would have to speak to John McKeague who was the head of the ‘Red Hand’ as he, Hosking wasn't in the Red Hand and he, Hosking had seen what they had done. Hosking told us he believed Mambo, Long and the fella from Killyleagh were in the Red Hand.”

In a later interview, he added that Long had told him the contract would be out on him unless he joined the Red Hand Commandos. When asked why he didn't ask the UDA to protect him from this threat to his life, he responded:

“I didn't want to tell you but I did go to see [a named individual] ... of the North Down Volunteers in Comber UDA. He told me that he would see Dick Long and get it sorted out. He told me later that he had got it sorted.”

Hosking said he did not tell this man the reason for the threats issued against him.

RUC officers interviewed this man in September 1998. He recalled that in the early 1970s the Red Hand Commandos were trying to establish themselves in Comber. He also recalled being approached by a number of local youths, one of whom was Paul Hosking, in relation to the pressure this organisation was putting on them. This man, along with two others from the Vanguard group, met with Red Hand leader John McKeague, who he says sorted it out.

During the period of Hosking's detention, interviewing officers asked him about the occasion in 1986 / 87 when he had contact with the Special Branch. He replied:

“I was at a funeral with [a named RUC officer] and he told me that a man from the Special Branch wanted to see me about something very important. I said that that was alright and so he phoned the guy from the Castle Inn in Comber. [He] told me that I had to meet him, the Special Branch man, a couple of days later...

I went... and met this man and he told me that he was from Newtownards Police Station and that they knew that I had been at the scene of the murder of Mr Ludlow and what part I had played. He asked me what had happened and I told him my involvement in it, just the same as I have told you.”

Hosking said that all this occurred around September 1986, not long after he had returned from Scotland, where he had been living. When asked if the Special Branch man had said anything else to him, Hosking replied:

“He said he was satisfied with my story.

Q. Did you not ask him what was going to happen to you?

A. He said just forget about it.”

When asked if he had worked for this man as an informant or source, Hosking said “No, I couldn't tell him anything.” He said he met the Special Branch man again on the Killinchy road at the latter's request: he was asked about certain people but Hosking said he didn't know any of them. They met on one more occasion:

“On the third time I met him he was asking about people in the First and Last [pub], and when I told him that I was barred out of there he seemed to lose interest.”

The Special Branch officer concerned was identified in due course as one of those who had received the original intelligence concerning Hosking and the other suspects in 1977. On 25 June 1998, he made a written statement outlining the history of his involvement with the Ludlow case. He wrote:

“In 1977 I was stationed in Newtownards and became aware of information regarding the murder of Seamus Ludlow. From records I can say that this information was submitted to Special Branch Registry at RUC Headquarters. From records I can say that a further four documents were submitted to the RUC containing information regarding this murder. These documents were submitted on 24 September 1977, 16 January 1978, 28 December 1978 and 2 March 1979. In general terms this information related to the persons involved in the murder of Seamus Ludlow.”

He attended the meeting with Garda Supt Courtney on 15 February 1979, but said he had no further discussion on this matter with the Gardaí after that.

On 24 Feb 1984 he submitted a report that Hosking was living at a specified address in Glasgow. On 12 Jan 1987 he reported that Hosking had returned to NI and was living in Comber.

He admitted making contact with Hosking in January 1987:

“My plan was to seek out Hosking as I was aware that he associated with persons who visited the bar and that he drank in the bar in the past...

The conversation I had with Hosking was about loyalist paramilitaries in Comber and especially the First and Last bar and the persons who frequented these premises. He told me that he would help if he could...

Some time after this I was driving out the Killinchy Road in Comber and I saw Paul Hosking walking along the road and I pulled in and spoke to him for a short time. The conversation was brief but there was nothing he could tell me. I may have spoken with Hosking again but I have no recollection of this.”

However, he denied bringing up the subject of the Ludlow murder in these conversations:

“I have been asked... if I discussed the murder of Ludlow with Paul Hosking at any time I met with him and I can say that I did not speak about this matter or any matters relating to this, as I had submitted all the information in respect of the murder and the suspects and had briefed the Gardaí as this murder had occurred in the Republic of Ireland.”

### **James Fitzsimmons:**

Fitzsimmons was interviewed on 15 occasions between 18 and 20 February 1998. Having been cautioned, he was asked if he wanted to give an account of the events of 1 May 1976. His reply was noted as follows:

“OK I’ll tell you what happened. I thought this was about that wee fellow Spratt that was killed in Comber, but I’ll tell you I went down to Comber that night – no I was supposed to, but I split my fingers on a wheel bearing and had to go to the hospital that night but I learned now who that person was, Mambo Carroll, I’ve learned a lot about him since then and if I knew who he was I wouldn’t have been there.

Anyway, there was a provie called ... who lived in the South Down area and I knew him from the Int Cell from the UDR and I had heard he was living in Omeath, so me and Dick Long who was also in the UDR decided to go to Omeath to try and find [him] and where he was living to give the information to the UDR Int Cell. I can’t really remember if I went down to Comber to pick up Dick Long or he came to my house... There was another person with Dick. I didn’t know who this person was then, but later found out he was Mambo Carroll. We then headed for Omeath; I drove my car, a yellow Datsun 100A to Omeath.”

In his account, Fitzsimmons made no mention of Hosking. When this was pointed out to him, he maintained that he knew no one of that name and that only himself, Long and Carroll had been in the car that night. He said he thought that Long had sat in the front seat, but later admitted that he was not sure of this.

When asked what they did in Omeath, he first said that all the pubs there were closed, so they drove on to Dundalk. When it was put to him that this was not plausible, he replied that perhaps they had looked in the windows, seen that they were empty and decided not to go in.

Fitzsimmons also said that they did not stop for a drink in Dundalk, but merely drove around and then out again. He remembered seeing Seamus Ludlow thumbing a lift on the road out of town, near the bridge.

“Somebody said give that boy a lift he’s half pissed, I don’t know who it was...

All I know is we drove out of Dundalk and the wee man said turn right; it was after the Ballymascanlon road to the Hotel. I turned down that road and I don’t think we went that far and the wee man said let me out here, let me out. I drove on down and got a place to turn so as I could let him off then for me to continue on our journey. I would always do that.

Q. Then what?

A. We stopped I don’t know, I don’t know to be honest with you, I just don’t know I heard bang, bang, bang it nearly took my ears off it was awful loud.”

When asked who shot him, Fitzsimmons replied:

“I didn’t see. I just collapsed over the wheel...I think Dick got out of the car, Carroll got out of the car, then I heard bangs and I think the wee man was still in the car. I collapsed on the wheel I don’t know if it was fear, shock or both...”

I think they lifted him out of the car and threw him at the side of the road and left him just where we had stopped. They seemed to be away from the car for 20 or 30 seconds; they hadn’t time to carry him down the road.

Q. What happened then?

A. They just came back and said let’s go.”

In due course the interviewing officers asked him to draw a sketch of the scene, which he did. His sketch differed significantly from that of Hosking.<sup>28</sup>

Fitzsimmons said that after the shooting he drove home; at which point the others got into their car and drove away. He recalled being stopped by a VCP (vehicle checkpoint) and asked where they were going and coming from. He later said that this happened near the railway bridge south of Newry.

“Q. Did they ask your name?

A. No they didn’t and they didn’t do a car check.

Q. Did you or Dick use your warrant card?

A. No I didn’t have mine with me knowing I was going over the border.

Q. Did Dick have his?

A. I don’t know.

Q. Did you see the gun?

A. No I never seen it.”

When asked what conversation had taken place in the car on the way back from Dundalk, he was sure that there would have been some talk about the murder, but could not remember what was said. He himself said nothing, fearing that he might be the next to be killed.

On the following morning, he checked his car for holes in the seat, but found none. He also said that he found no blood either. He did not get rid of the car, continuing to use it until he sold it to a garage about a year or two later.

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<sup>28</sup> See Appendix C.

Fitzsimmons was asked about his association with Long. He said he knew him from the time he (Long) joined the UDR, a few months before the shooting. They used to drink together either at 3 UDR Carryduff or in the First and Last bar in Comber. When asked if he knew what sort of place the latter was, he replied:

“A. I knew that UDA men frequented it.

Q. Did you pass on any information in respect of people who frequented it to the intelligence unit at 3 UDR?

A. No, they already knew it.”

He said that he saw Long the next time he was on duty – within a day or two of the murder. He did not remember what was said. When asked about Carroll he said:

“From the best of my memory I never saw him after that. If I did it would have been in the First and Last pub in Comber, where I was having a pint with Long. I never broke off with Long because I was still frightened of him.”

He said his last contact with Long was 2 days before the latter was arrested in connection with the murder of David Spratt. He vehemently denied that he himself was a member of the Red Hand Commandos or any other loyalist paramilitary organisation.

At 3.24 p.m. on 20 February, with Fitzsimmon’s consent, the RUC brought Long into the room where he was being interviewed. Fitzsimmons identified him as having been with him on the night of the murder. The interviewing officers noted:

“Long and police with him left the room and subject who was visibly shaken stated he felt ill and requested a doctor... a uniform officer was called and the interview terminated.”

Over the course of his detention, Fitzsimmons was made aware that Hosking was being interviewed, and was confronted with a number of differences between his version of events and that given by Hosking. This information did not cause him to revise his story in any significant way, though in some matters - such as the position of the car when stopped - he was prepared to admit that his memory might be imperfect.

### **Richard Long**

Long was interviewed on 33 occasions between 18 and 23 February 1998. Throughout that time he consistently denied any knowledge or involvement in the murder of Seamus Ludlow.

When asked if he knew Fitzsimmons, he said at first that he didn’t know him but remembered someone of a similar name from Killyleagh who was with him in the UDR. He later accepted that this was James Fitzsimmons. He denied knowing Paul

Hosking. He offered no explanation as to why these men were implicating him in the murder.

Asked if he knew anyone called Mambo Carroll, he replied, "He was connected with my last case", but claimed that he [Long] did not know him. He admitted drinking occasionally in the First and Last pub in Comber, but when asked if he had ever been there with Carroll, said "Not intentionally." He said he went into the First and Last about once a week. He had no friends there, but would talk to whoever was at the pool table.

James Fitzsimmons had told interviewing officers that he thought Long had owned an 1100 car. Long admitted that he had such a car in May 1976, but claimed it had no engine and was never driven.

Following his encounter with Fitzsimmons in the interview room on 20 February, Long continued to deny any part in the murder. He said he could not remember if the man he saw in the interview room was the Fitzsimmons he knew in 1976.

At 5.15 p.m. on the same day, Hosking was shown into the room where Long was being interviewed. Hosking identified Long as having been with him on the night of Seamus Ludlow's murder.

"Long asked, 'Why are you telling lies?' Hosking replied, 'Why did you ruin the rest of my life?' Confrontation ended at 5.16 p.m."

After Hosking had left, Long continued to deny any knowledge of the murder.

He was asked again about his association with Carroll:

"He was asked when he last saw Mambo Carroll. He stated 1976 and he explained when and where this was.<sup>29</sup> He went on to say that he had never seen him since. When further questioned as to when he saw or associated with Carroll, he replied, 'I don't want to talk about that.'"

### **Samuel 'Mambo' Carroll:**

Carroll was interviewed on 20 occasions between 20 and 23 February 1998. He denied any involvement in the murder. He also denied membership of the UDA or any other loyalist paramilitary organisation, although he admitted "going round with" known loyalist subversives.

At an early stage in his detention, Carroll claimed that he had been interviewed about the same case in 1978 or 1979, while under arrest for possession of a 9mm Star pistol.<sup>30</sup>

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<sup>29</sup> The RUC interview notes give no details as to when and where Long claimed to have last seen Carroll.

<sup>30</sup> On 10 April 1978, Carroll was sentenced to 4 years imprisonment for possession of a firearm and ammunition in suspicious circumstances.

“On the fifth day second interview, I was taken to an outside interview room... and 3 detectives came in... I was questioned about a thing in Comber and the Garda Siochana and about someone being murdered over the border, and an extradition warrant was mentioned. The police mentioned something about a swap between me and Dominick McGlinchey.”

Carroll denied knowing either Fitzsimmons or Hosking, but said he knew a Dick Long from Long Kesh who was doing a life sentence. He said that he last saw him in the early 1980s.

### **Recommendations:**

The RUC report submitted to the DPP in Northern Ireland concluded as follows:

“In respect of Hosking, Fitzsimmons<sup>31</sup>, Long and Carroll, the only charge to consider at this stage is the offence of murder.

From the papers contained in this file there is no evidence to connect Long and Carroll with the murder of Seamus Ludlow. If one accepts the truthfulness of Hosking and Fitzsimmons I consider the facts and evidence fall short of the standard of proof required to substantiate a charge of murder against them and there is no other evidence to identify any criminal offences, either by Hosking or Fitzsimmons, within the jurisdiction of Northern Ireland. Consideration could be given by the prosecuting authorities as to the possibilities in the use of Hosking and Fitzsimmons as possible witnesses in a prosecution of Carroll and Long for the murder of Seamus Ludlow.”

### **NEWSPAPER ALLEGATIONS:**

On 8 and 15 March 1998, the *Sunday Tribune* published articles by journalist Ed Moloney that focused on the Ludlow case, and in particular on information provided to him by Paul Hosking.

From the first article, it would appear that Hosking gave Moloney the same account of the events surrounding the murder as he had given to the RUC in February 1998.

The article also mentioned the meeting with a Special Branch officer in 1987, though with one apparent difference. According to Moloney’s account, Hosking told him:

“At the end I said what happens now and he [the Special Branch officer] said ‘Forget it, it’s political.’”

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<sup>31</sup> In the RUC documents seen by the Inquiry, Fitzsimmons is sometimes spelt with one ‘m’ rather than two.

RUC notes of the interviews with Hosking in 1998 (which as indicated are not a verbatim transcript of those interviews) do not record him using the phrase ‘It’s political’.

Moloney’s second article, published a week after the first, focused on two allegations: (1) that the Garda Special Branch had known of Hosking’s information “within weeks” of Seamus Ludlow’s death; and (2) that persistent claims were made by Gardaí that the IRA had been responsible, and that some members of the Ludlow-Sharkey family had known about it beforehand. The first allegation would appear to be inaccurate: as has been seen, Gardaí did not receive information concerning the four suspects until 1979. The second allegation of a ‘smear campaign’ against Seamus Ludlow and his family, and the Garda response to those allegations, will be considered in a later section of this report.

On 19 March 1998, the Department of Justice wrote to An Garda Síochána concerning the Moloney articles, seeking an up-to-date report on the case. This resulted in a further report by Ted Murphy, by now promoted to Chief Superintendent, on 15 April 1998. The report contained information on the following matters:

- A synopsis of the initial investigation carried out in 1976;
- The confidential information relating to Hosking and the others, acquired by the RUC and conveyed to An Garda Síochána in 1979;
- Details of the correspondence in 1996 between the Ludlow-Sharkey family and An Garda Síochána;
- Actions taken by D/Supt Murphy in re-examining the investigation file and matters arising thereby;
- The arrest, detention and interviewing of the four suspects between 17 and 23 February 1998;
- The ongoing preparation of an investigation file for the DPP in Northern Ireland by the RUC.

#### **DECISION OF DIRECTOR OF PUBLIC PROSECUTIONS (NORTHERN IRELAND):**

The RUC investigation file into the murder of Seamus Ludlow was received by the Director of Public Prosecutions in Northern Ireland on 23 October 1998.

One year later, on 15 October 1999, a direction for no prosecution was issued. This decision was conveyed to the Ludlow-Sharkey family.

In response to a letter from Michael Donegan seeking information on the DPP's decision, the Rt Hon Adam Ingram JP MP, Minister of State at the Northern Ireland office wrote as follows:

“As you know the DPP after careful consideration of the police investigation file concluded there was insufficient evidence to obtain a conviction against anyone named in the file and they therefore directed no prosecution on the case. If any new evidence comes to light or you have further information about the murder the police would be keen to pursue it.”<sup>32</sup>

On 21 November 2003, the Inquiry wrote to the Northern Ireland Office, seeking to discover the reasons for the DPP's decision not to prosecute. The Secretary of State for Northern Ireland, the Rt Hon Paul Murphy MP wrote back on 6 February 2004, enclosing the following response from the Deputy Director of Public Prosecutions:

“When a police investigation file is submitted, it is the duty of the Director to decide whether or not criminal proceedings should be instituted or continued.

In Northern Ireland, prosecutions can only be directed where there is sufficient evidence available to afford a reasonable prospect of obtaining a conviction and prosecution is required in the public interest. Where the evidence available is insufficient, there can be no prosecution.

It has been the general practice of the Director to refrain from giving reasons for decisions not to institute or continue with criminal proceedings other than in the most general terms. Such a practice exists for compelling reasons and is in accordance with law and practice in Northern Ireland.

The Director recognises, however, that the propriety of applying his general practice must be examined and reviewed in every case where a request for reasons is made. Accordingly, I have carefully considered whether the general practice should be applied in this case or whether it is appropriate to depart from the general practice in this case.

The evidence and information reported, together with the recommendations of police were carefully considered by experienced lawyers in this office. The advices of independent Senior Counsel were also obtained and considered. Having done so, it was concluded that the evidence available was insufficient to afford a reasonable prospect of obtaining a conviction against any person, and, accordingly, a direction for no prosecution issued.”

On 27 January 2004, the Inquiry wrote to the Director of Public Prosecutions in this jurisdiction, supplying him with a copy of the Garda documentation available to the Inquiry and seeking his views on the decision by his Northern Ireland counterpart not to initiate a prosecution in this case. At that stage, the Inquiry had not yet received a copy of the files submitted by the RUC to the Northern Ireland DPP's office.

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<sup>32</sup> Letter from NIO to Michael Donegan, 13 March 2000.

In a lengthy reply, the DPP understandably declined to pass judgment on the decision of the DPP for Northern Ireland without knowing what information the latter might have received from the RUC in addition to the Garda file. He continued:

“I can say, however, that the limited information available to me appears to point to a number of significant difficulties in now mounting any prosecution in relation to this case. I do not therefore find it surprising that the DPP for Northern Ireland has reached the conclusion that he has.”<sup>33</sup>

Prefacing his views with a warning that differences in criminal procedure and the admissibility of evidence might affect their usefulness, he pointed out the difficulties in the case as he saw them:

“The most obvious charges which a prosecutor in either jurisdiction would be likely to consider would be a prosecution of William Long and Samuel Carroll for the murder of Seamus Ludlow based on the evidence of Fitzsimmons and Hosking.

Fitzsimmons and Hosking’s admissions of being present when Mr Ludlow was killed fall short of admissions to participation in the murder. Indeed, they deny such participation or of being part of any common design to kill him. There would not, therefore, appear to be a basis for establishing a case of murder against either of them.

If a prosecution of Long and Carroll were to be brought, it would be entirely dependent on the willingness of Fitzsimmons and Hosking to give evidence. Both of them have made statements admitting their presence during the killing and putting the blame on Long and Carroll. There is no supporting forensic evidence for their story. It may be that some support for their story could be found in the surrounding circumstances of the case which would not be known to those who were not present. Without detailed knowledge of their statements I cannot say whether this is the case.

Not having seen the detailed notes of interview, or statements from the RUC officers who carried out the interrogation, I cannot form any view on the credibility of either man. A prosecution could not succeed unless the two men were regarded as credible witnesses. On the information available some obvious problems present themselves. Fitzsimmons has no memory of Hosking being present. This would immediately raise a question mark as to the reliability of his memory at this remove in time. Hosking’s claim not to know the purpose of the trip to Dundalk appears on its face unconvincing.

In any trial, a court would be alert to the danger of convicting on uncorroborated accomplice evidence, and to the fact that both Fitzsimmons and Hosking would have a clear interest in casting the blame elsewhere.

I have no information on the preparedness of Fitzsimmons and Hosking to give evidence. Civilian witnesses are almost always extremely reluctant to

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<sup>33</sup> Letter from James Hamilton, DPP to the Inquiry, 11 March 2004.

give evidence against paramilitants. At the least it would seem unlikely that they would do so without the sort of protection conferred by participation in a witness protection programme. That in turn can significantly weaken the credit attaching to the witness' evidence where the witness is portrayed as giving evidence to secure the benefit of participation in such a programme.

It may also be added that if a prosecution in this jurisdiction were to be considered there is no means by which the attendance of witnesses from outside the jurisdiction could be compelled. There are no procedures to compel a witness who is abroad to give evidence within the State. The provisions of section 11 of the Criminal Law (Jurisdiction) Act, 1976, which permit a Special Criminal Court to have evidence taken in Northern Ireland in the presence of members of the court, apply only where the offence was committed there and is being tried in the State. The provisions of section 52 of the Criminal Justice Act 1994 could perhaps be employed though it must be doubted whether this procedure could be used to take what would in effect be the only evidence in the case, particularly if the credibility of the witnesses concerned was a central issue in the trial, as would almost certainly be the case.

A further problem which would almost certainly arise at any trial relates to the long lapse of time since the events in question. Apart from the difficulties referred to already concerning the accuracy of the recollection of Fitzsimmons and Hosking, it is also possible that Long and Carroll would, in the event of a trial, be able to claim actual prejudice by reason of, for example, their inability to have Fitzsimmons' car forensically examined, or to establish an alibi after all these years. The delay argument would of course be strengthened by the fact that we cannot now explain why Superintendent Courtney's recommendations in 1979 were not followed up.

As a further point I am unaware of whether the DPP in Northern Ireland may be in possession of other information of which neither I nor the Garda Síochána are aware. I am thinking of, for example, other evidence which would be relevant to the credibility of Fitzsimmons and Hosking. Given that the identity of the four suspects first came to light through the information of an unnamed informant, it is clear that we are dealing in very murky territory. The question in turn could be raised of what this unnamed individual's involvement was, what was his source of information, and whether a fair trial could take place without his evidence. I assume he would not be available to give evidence.<sup>34</sup>

The Inquiry concurs with the observations made in this letter. From an examination of the RUC investigation file received by the Inquiry, it is now clear that there was a considerable divergence between the versions of events recounted by Hosking and Fitzsimmons respectively. It is the view of the Inquiry, concurred in by the DPP, that this could only have compounded the difficulties faced by a prosecutor in this case.

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<sup>34</sup> Ibid.

## **RESPONSE TO LUDLOW FAMILY COMPLAINTS**

- 1. SEARCHES FOR DOCUMENTATION**
- 2. INFORMATION CONCERNING SUSPECTS**
- 3. THE INQUEST**
- 4. GARDA LIAISON WITH LUDLOW FAMILY**
- 5. ALLEGATIONS OF IRA INVOLVEMENT IN LUDLOW MURDER**
- 6. QUESTIONING OF KEVIN DONEGAN**
- 7. ANNIVERSARY MASS IN ENGLAND FOR SEAMUS LUDLOW**

During the period that the RUC investigation file was being prepared, Garda C/Supt Murphy was conducting enquiries into a number of related matters raised by the Ludlow-Sharkey family in meetings and correspondence. The main results of these enquiries were contained in a report dated 17 November 1998. It dealt with the following matters:

- (1) To establish when An Garda Síochána first became aware of the identity of those now suspected of killing Seamus Ludlow, and why this information was not acted upon sooner;
- (2) A complaint that the Ludlow-Sharkey family were not notified of the inquest into Seamus Ludlow's death;
- (3) The alleged failure of Gardaí to liaise with the family and keep them updated with the progress of the original investigation;
- (4) An allegation that certain members of An Garda Síochána had deliberately misled the family by telling them that the IRA were responsible for the murder of Seamus Ludlow;
- (5) The questioning of Kevin Donegan by British Army personnel in 1976 concerning the death of his brother-in-law, Seamus Ludlow;
- (6) A radio interview given in 1983 by a local politician, Brendan McGahon TD in which he claimed he knew who the murderers were and that the IRA were responsible; and
- (7) The celebration since 1976 of an anniversary mass for Seamus Ludlow in St Austin's Church, Staffordshire, England (without the knowledge of the Ludlow family).

A number of supplementary reports, outlining the results of further interviews and searches for documentation were completed by C/Supt Murphy on 16 March 1999, 26 April 1999 and 19 May 1999.

### **SEARCHES FOR DOCUMENTATION:**

In his report dated 16 March 1999, C/Supt Murphy outlined the searches for documentation that were carried out at his request, and the results of those searches. They were as follows:

#### **Divisional Office, Drogheda; Garda Stations, Dundalk and Dromad:**

The searches at these stations concentrated on correspondence registers and occurrence books in existence during the period May 1976 to December 1980. No such records were found. In the case of Drogheda and Dundalk, it was confirmed that all such records for that period had been destroyed.

The only item of relevance to be discovered was a copy of the questionnaire form used in the original house-to-house investigation.

#### **Administration Office, Garda Technical Bureau:**

According to C/Supt Murphy, it was the practice of the Murder Investigation Unit to retain possession of all relevant documentation generated in the course of such investigations, and to store it at Garda Headquarters.

Detective Inspector Vincent Farrell and Detective Sergeant Gary Kavanagh checked the archives, which now come under the control of the Administration Office at the Technical Bureau. No documents relating to the murder of Seamus Ludlow were found.

#### **Crime Branch, Garda Headquarters:**

C/Supt Murphy consulted with staff members in this branch (formerly known as Crime Ordinary / C1), who confirmed that copies of the following documents were retained there:

- The original investigation file and accompanying report dated 21 May 1976;
- D/Supt John Courtney's report of 15 February 1979; and
- Minutes issued from Garda Headquarters to C/Supt Cotterell, Dundalk, and replies thereto.

#### **Crime and Security Branch, Garda Headquarters:**

Staff at this branch (formerly known as Security and Intelligence / C3) confirmed that copies of the following documents were on file:

- Original investigation file and accompanying report;
- Report of D/Supt Courtney dated 15 February 1979;

- Minutes issued from C3 to Chief Superintendent, Drogheda and replies thereto, regarding details of the four persons nominated as suspects by the RUC in 1979;
- Correspondence between the RUC and C3.

**RUC Headquarters:**

In his report of 16 March 1999, C/Supt Murphy noted the existence of some correspondence from the RUC on C3 files, and stated:

“From my enquiries with RUC personnel I have been advised that any available correspondence would be retained at ‘E’ Branch. Details of such correspondence is not available or forthcoming.”

C/Supt Murphy has told the Inquiry that he assumes he would have made requests for this material through the RUC detective who was acting as liaison officer to his investigation. He was not surprised that documents were not made available, as it would have been contrary to RUC Special Branch practice to release documentation.

**INFORMATION CONCERNING SUSPECTS:**

On the issue of when the information concerning Hosking, Long, Carroll and Fitzsimmons first came to Gardaí, C/Supt Murphy confirmed that the identity of the suspects first came to the notice of the Gardaí via the letter from the RUC dated 30 January 1979.<sup>35</sup>

In his report of 17 November 1998 he listed the available documents on the subject from Garda files, before stating:

“An examination of the documentation listed... indicates:

- delays in replying to minutes issued from Assistant Commissioner, Crime Branch;
- no indications as to what developments, if any, were taking place in regard to the suspects;
- no record of any directions as to what action was to be taken or by whom against the suspects;
- a clear indication that Superintendent Courtney was personally dealing with any action that was to be taken concerning the suspects;
- no written indications from Superintendent Courtney as to what action he was taking.

In short, the documentation does not provide any clear indication as to what precise plan of action, if any, was being followed and by whom.”

He continued:

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<sup>35</sup> Report of C/Supt Murphy, 16 March 1999.

It is unlikely that Detective Superintendent Courtney was solely responsible for preparing and executing a plan of action without the knowledge of and or consent of his superiors; unfortunately, records now available do not assist in reaching any definite conclusions.”

### **Interview with former C/Supt John Courtney:**

John Courtney retired in 1991 at the rank of Chief Superintendent. He was interviewed by C/Supt Murphy concerning the Ludlow case on 20 October 1998.

Regarding the original 1976 investigation he stated:

“Assisted by members of the Murder Squad and local Gardaí I carried out a thorough investigation which failed to identify those responsible. I had an open mind as to who was involved. Nonetheless the possibility of a subversive involvement such as the IRA and UVF was fully checked out but there was no evidence to show an involvement by these groups.”

He then recounted his meeting with RUC officers in 1979, and the information received:

“I thanked them for their assistance and said I would follow it up immediately. On my return to Dundalk I am satisfied that I made out a report within a day or two outlining details of this new information I had received... In my own view I would have expected that I would have got directions to have the suspects interviewed in conjunction with the RUC because I believed that these four persons had committed the murder or were very strong suspects for it. I never received any directions. I was disappointed and surprised.”

C/Supt Courtney said he took it upon himself to contact a D/Sgt Dan Boyle, then attached to C3 branch at Garda Headquarters:

“He discussed the case with me and was satisfied that there was a good case against the four men. He told me that he had discussed the case with Mr Larry Wren who was then either a Chief Superintendent or Assistant Commissioner in charge of C3. Mr Wren had advised Mr Boyle that there was to be no further action taken in the case. I asked him why and he (Mr Boyle) said that Mr Wren had said that if the four suspects were to be extradited to the Republic of Ireland a similar number of extraditions of IRA suspects would be sought by the RUC and he didn't want this to happen. In the light of Mr Wren's directions (verbal) I was prohibited from taking any further action in the case. I was most disappointed and annoyed with the directions of Mr Wren”

He concluded:

“I was never approached by anyone, neither was the case discussed with me subsequent to my conversation with Det Sgt Dan Boyle. During my investigations in 1976 I was satisfied that Seamus Ludlow had no known

associations with any subversive groups. The information I obtained from the two RUC officers concerning the four suspects was not discussed with any of the investigation personnel in Dundalk.”

C/Supt Murphy interviewed former C/Supt Courtney again on 25 March 1999. Courtney said that to the best of his recollection, the purpose of his visit to Belfast in 1979 had been to discuss the Dublin / Monaghan bombings of 1974 with Detective Chief Superintendent Bill Mooney, RUC (now deceased). He could not recall the specifics of what was discussed. He confirmed that D/Sgt Owen Corrigan had accompanied him.

He was adamant that no prior arrangement had been made to meet the RUC officers from whom he received the information concerning the Ludlow suspects. He also said that he received no documentation from the officers at that meeting.

When C/Supt Murphy informed him that the suspects were first mentioned by the RUC in a letter to C3, Garda Headquarters dated 30 January 1979, Courtney was surprised and said this document had never been produced to him or brought to his attention. He remained sure that the first he had heard of the four suspects was at the Belfast meeting on 15 February 1979.<sup>36</sup>

C/Supt Murphy believed that the letter from the RUC dated 14 February 1979, which referred to a request by Supt Courtney for further details on the suspects, implied that he must have known of their existence before the meeting on 15 February. But as we have seen, this letter was not received in Garda Headquarters until 28 February, and it is likely that it was posted on the 24<sup>th</sup>, not the 14<sup>th</sup>. This supports C/Supt Courtney’s contention that he had no knowledge of the suspects until the 15<sup>th</sup>, but leaves open the question as to why he was not given the information when it was received at Garda Headquarters on 30 January and passed to the Divisional Office on 5 February.

### **Interview with former C/Supt Richard Cotterell:**

The Divisional Officer in Drogheda at the time, former Chief Superintendent Richard Cotterell was interviewed on 24 March 1999. He recalled the murder of Seamus Ludlow, but could not place it chronologically. Having examined the investigation file, he remembered visiting the murder scene on 2 May 1976.

He said that the Murder Investigation Unit had set up their incident room in Dundalk Garda Station. He visited them there occasionally, but it was his policy not to interfere with their work. He could not recall the names of the personnel involved in the investigation.

C/Supt Murphy showed him Supt Courtney’s report of 15 February 1979. Cotterell stated:

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<sup>36</sup> Report of C/Supt Murphy, 26 March 1999.

“I can’t recall this report. It was my belief at the time that Supt John Courtney would have fully checked out these suspects. When nothing subsequently arose in relation to these suspects I presumed that there was no substance in the inferences and that the matter could not be pursued further by Supt Courtney. At this point in time I cannot honestly say whether I had any discussion with Supt Courtney concerning the four suspects. In fact I cannot now recall anything about these four suspects.

Apart from the report of Supt Courtney... I did not have conversations with any other officer or person; nor was I requested by my authorities to take any action concerning the four named suspects. I cannot understand why these four suspects were not properly dealt with.”

### **Interview with former D/Sgt Daniel Boyle:**

D/Sgt Daniel Boyle (now retired) was also questioned by C/Supt Murphy. He said he had “a vague recollection” of the Ludlow case, but had no recollection of any conversations with D/Supt Courtney on the subject.<sup>37</sup>

### **Interview with former Commissioner Larry Wren:**

Former Garda Commissioner Larry Wren was interviewed on 16 November 1998, but said he had no recollection of the Ludlow murder. C/Supt Murphy noted that there was no documentation or records available to assist any of these members in recalling correspondence or directions concerning the suspects.

In his November 1998 report, C/Supt Murphy concluded by saying:

“Enquiries completed in the matter merely confirm that no action was taken in regard to processing the four suspects. It is now a matter of speculation as to where precisely the blame lies. Perhaps each of the offices and officers concerned are responsible for the inaction considering that a report was forwarded to the relevant offices at the time.”

### **THE INQUEST:**

The Coroner for Co. Louth in 1976 was Dr Thomas Scully. He confirmed to C/Supt Murphy that it was his practice to notify the local Gardaí of his intention to hold an inquest and to then agree a suitable date with them. The Gardaí were tasked with notifying all the relevant witnesses and relatives.

The inquest into the death of Seamus Ludlow was held on 19 August 1976. None of his family was present, and it appears from C/Supt Murphy’s inquiries that none of them was in fact notified in sufficient time for them to attend.

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<sup>37</sup> Statement of Daniel Boyle, 6 November 1998.

It seems that some efforts were made by Gardaí to contact Kevin Ludlow, brother of the deceased, on the day of the inquest itself. His wife, Agnes, stated that a Garda officer whom she did not know had called to their home at 10.15 a.m. and informed her of the inquest, which was due to start in Dundalk at 11 a.m:

“I asked him if he could put it back and he said no. The reason I wanted it put back was that Kevin, my husband was in work in Newry that day which was about 15 miles away and I had no way of contacting him and in any event it would be too late for the inquest by the time he returned to Dundalk.”

Agnes Ludlow then walked two miles to the office of Kevin’s employers and asked them to let him know about the inquest. A message was duly conveyed to him at about 11.45 a.m. It was too late by then for him to leave work and travel to Dundalk.

Other members of the Ludlow-Sharkey family confirmed to C/Supt Murphy that this represented the sole attempt by Gardaí to contact the family, and that the failure to notify the family was a source of great annoyance to them.

Sergeant Jim Gannon was the officer in charge of Dromad Garda station at the time. On 16 January 1997, he wrote a letter to Kevin Ludlow’s solicitors in which he stated:

“In relation to the inquest, I wish to state that a member attached to Dundalk station had, at the time, been given the task of notifying witnesses and family of the inquest, but it appears he overlooked your client. I only became aware of this on the date of the inquest and did everything I could to correct the situation.”

In an interview with C/Supt Murphy on 26 August 1998, he confirmed that he had no function or responsibility in regard to notifying the Ludlow family of the date of the inquest; but that he had tried to make contact with Kevin Ludlow on the morning of the inquest, and had had the information conveyed to his home.

C/Supt Murphy’s report concluded:

“Due to the lapse of time and the unavailability of records it is not now possible to establish who was detailed to notify the Ludlow family and relatives of the inquest.

The notification of inquests to all interested parties and witnesses is usually a function of the Gardaí. From the facts disclosed it does appear that members of the Ludlow family and relatives of Seamus Ludlow were not notified of the inquest. It was a traumatic period for the Ludlow family and their apparent annoyance is understandable.”<sup>38</sup>

The relevant file relating to the holding of the inquest is kept by the County Registrar. This shows that inquest was treated as a formal proceeding, where evidence had to be

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<sup>38</sup> Report of C/Supt Murphy, 17 November 1998.

adduced as to the identity of the deceased, the carrying out of the post-mortem examination on the body, and the resultant conclusion as to cause of death.

In pursuance of this, three depositions were sent to the coroner by a Sergeant Byrne of Dromad Garda Station, Co. Louth. In a letter to the coroner dated 11 August 1976, he wrote that the inquest had been arranged for hearing at the courthouse Dundalk, on Thursday 19 August 1976, at 3 pm. He attached the three depositions, one each from State pathologist Dr. J.F.A. Harbison, Sergeant J. Gannon of Dromad Garda Station, and Kevin Ludlow. The letter also indicated that the persons named above had been notified to attend as witnesses.

At the hearing, although Kevin Ludlow did not appear (because the failure to notify him), Sergeant Gannon was in a position to give evidence as to the identity of the deceased in his place. On the deposition prepared for Kevin Ludlow, there is a note in the coroner's handwriting:

“Not in attendance, away on holiday - just back - working in Newry. Could not be contacted.”

On the deposition prepared for Sergeant Gannon, there is the following note:

“Srg. Gannon stated that he knew Seamus Ludlow before the event”.

The deposition was signed by Sergeant Gannon.

#### **GARDA LIAISON WITH LUDLOW FAMILY:**

In a statement dated 28 July 1998, James Sharkey referred to “the failure of the Gardaí to liaise and update our family on the progress of their investigations.”

In addition to James Sharkey, C/Supt Murphy interviewed Eileen Fox (Seamus' sister), and Nan Sharkey concerning the conduct of the original Garda investigation. He concluded:

“It is noted from the statement of Mr Sharkey that there was regular contact with him in 1976, when in fact no progress was made in the investigation.

Mrs Eileen Fox (sister of Seamus Ludlow) had regular contact with a Garda Larry Crowe, Dundalk during the investigation in 1976. She was annoyed at the regularity of his visits largely because of the nature of his line of questioning. Nonetheless his visits did provide an opportunity for her to establish the progress of the case.

Nan Sharkey states that the Gardaí were quite nice to her during the investigation and she had no difficulty with them. She also expressed satisfaction with a meeting in 1996 which was attended by Superintendent Michael Staunton and other members of the Gardaí from Dundalk.

On the balance of the facts we can be satisfied that there was reasonable contact with the Ludlow family in 1976. Unfortunately no progress was made at that time.”

Undoubtedly there was a Garda / family relationship, but there is nothing to show that this was to keep the family abreast of the Garda investigation. Rather it was in the course of Garda inquiries into the murder.

It seems that the family’s belief that Gardaí had not been keeping them updated on the progress of the investigation in 1976 was aggravated by journalist Ed Moloney’s inaccurate claim that Gardaí knew “within weeks” of the murder who had been responsible for it.

Nonetheless, the question remains as to why the family were not informed of the new information which came into the possession of An Garda Síochána in 1979. In his November 1998 report, C/Supt Murphy stated:

“The information... was known only to a limited number of Gardaí. This information was not conveyed to the Ludlow family largely because of the facts outlined in chapter 4.”<sup>39</sup>

Even C/Supt Finnegan was unaware of this information when he first met the family. In any case this would not have been the type of information likely to have been passed onto victims in 1979 – and certainly not if nothing was being done about it. However, when one takes into account the fact that the information was not followed up as it should have been with the arrest of the suspects, it is not surprising (though still disappointing) that the family were not told of this potential breakthrough in the case.

## **ALLEGATIONS OF IRA INVOLVEMENT IN LUDLOW MURDER:**

### **Statements attributed to Gardaí:**

In their letter to the Garda Commissioner dated 27 April 1996, the Ludlow-Sharkey family claimed that Gardaí in 1976 “continually” led them to believe that republican subversives were responsible for Seamus Ludlow’s murder.

At a meeting with Gardaí in the Ludlow family home in May 1996, Kevin Ludlow said that local officer Sgt Jim Gannon had told him on several occasions over the years that the IRA had killed Seamus Ludlow. Sgt Gannon took exception to the implication that he had misled the family, and telephoned Kevin Ludlow some days later to discuss the matter. The conversation ended acrimoniously. In January 1997 – more than seven months later – Kevin Ludlow instructed solicitors to write to Sgt

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<sup>39</sup> Chapter 4 was the section of C/Supt Murphy’s report dealing with when the Gardaí became aware of the identity of the suspects and why this information was not acted upon.

Gannon, asking for an apology. Sgt Gannon responded by letter dated 16 January 1997, again denying that he had misled Kevin Ludlow with regard to the suspects for his brother's death.

Sgt Gannon retired in February 1997. On 26 August 1998 he was interviewed by C/Supt Ted Murphy. Concerning this issue, he stated:

“At no stage was there ever any individual or individuals identified as being responsible for the murder of Seamus Ludlow. There were differing points of view as to who was responsible; some people thought it was the IRA, others thought it was the British Army. These were the views of local people and of some of the investigating team. They were personal views not based on any hard evidence.

Following the murder of Seamus Ludlow I got to know his brother Kevin Ludlow. He often called into Dromad Garda Station and discussed the case. I treated him extremely well and often supplied him with a cup of tea. It was Kevin's belief that the IRA had committed the murder though he had no facts to support this. All I could tell him was that the view of certain members of the public was that the murder was committed by the IRA or the British Army.”

Kevin Ludlow was not the only member of the Ludlow-Sharkey family to state that Gardaí had led them to believe the IRA had killed Seamus. One of Seamus' nieces, Brieghe Doyle, recalled being told by two detectives who interviewed her some days after the funeral that they believed the IRA were responsible. Another niece, Ann McDonald, stated in 1998:

“It is... a source of annoyance to us the way in which the IRA were portrayed by Gardaí as the people who murdered my uncle... this has in effect blackened the reputation of my uncle.”

Paddy Ludlow, brother of Seamus, died in 1991; but his son Brendan recalled him saying that the Gardaí had led him to believe that the IRA were responsible. Michael Donegan recalled his own father (brother-in-law of Seamus) telling him something similar:

“He met detectives in Dundalk a number of times and they told him that the IRA did it and that it was a family affair. When my father told me this I was disgusted. Because of the fact that it was alleged that the IRA were involved my father was frightened and discontinued his visits to Dundalk.”<sup>40</sup>

James Sharkey, nephew of Seamus, recalled being interviewed in the weeks following the murder by D/Sgt Owen Corrigan and C/Supt Dan Murphy. He said that D/Sgt Corrigan adopted a very aggressive attitude, and that he seemed to be trying to get him [James] to say that the IRA had killed Seamus. A few days later, another interview took place with D/Sgt Corrigan and another unnamed officer:

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<sup>40</sup> Statement of Michael Donegan, 28 July 1998.

“The two of them were again trying to establish a connection between Seamus and the IRA. Owen Corrigan said on numerous occasions ‘You know and we know the IRA done the murder’. In general he wanted me to agree with him. However, I didn’t believe it was the IRA so I couldn’t agree with him.”<sup>41</sup>

James Sharkey said he had no further contact with Corrigan until December 1980, when he met him in the toilet of a Dundalk hotel:

“I asked him if he ever found out who murdered my uncle Seamus: he replied, ‘You know fucking well who killed him as well as I do.’ He then left the toilet.”<sup>42</sup>

D/Sgt Corrigan retired in 1992. On 26 August 1998 he made a short statement to C/Supt Ted Murphy concerning the Ludlow case, in which he said:

“In May 1976 I was in Dundalk when Seamus Ludlow was murdered at Thistle Cross, Dundalk. I was actively involved in the subsequent murder investigation. On the completion of it no person was identified as being responsible for the murder. At no stage did I ever tell any member of the Ludlow family that the IRA were responsible for the murder as I had no information to suggest that such was the case.”

C/Supt Murphy also interviewed two other Gardaí who had been based in Dundalk Garda station in 1976. Neither of them had been actively involved in the investigation. They did not recall any discussions or meetings at which it was suggested that the suspects for the Ludlow murder had been identified. They themselves did not express the view to the Ludlow family or to anyone else that the IRA were responsible.

From all the information available to him, C/Supt Murphy concluded:

“There is a clear conflict on this issue. However, it is worth noting that the suspects in this case were not identified until February 1979... any views expressed up to that time could only be of a speculative nature and not supported by facts. It is now evident that the IRA were not responsible for Mr Ludlow’s murder.

It is not the practice of the Gardaí to nominate suspects in any investigation in the absence of supporting evidence. Perhaps the IRA were originally included in the initial network of suspects. It is clear from the statement of ex-Chief Superintendent Courtney that the investigation team had an open mind at the outset of investigations in regard to suspects in this case.

From all the circumstances outlined, including the conflict of statements and noting that any views expressed prior to February 1979 could only be of a

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<sup>41</sup> Statement of James Sharkey, 28 July 1998.

<sup>42</sup> Ibid.

speculative nature I am of the view that no explanations can now be provided to the Ludlow family on this issue.”<sup>43</sup>

As we have seen, the investigation file shows that there was intelligence information received - however unreliable it turned out to be - which might have led Gardaí in 1976 to believe that the IRA were responsible for the murder. C/Supt Murphy’s conclusion is presumably based on the fact that such intelligence was discarded early on as being of no weight.

### **Statements attributed to Brendan McGahon TD:**

Kevin Ludlow told C/Supt Ted Murphy that in September 1983 he heard a radio programme in which Brendan McGahon stated that he knew who had killed Seamus Ludlow.

On 13 March 1998, Kevin Ludlow and James Sharkey went to see McGahon at his offices in Dundalk. According to Kevin Ludlow, the latter became abusive in the course of their conversation.

“He stated that his knowledge of Seamus’ murder was obtained from the Gardaí and an IRA man who was now dead.”<sup>44</sup>

Mr McGahon was interviewed by C/Supt Murphy on 10 August 1998. He stated:

“In 1976 I was a councillor with Louth Co. Council and Dundalk U.D.C. I can remember the murder of Seamus Ludlow of Thistle Cross, Dundalk in 1976. In fact he used to cater for my garden on Saturday evenings. His murder was a shock to me as he was an inoffensive man.

At that time it was my belief, based on conversations with Gardaí and others, that the IRA were responsible, as that group were responsible for many similar-type deaths. I can confirm that I did address this murder on a radio programme when I condemned the death and probably expressed the view that the IRA had done it, based on what I have just said in my statement. I do not recall the occasion or precise details of the interview.”

Regarding his conversation with Kevin Ludlow and James Sharkey in 1998, he acknowledged that there had been some heated disagreement. He said he told them that his belief in 1976 that the IRA were responsible was his true belief at the time, based on what he had been told.

He told C/Supt Murphy that his view at that time was based on conversations with local Gardaí and ‘others’ in 1976. He did not recall any specific Gardaí or individuals from whom he received the information. He now accepted that he was misinformed, and had no definite information as to who murdered Seamus Ludlow.

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<sup>43</sup> Report of C/Supt T. Murphy, 17 November 1998.

<sup>44</sup> Statement of Kevin Ludlow, 28 July 1998.

C/Supt Murphy concluded:

“Whilst this issue is a matter of some annoyance to the Ludlow family it is not now of any particular relevance to the Gardaí. Nonetheless the following matters are worthy of mention:

- Neither Kevin Ludlow nor any other member of the Ludlow family contacted either Mr McGahon or the Gardaí following the radio interview. This suggests that the views expressed by him did not have any particular impact on the Ludlow family, or that they believed that Mr McGahon’s views were of a purely speculative nature, not worthy of attention.
- It is surprising that Kevin Ludlow did not bring details of the interview to the notice of the Gardaí.
- Perhaps Mr McGahon was somewhat reckless or naïve in conveying his unsubstantiated views on the public airwaves.”

It may be that the finding that McGahon’s comments did not have an impact on the Ludlow family at that time goes too far. The failure to complain to Gardaí does not necessarily imply that they were not annoyed by the allegations.

### **QUESTIONING OF KEVIN DONEGAN:**

Kevin Donegan himself was deceased by the time the issue was brought to the attention of C/Supt Ted Murphy. However, according to a statement by his wife Kathleen, she and her husband received a visit from 5 or 6 British Army personnel between 3 and 4 p.m. on 5 May 1976 – the day after Seamus Ludlow was buried.

“The man in charge said to me and my husband, ‘Seamus Ludlow must be a very bad man: the IRA usually kneecap people, but this time they killed him.’ I said ‘It was not the IRA who killed him; you know who did it.’ My husband ordered them out the gate: the man in charge said, ‘If you don’t talk to us you will talk to the police.’ They told him to go the police, the police at Forkhill...

My husband then cycled to Forkhill RUC station but there were no police officers there at the time. He was again met by the British Army who took him to Bessbrook by helicopter. He was taken from there by car to Newry RUC station and was questioned by a British Army intelligence officer for three hours. An RUC man in the station said to my husband that it was not them who sent the soldiers to our house.”<sup>45</sup>

Kathleen’s son Michael gave a similar version of events, which he said had been told to him by his father. He added:

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<sup>45</sup> Statement of Kathleen Donegan, date unknown, 1998.

“He was... questioned by a British Army officer about the murder and what line of enquiry the Guards in Dundalk were following. When he hadn’t returned home after some time my mother got anxious. She telephoned the local Councillor Jim Murphy, who is now deceased. Jim Murphy telephoned Forkhill RUC station to be told he wasn’t there. The Army personnel there did not initially volunteer where he was but after persistence by Jim Murphy, he was told where my father was and Mr Murphy went to collect him and brought him home.”<sup>46</sup>

A version of these events was also published in Monsignor Raymond Murray’s book, *The SAS in Ireland* (Dublin, 1990). Monsignor Murray had received the information, not from the Donegan family, but from Councillor Jim Murphy, whom he visited within weeks of the Ludlow murder.

Having summarised the above information, C/Supt Murphy concluded in his November 1998 report:

“The issue of the detention and questioning of Kevin Donegan is a matter which cannot now be confirmed as both Mr Donegan and Councillor Jim Murphy are the only persons who can clarify the sequence of events and both are now deceased. In any event the incident occurred outside this jurisdiction and therefore is not a matter of concern of the Gardaí.

This matter was examined purely as a result of the request of James Sharkey. He has been informed of the outcome of our enquiries and accepts that it is not a matter which the Gardaí can pursue further.”

Having seen C/Supt Murphy’s report, the Inquiry wrote to the RUC on 21 May 2002, seeking such information as it might have in its files on the matter. A memo from the RUC in reply, received with a letter from the Secretary of State for Northern Ireland dated 9 June 2003, stated:

“In relation to the questions posed concerning Kevin Donegan... no record has been uncovered of either an approach to him to attend Forkhill RUC station, or his being interviewed there.”

The Inquiry again raised the matter in further correspondence with the Northern Ireland Office. A letter sent by the Inquiry on 28 November 2003 contained the following:

“You have already supplied information available to the Ministry of Defence as well as the RUC. However, the RUC was in no way involved: the questioning was solely a matter for the British Army.

The British Army was involved in three separate ways. Firstly, members of the British Army called to the home of Kevin Donegan and told him to report to

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<sup>46</sup> Statement of Michael Donegan, 28 July 1998.

Forkhill RUC station. Secondly, there were only British Army personnel at this station and they brought him to Bessbrook Army Barracks by helicopter. Thirdly, he was questioned for an hour by a British Army officer.

The subject matter of the questioning related to what Mr. Donegan knew about the line of enquiry being taken by An Garda Síochána. A local councillor, Jim Murphy arranged for him to return home. This same councillor had gone first to Forkhill RUC station where knowledge of Mr. Donegan was denied.

This series of events has serious connotations. The questioning may have been designed purely to add to the store of Army Intelligence relating to Loyalist subversive activity in the area. Nevertheless, there is the implication, believed by the family to be correct, that Army Intelligence was aware of the names of the culprits, and was not prepared to pass on that information to the RUC, unless the Gardaí had evidence which they might pass on themselves. Such an inference would have gained strength when it was discovered that two members of the UDR were amongst the four names suspected of being involved, one of whom had actually fired the fatal shots.

This is a serious allegation and I pass it to you because I feel that it should be answered.”

The only response to this was received in a reply dated 6 July 2004, and simply stated:

“On the questioning of Kevin Donegan, the Ministry of Defence has advised that no material was found on file to indicate that the Army questioned Mr Donegan.”

In a letter dated 14 July 2004, the Inquiry returned to the matter, saying:

“In relation to the Army questioning of Kevin Donegan, I am surprised at the absence of any Army records, which in both our jurisdictions seem to have been kept meticulously... As already referred to in my letter of 28 November 2003, the British Army personnel who came to his home must have been acting under orders. While no note might have been taken of his visit to Forkhill RUC station, Kevin Donegan was nevertheless brought to Bessbrook by helicopter and this use might have been expected to have been recorded. Finally, an interrogation took place at Bessbrook. Surely this fact, and the presence of a local councillor to arrange for his return home, would have been recorded.”

At the time of completion of this Report, no reply had been received to this letter.

#### **ANNIVERSARY MASS IN ENGLAND FOR SEAMUS LUDLOW:**

In 1986 it came to the notice of the Ludlow- Sharkey family that an anniversary mass for Seamus Ludlow was celebrated annually at St Austin's church in Staffordshire, England. Staffordshire police conducted enquiries into the matter in 1986.

Church records showed that the first request for such a mass had been made on 5 June 1976. No other details were recorded. The priest who recorded the request was interviewed, but could not recall anything concerning the person who had made the request. There was no record in the births, deaths and marriage records of the church of anyone named Seamus Ludlow having been born, lived or having died in the locality.

In 1998, C/Supt Murphy spoke with the present curate at St Austins, who confirmed that the details obtained by Staffordshire police in 1986 were correct, and that no other information had come to light. He explained that every name for whom an anniversary mass had been requested would remain on the list every year, without the families involved being consulted.

C/Supt Murphy conveyed all the above facts to the Ludlow-Sharkey family.

# **ASSESSMENT OF GARDA INVESTIGATION**

- 1. GENERAL PROCEDURE IN MURDER INVESTIGATIONS**
- 2. LUDLOW MURDER INVESTIGATION**
- 3. INFORMATION RECEIVED FROM THE RUC**
- 4. INDIVIDUAL AND DEPARTMENTAL RESPONSIBILITIES**

## **GENERAL PROCEDURE IN MURDER INVESTIGATIONS:**

Any assessment of a Garda investigation must be made in the light of the rules and procedures laid down in the Garda Code. The following references are to the second edition of the Code, which was in force from 1965 until 1984.

### **Investigation of crime:**

Chapter 3 of the Code outlines the duties and responsibilities of each rank in An Garda Síochána. Of particular note is the last paragraph, which was headed ‘General’ and read:

“All crimes and offences coming to the notice of a member will be fully investigated. He will report to his superior all matters of which the superior should have cognizance or with which the member concerned is unable to deal.”

More detailed information as to the division of responsibility in criminal investigations is contained in chapter 44. It appears that, outside the Dublin Metropolitan Area, the initial responsibility for a murder investigation lay with the District Officer. Requests for manpower, equipment and other resources were channelled through the Divisional Office.

If the case showed no signs of an immediate solution, the Divisional Officer might ask for the services of an investigating officer from the Technical Bureau, Garda Headquarters. Section 44.2(4) stated that responsibility for the direction of the investigation then devolved to that officer, “in conjunction with” the District Officer. The section continued:

“The divisional officer should ensure that all investigations are pursued promptly but should not unnecessarily interfere in the details of the investigation... If at any stage he considers that the investigation is not being properly conducted the divisional officer will inform Commissioner ‘C’ setting out fully his reasons for thinking that the investigation is not being properly conducted. He should not do this, however, without first informing the district and investigating officers of his intention.”

Where an investigation reached a natural end, be it with an arrest or with the exhaustion of all lines of enquiry, the investigating officer might withdraw from the case, leaving the ongoing direction to the District Officer, “with whom he will keep in touch.”<sup>47</sup> If developments later arose, the Divisional Officer, in consultation with the

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<sup>47</sup> S.44.2(5).

District Officer, would have to decide whether the investigating officer should be asked to return.

“Where the situation is such that its handling would be improved by one with experience in specialised fields, the divisional officer should not hesitate to request the return of the investigating officer.”<sup>48</sup>

The next paragraph stated:

“Whether or not the investigating officer remains until the conclusion of the investigation, the district officer will be responsible for reporting the case to Commissioner C1 and to the State Solicitor for presentation in court. While the investigating officer remains in the district, the district officer will have his assistance in preparing his reports.”<sup>49</sup>

### **Internal / external communication:**

Chapter 26 set out the rules regarding internal and external Garda correspondence. Within the organisation, the standard channels of official correspondence were: Commissioner – Divisional Officer – District Officer – Member in charge, and vice versa.

Section 26.2 stated that all correspondence with Government Departments would, except as sanctioned otherwise, be conducted through the Commissioner.

As far as cross-border communication is concerned, section 26.3 stated:

“Correspondence with other police forces on local police problems may be conducted direct by the divisional or district officer... No information of a political nature or concerning subversive activities will be supplied or sought in these communications without the authority of the Commissioner.”

In his report dated 16 March 1999, C/Supt Ted Murphy referred to all these provisions. He added:

“It is probable that some specific written instructions were issued concerning the role and responsibility of the Murder Investigation Unit on its introduction to the Force. Despite extensive enquiries to obtain these instructions I have been unable to do so.”

The significance of these rules and regulations for the Ludlow case - particularly in relation to the failure to pursue the four suspects in 1979 - will be examined below

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<sup>48</sup> S.44.2(6)

<sup>49</sup> S.44.2(7).

## **THE LUDLOW MURDER INVESTIGATION:**

It seems clear that the original 1976 investigation followed the expected procedure at that time. The services of the Technical Bureau and the Murder Investigation Unit were called in promptly, and the available evidence suggests that all sections involved in the investigation at district, divisional and superior levels carried out their duties as might have been expected. The principal exception to this – the failure to notify the Ludlow-Sharkey family of the date of the inquest – while extremely regrettable and a legitimate source of hurt and grievance to the family, did not affect the investigation.

It is also reasonable to state that the investigation was carried as far as could have been expected, given the information available at that time. Considerable efforts were made to find possible eyewitnesses: these included house-to-house calls, vehicle checkpoints and newspaper appeals.

Attention was paid also to the forensic aspects of the investigation. The bullets were examined by Garda Ballistics Officers and by experts at the Data Reference Centre, Belfast. Extensive searches of the murder scene were carried out, involving officers from the Ballistics and Fingerprint sections.

The lack of any substantial intelligence information in 1976 was not a fault of the Gardaí: it is clear from the files that efforts were made to contact all possible sources of information, including the RUC. As we have seen, the importance of continued contact with the RUC on the matter was emphasised by Garda Commissioner Garvey even after the investigation report had been completed.<sup>50</sup> The questioning of SAS officers arrested in Omeath on 5 May 1976 in relation to the bombing is another indication that Gardaí were keeping an open mind on the question of who might have been responsible.

## **INFORMATION RECEIVED FROM THE RUC:**

If the picture in 1976 was of a thorough investigation hampered by a lack of tangible leads, this was not the case in 1979. The picture at that time was of a significant, potentially crucial piece of intelligence that was not followed up in the manner one would have expected.

Before examining this failure on the part of Gardaí, a preliminary question must be asked: why did the RUC only bring the information concerning the four suspects to Garda attention in January 1979, when it appears that they received it some time around July 1977?

The theory advanced by Supt Courtney in his report of 15 February 1979 – that they were seeking to placate (and maybe protect) their informant by not revealing the information while Hosking still lived in Northern Ireland – seems plausible. But even if that were the case, it would not explain the lapse of six months between the time Hosking moved to Scotland and the provision of the information to An Garda

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<sup>50</sup> See above p.18.

Síochána. In the end, without access to RUC files or the opportunity to interview relevant RUC personnel, this question cannot be answered.

Whatever the reason for the delay, it is clear that when the information was passed on, the RUC fully expected the Gardaí to arrange interviews with the suspects and to pursue the matter as far as possible. Far from hindering this, the officer in charge of CID, C/Supt Bill Mooney told Supt Courtney he would give “every co-operation” in the investigation.

The next question that arises is whether the information received in C3 on 30 January 1979 was conveyed to Supt Courtney before his meeting of 15 February. There is no written evidence that this was done, and Supt Courtney maintains that he knew nothing of the information prior to the Belfast meeting. On the other hand, the information was sent from C3 to the Divisional Office in Drogheda on 5 February, and it seems extremely unlikely that the substance of it would not have been passed on to Supt Courtney, particularly if he was going to meet with the RUC shortly afterwards.

C/Supt Courtney has said that to his recollection, the visit to Belfast was connected in some way with the Dublin / Monaghan bombings of May 1974.<sup>51</sup> D/Sgt Owen Corrigan, who accompanied him, told the Inquiry that he thought they went up there to trace the origin of a car in connection with the bombing of Dundalk in November 1975.<sup>52</sup> The Inquiry has not seen any reference in the files on the Dublin, Monaghan or Dundalk bombings to this meeting.

This apparent confusion provides a good example of the problems encountered when enquiring into events of more than 25 years ago, and in particular, of the frailty of human memory – even the memories of trained investigative officers such as C/Supt Courtney and D/Sgt Corrigan. Honest people, doing their best, can very easily make mistakes.

In any event, the issue of whether the meeting was set up with the Ludlow case in mind or not is now immaterial. What matters is that following the meeting, Gardaí had not only the names of four suspects, but sufficient details concerning the source and nature of the allegations against those suspects to know that this was a potentially crucial breakthrough in the case.

The early indications were that they took this information extremely seriously. Within a day or two, Supt Courtney sent a detailed report to the Divisional Officer at Drogheda, C/Supt Cotterell. The latter forwarded copies to the heads of C1, C3 and C4 on 19 February 1979, and also instructed Supt Courtney to discuss the matter with the officer in charge of the Murder Investigation Unit, D/Supt Dan Murphy, in order to decide on the appropriate next steps. According to C/Supt Cotterell’s covering letter, this meeting was to take place on the same day (19 February).

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<sup>51</sup> Notes of interview with C/Supt Courtney (retired) by C/Supt Ted Murphy, 25 February 1999.

<sup>52</sup> Notes of meeting between D/Sgt Owen Corrigan (retired) and members of the Inquiry, 23 January 2003.

Given the extraordinary significance of the information received, and the speed with which that information was conveyed to the senior ranks of An Garda Síochána, it is all the more surprising that no follow-up took place until 9 April 1979, when Assistant Commissioner John Fleming, head of Crime Ordinary (C1), asked what the outcome of the planned discussion on 19 February had been. The response from Supt Courtney on 12 May at least indicated that the intention to interview Hosking still remained, although some of the urgency appeared to have gone from the investigation.

From its interviews with former Garda officers, the Inquiry has been given two pieces of information which suggest D/Supt Dan Murphy not only knew of the information received by Supt Courtney, but took some steps towards pursuing the matter further.

The first piece of information came from former Detective Garda Terry Hynes, who had worked on the original Ludlow investigation as a member of the Murder Investigation Unit. He remembered being approached by D/Supt Dan Murphy some time after the investigation had ended, and asked if he would accompany the latter to Scotland to interview suspects in the Ludlow case. He said he would. D/Supt Murphy asked him to keep the matter confidential, saying that he would give him a week's notice when the time came. He did not give D/Garda Hynes any details, but seemed very confident that they could solve the case. D/Garda Hynes said that D/Supt Murphy mentioned the prospective trip to Scotland to him on a few more occasions when they met in relation to other matters, but that it never materialised.<sup>53</sup>

The second piece of information came from Maurice Boyle, a former Detective Sergeant who served in the Fingerprint Section, Technical Bureau from 1969 until 1993. He wrote to the Inquiry as follows:

“On the 1<sup>st</sup> May 1976 I was detailed to travel to Dundalk to assist in the investigation of the murder of Seamus Ludlow...

On the grass verge a few feet from where the body lay, I found two potato chip bags. These are referred to as ‘singles’ in the fast food trade. One bag had a few unconsumed chips. I noted at the time that both bags were dry. This was a good indication that they were not long discarded. I later developed fingermarks on these bags using the ninhydrin method. D/Gda John Roche later photographed these fingermarks...

Some years later I was asked by the late Chief Superintendent Daniel Murphy to supply him with copies of the photographed fingermarks in the Seamus Ludlow case. This I did by mounting them on an A4 size sheet of cardboard. He said he was going north and would be bringing these with him. I'm certain he received these, as he thanked me the next day on meeting me in the corridor.”<sup>54</sup>

He did not recall any mention of suspects' names by D/Supt Murphy.

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<sup>53</sup> Notes of meeting with D/Garda Terry Hynes (retired), 7 January 2003.

<sup>54</sup> Statement of D/Sgt Maurice Boyle, 14 April 2004.

There was no reference to these fingerprints in the investigation file. At the Inquiry's request, Mr Boyle contacted the Technical Bureau in an effort to trace documents from the Fingerprint Section. On 17 August 2004, he wrote:

“The Inspector in charge of fingerprints at Garda Headquarters informed me on 16 August 2004, that he is unable to locate the file on the Ludlow murder, or the relevant negatives of the fingermarks on the potato chip bags.

Since 1976, the Fingerprint Section moved location twice within Garda Headquarters; first to facilitate the building contractor in the completion of an extension. In 1994 it was again relocated when the section was being prepared for computerization. This and other problems arose because of this disruption.”<sup>55</sup>

### **Opinion of Garda Commissioner (2003):**

On 27 August 2002, the Inquiry wrote to the Commissioner of An Garda Síochána Patrick Byrne (now retired) seeking his views on the failure to question the suspects in 1979. The Commissioner conducted his own review of the files, and on 10 January 2003 a 12-page reply was sent to the Inquiry. The letter was in large part a restatement of the facts as they have been described already in this report; but to this the Commissioner added some comments of his own.

Having agreed that the next step in the investigation would have been to interview the suspects, he went on to state:

“Notwithstanding the demands on both police forces north and south of the Border during the relevant years, it is not acceptable that the basics of any serious crime investigation, particularly murder, were not, without comprehensive and fully supported reasoning, pursued to the limit.

When one looks at what happened in this case, post-15<sup>th</sup> February 1979, it is difficult, with the information we have, to reach any firm conclusion other than, what should have happened did not happen.”<sup>56</sup>

Concerning D/Supt Courtney's reference to D/Supt Dan Murphy having been tied up in an internal selection process in April / May 1979, and thus unavailable to arrange a visit to Glasgow to interview Hosking, the Commissioner wrote:

“I find it implausible that this selection process would, in any way, inhibit a decision on whether and / or when the visit to Glasgow should proceed.”

He noted the apparent lack of response to subsequent enquiries from C1, and commented:

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<sup>55</sup> Letter from Maurice Boyle to the Inquiry, 17 August 2004.

<sup>56</sup> Letter from Garda Commissioner Patrick Byrne to the Inquiry, 10 January 2003.

“... while I accept that hindsight is of great benefit when analysing situations of yesteryear, nevertheless I am satisfied, from the information available to me, that Garda Management in this case was somewhat remiss in doing it’s business. It appears that nobody ‘grabbed this key issue by the neck’ and made a decision, committed to writing, to either pursue or abandon the investigation.”

The Commissioner then turned his attention to the alleged conversation between D/Supt Courtney and D/Sgt Dan Boyle. He noted that the conversation, if it took place, must have happened before 11 December 1979, because that was when Larry Wren was moved from his position as Deputy Commissioner in charge of C3. He then commented:

“It therefore seems strange that when Superintendent Courtney, on the 26<sup>th</sup> March 1980, was directed to report on developments in the case by Assistant Commissioner C1 the paper trail runs out; when a response that Deputy Commissioner Wren had directed no further action would have finalised the matter for Superintendent Courtney.”

He continued:

“In any event when one looks at the Command Structures in December 1979 – with Deputy Commissioner Wren in charge of Operations (formerly in C3) and Assistant Commissioner J.P. McMahon in charge of Crime Investigation (formerly in C3) – one would have expected, in response to the queries on developments in the case, that Superintendent Courtney, in a much simpler manner, would have sought directions through his superiors, Chief Superintendent D. Murphy and Assistant Commissioner Crime Investigation (both officers very au fait with the investigation) and, if necessary, Assistant Commissioner McMahon to take it further; either with Deputy Commissioner Wren or Assistant Commissioner Ainsworth.”

Finally, concerning the steps that would have been necessary for Garda officers to travel outside the jurisdiction in order to interview suspects, he reaffirmed the primacy of C3 in the making of any such arrangements. Even in serious cases that had no subversive connections, there was still a requirement to clear any visit to Northern Ireland with C3.

As to whether the Department of Justice would have been informed, Commissioner Byrne said that he could not envisage C3 facilitating such enquiries in the Ludlow case without some communication by officers of Chief Superintendent or Deputy Commissioner rank with either the Secretary of the Department of Justice or one of his senior officials. This would have been in line with the policy in such serious matters, which so far as he knew, was not written anywhere.

Even in the absence of any decision by Gardaí to have the suspects interviewed, Commissioner Byrne said he would be “surprised” if the Secretary of the Department had not been informed of the information sent by the RUC on 30 January 1979. He wrote:

“While I have never experienced, either personally or through others, any interference in an investigation by any Minister or Government official, there is a responsibility on the Commissioner, through nominated officers, to ensure that the Minister for Justice is kept informed of developments on issues of a serious nature, to ensure that the Minister’s responsibility for ensuring democratic accountability and control is properly exercised.”

Pointing out that telex messages were sent to the Department of Justice from the outset of the investigation, and that a copy of the investigation file was also sent in due course, the Commissioner continued:

“Since 1969, when one considers the challenges of the time... it was vital that on issues that affected the State, there should be at all times, an open line of communication between the Garda Commissioner and his management team and the Minister, the Secretary of the Department and his officials.”

Commissioner Byrne concluded his letter as follows:

“Where does the fault lie? In my view, it lies with all the senior management aware of the information of the 30<sup>th</sup> January, 1979; people in decision-making positions in the public service, either here or in Northern Ireland; but the main responsibility must rest with, I’m sorry to say, the Garda Síochána, the investigating agency of this murder. Deputy Commissioners, Assistant Commissioners, Chief Superintendents and Superintendents were aware of this information. Those directly involved in the case and those with collective responsibility for overseeing crime investigation and extra-jurisdiction co-operation were aware and still this vital aspect of the investigation was not pursued.

The only explanation I can give, looking back on the seventies and eighties, is that with pressure of work and the demands on the organisation, it was lost sight of and not pursued.

In my view, this explanation is not adequate and is of little consolation to the relatives and friends of the late Seamus Ludlow.

With the passage of time, the loss of memory of some, the questionable memory of others and the unavailability of certain people, I don’t see how, in any forum, the questions you ask can be answered adequately.”

### **INDIVIDUAL AND DEPARTMENTAL RESPONSIBILITIES:**

At this point, it may be useful to re-examine the rules and procedures outlined at the beginning of this chapter in the light of what was done at all levels with the information received in 1979.

### **Border Superintendent, Dundalk:**

Supt John Courtney held this post from September 1978 until July 1979, when he returned to the Murder Investigation Unit at the Technical Bureau, Garda Headquarters. It was in his capacity as Border Superintendent that he received the information from the RUC on 15 February 1979, and his immediate actions were wholly in accord with what might have been expected: he asked the RUC for photographs, descriptions and any other available information concerning the suspects; and he filed a detailed report for his Divisional Officer, C/Supt Cotterell.

It is clear from that report and from subsequent statements by him, that Supt Courtney was fully aware of the importance of the information received. He believed that a very strong lead had been provided, and filed his report in the expectation that arrests and interrogations would follow – a process in which he expected to play a part.

As we have seen, Supt Courtney has said that he voiced his disappointment at the subsequent lack of progress to D/Sgt Dan Boyle in C3, who told him that Assistant Commissioner Wren had advised that no further action was to be taken in the case, because of a reluctance to create a *quid pro quo* situation with the RUC vis-à-vis the extradition of suspects for subversive crimes.<sup>57</sup>

If one accepts that this conversation took place – and there is little reason to believe that it did not – one must assume that it took place some time after May 1979, at which time D/Supt Murphy had assured Supt Courtney that he would shortly be making arrangements to have Hosking interviewed in Glasgow.<sup>58</sup>

Questions remain concerning Supt Courtney's subsequent involvement with the case. In the first place, it is surprising that no written response can be found to the requests from C1 that were forwarded to him in July 1979, October 1979 and January 1980. It is possible that he never received them: the Inquiry notes that the documents were not forwarded to him directly, but were addressed to Commissioner C4 "for the information of" D/Supt. Courtney. It may be that the senior officers in C4 were already aware of a C3 decision not to pursue the matter, and so did not pass the documents on. But if C4 ultimately came under the control of C1, then how could the Assistant Commissioner C1 not also know of such a decision?

C/Supt Courtney himself has said that he has no memory of anyone discussing the case with him subsequent to his conversation with D/Sgt Dan Boyle.<sup>59</sup> This would seem to rule out the possibility of an oral response to the C1 memos. Even more surprising is the apparent lack of response to the note of 26 March 1980 that was sent directly from C1 to D/Supt Courtney at the Technical Bureau. Again, it is possible that this note never reached him; though the copy in the C1 file is stamped as having been despatched.<sup>60</sup>

There is also the question of whether Supt Courtney should have accepted the answer given to him by D/Sgt Boyle, a junior officer, without query. This was one of a series

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<sup>57</sup> Statement of C/Supt Courtney, 26 August 1998. See above p.51.

<sup>58</sup> Memo from Supt Courtney to District Officer, Dundalk, 12 May 1979.

<sup>59</sup> Statement of C/Supt Courtney, 26 August 1998.

<sup>60</sup> See Appendix D.

of questions put to the Garda Commissioner by the Department of Justice in an undated memo from 1999. The following response was received:

“Issues of this nature would normally be dealt with at a higher level than a Detective Sergeant and quite possibly in writing. Given the entire circumstances of the case, it is difficult to understand why a direction should be given not to proceed against the suspects, or on what basis such a direction could be given. There is no written record or note of the direction. Mr Courtney in his statement expresses sentiments of surprise and disappointment at the decision, yet he did not commit these sentiments in writing to his superiors. There is now a major conflict on this issue.”<sup>61</sup>

While not a direct answer to the question, this seems to imply that D/Supt Courtney should not have accepted what D/Sgt Boyle may have said, but should have made further inquiries from superior officers, either in C3 or C4.

In the view of the Inquiry, placing the onus on D/Supt Courtney to pursue the matter is somewhat unfair. At that time, responsibility for pursuing the case lay not with him but with D/Supt Dan Murphy, his immediate superior in the Technical Bureau. D/Supt Courtney could reasonably have assumed that D/Supt Murphy already knew of the decision not to proceed, and that the latter would have made any protests that needed to be made. It is also possible that he discussed the matter with D/Supt Murphy, though he has no memory of doing so.

If one assumes that D/Supt Courtney did eventually receive C1’s requests for information, then it would be legitimate to criticise him for failing to respond, when a simple reply suggesting that the matter be taken up with D/Supt Murphy and / or Assistant Commissioner Wren would have been sufficient to discharge his responsibility in the matter.<sup>62</sup> It should be noted, however, that D/Supt Courtney told the Inquiry he was unaware that C1 had been pursuing the matter.<sup>63</sup>

Finally; notwithstanding D/Supt Courtney’s statement that he was surprised by the explanation he says he got from D/Sgt Boyle, his acceptance of it suggests that he felt it was plausible. The question of whether such a direction might have been rooted in a more general Garda policy shall be considered later on in this report.<sup>64</sup>

### **District Office, Dundalk:**

Superintendent Richard Fahy was the District Officer in 1976 (when he signed the investigation report) and also in 1979 / 80. He appears to have acted within the parameters expected of him in the circumstances.

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<sup>61</sup> Document attached to letter from Garda Commissioner to Secretary, Department of Justice, 17 December 1999.

<sup>62</sup> This point was made by Garda Commissioner Pat Byrne in his letter to the Inquiry dated 10 January 2003.

<sup>63</sup> Notes of a meeting between former D/Supt Courtney and the Inquiry, 31 July 2002.

<sup>64</sup> See Conclusions.

Supt Courtney, although based in Dundalk Station, was of equivalent rank to Supt Fahy and reported his information directly to the Divisional Officer, C/Supt Cotterell. Supt Fahy had no direct responsibility to pursue the matter. When the various requests for updates came to him, he forwarded them on to Supt Courtney. Once the latter had been transferred back to the Murder Investigation Unit, it was reasonable for Supt Fahy to assume that the matter would be pursued further at Garda Headquarters.

### **Divisional Office, Drogheda:**

Chief Superintendent Richard Cotterell was the Divisional Officer at Drogheda and as such, the first to receive Supt Courtney's report of 15 February 1979. He acted promptly, instructing the latter to contact the principal investigating officer in the original murder investigation, D/Supt Dan Murphy. From this point he appears to have assumed, not unnaturally, that the responsibility for pursuing the matter further lay in the hands of the Murder Investigation Unit. The note from Supt Courtney in May 1979 to the effect that D/Supt Murphy would shortly be free to arrange an interview with Hosking in Glasgow, would have supported this assumption.

As would have been expected, C/Supt Cotterell passed on the requests for updates received from C1 in July and October 1979 to the District Officer in Dundalk. It is regrettable that, having received no reply to either of these memos, he did not make further enquiries as to the reason for the delay until the third reminder was issued from C1 in January 1980 – although the destruction of all records from that period held at Dundalk and Drogheda means that one cannot be conclusive about this.

Once it was made known to him that D/Supt Courtney had returned to the Technical Bureau, C/Supt Cotterell acted reasonably in suggesting that Garda Headquarters contact Courtney directly. Although it is not clear whether C/Supt Cotterell was made aware of the subsequent note sent to D/Supt Courtney from C1, he was entitled to assume, in the absence of any further communication from Garda Headquarters to the Divisional Office on the matter, that the investigation was being pursued satisfactorily.

### **Murder Investigation Unit, Technical Bureau:**

One of the most experienced officers in this unit, Detective Superintendent Dan Murphy (later Chief Superintendent) had directed the original investigation into the murder of Seamus Ludlow. On that basis, it was natural that he would be told of the information concerning Hosking and the other suspects. Though not conclusive, the available documentary evidence and the recollections of former colleagues D/Garda Terry Hynes and D/Sgt Maurice Boyle suggest that this was done.

It is extremely disappointing that no documents whatsoever have been found in the archives of the Murder Investigation Unit concerning the murder of Seamus Ludlow. The archives of the other branches of An Garda Síochána do not contain any letters or reports from D/Supt Dan Murphy on the subject; but that does not rule out the possibility that there were internal communications between himself and others in the Technical Bureau such as D/Supt Courtney or Chief Superintendent Anthony

McMahon. As both men died a number of years ago, this leaves many questions unanswered.

At the request of the Inquiry, Gardaí contacted the nearest relatives of D/Supt Dan Murphy and C/Supt Anthony McMahon to see whether any relevant documentation had been amongst their personal effects; but no documents of relevance were found.<sup>65</sup>

The late D/Supt Murphy has been described to the Inquiry by a number of former colleagues as having been a dedicated and tenacious detective. That being so, it seems highly unlikely that he would have failed to pursue this investigation to completion without some impediment being placed in his way. From the information available to the Inquiry, the only conceivable impediment would have been a direction (express or implied) from superior officers not to interview the suspects outside the jurisdiction.<sup>66</sup>

### **Crime and Security (C3), Garda Headquarters:**

Deputy Commissioner Laurence Wren was in charge of this branch at the time of Seamus Ludlow's murder, and remained so until 10 December 1979, when he was replaced by Assistant Commissioner Thomas Ainsworth. Deputy Commissioner Wren then took up a position as Commissioner Operations, a new post which resulted from the division of personnel at Garda Headquarters into two broad groupings – Operations and Administration.

C3 had the following functions at that time:

- (1) Intelligence gathering and processing;
- (2) Liaison with the RUC and other foreign police forces; and
- (3) Keeping the Department of Justice informed on matters involving subversive crime and the security of the State.

As we have seen, C3 was the first branch of An Garda Síochána to learn of the information regarding Hosking and the others, via the letter from the RUC Chief Constable's office on 30 January 1979.<sup>67</sup>

As C3 had no direct investigative function, its initial duty was simply to pass the information on to those who could act on it – in this case, the Divisional Officer at Drogheda – and this was done promptly. The same was done with a second letter from the RUC, received on 28 February 1979.

A copy of Supt Courtney's report of 15 February 1979 was sent to C3 from the Divisional Office, Drogheda, along with a letter from C/Supt Cotterell noting that

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<sup>65</sup> Similar searches were carried out in relation to deceased former Ballistics Officer Michael Niland, but again, nothing of relevance was found.

<sup>66</sup> The possibility of any blockage having come from the RUC seems remote, given their willingness to share the information with the Gardaí in the first place, and CID C/Supt William Mooney's express offer of assistance at the meeting on 15 February 1979.

<sup>67</sup> See chapter 3.

Courtney would be discussing the matter with D/Supt Dan Murphy. A copy of the first letter from C1 seeking the results of that conversation appears in the C3 file alongside Supt Courtney's handwritten reply. It appears that the latter was sent initially to C3, who forwarded it to C1 on 24 May 1979.

It is clear from all this that senior officers in C3 were aware of the potential breakthrough promised by this new information in the Ludlow case. By the end of May 1979, they should have been expecting a request from D/Supt Dan Murphy for permission to attend the interrogation of one or more suspects outside the jurisdiction.

There is nothing in the C3 Ludlow file to indicate that such a request was made. This leaves us with the following possibilities:

- (1) A written request was made, but the document has been lost;
- (2) An oral request was made, but permission to travel and attend such interrogations was refused;
- (3) An oral request was made and permission to travel was granted, but the interviews were never set up by the investigating officers concerned;
- (4) No request was ever made.

Given the knowledge that documents relating to the Ludlow murder have been lost from other Garda departments, the first scenario cannot be ruled out, although the C3 file on Ludlow appears to be complete in other respects. Nonetheless, it seems more likely that such a request would have been made orally, if indeed it was made at all.

If a request to travel was made and refused, the following questions would arise:

- (1) At what level was that decision made – Chief Superintendent, Assistant / Deputy Commissioner, Garda Commissioner, or the Department of Justice?
- (2) On what grounds was it made?

These questions will be discussed in greater detail below, when the Inquiry considers the responsibilities of the Garda Commissioner and the Department of Justice.

If a request to travel was never made, senior staff at C3 would nonetheless have had a duty to inquire of C4 as to why no such request was forthcoming. If only for intelligence-gathering purposes, C3 should have been interested in finding out whether these men were still considered prime suspects for the Ludlow murder.

### **Crime Ordinary (C1), Garda Headquarters:**

As we have seen, it was the Murder Investigation Unit attached to C4 who were primarily responsible for pursuing the information received from the RUC. Nonetheless, in contrast to C3, the Assistant Commissioner C1 continued to demand updates on the case until the end of March 1980.

It is somewhat curious that these enquiries were directed solely at D/Supt Courtney via the Divisional Office in Drogheda. From C/Supt Cotterell's letter of 19 February 1979, it was clear that D/Supt Dan Murphy was being asked to assume control of the investigation: why didn't Assistant Commissioner Fleming contact the Technical Bureau for an update? Another avenue would have been to contact C3 to find out whether any arrangements had been made with the RUC for interviewing the suspects.

On 23 April 1999, a statement was obtained from former Assistant Commissioner Fleming, who said he had no recollection of the Ludlow case.<sup>68</sup> More recently, the Inquiry made contact with J.A. McGovern, one of the officers in C1 who signed letters seeking updates on the investigation. He did not remember anything of importance about the Ludlow case, and explained that he was only assigned to Crime Branch for a short period around January 1980. He said that the Ludlow file was 'open' and as such, someone in Crime Branch would have reviewed the correspondence and realised that there were letters to which replies were still awaited. In the absence of the Assistant Commissioner, he signed the letters.<sup>69</sup>

Again, although the investigation was not the direct responsibility of C1, one would have expected that their requests for an update would not have ceased until a satisfactory answer was obtained. Yet there is nothing on the files to show that any answer, satisfactory or otherwise, was obtained from D/Supt Courtney in March 1980 or subsequently.

### **Garda Commissioner:**

The Commissioner of An Garda Síochána in 1979 / 80 was Patrick McLoughlin. At a meeting on 4 September 2002 he told the Inquiry that he had no memory of ever receiving any information concerning the Ludlow case – either on paper or in conversation. In a further conversation on 23 January 2004, he again confirmed that the information received from the RUC concerning suspects was never communicated to him.

That being the case, he cannot have been expected to pursue the matter.

### **Department of Justice:**

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<sup>68</sup> Report of C/Supt Ted Murphy, 26 April 1999.

<sup>69</sup> Note of telephone conversation with J.A. McGovern, 8 September 2004.

In 1979, there was close co-operation between C3 branch of An Garda Síochána, and the Department of Justice. It was normal for all matters relating to Northern Ireland involvement to have been copied to the Department. There is no reason to suppose that this would not have happened on this occasion, though there is no written evidence to prove it.

The information received from the RUC was a matter of very considerable importance. Not only did it name suspects for a murder within the State, but it indicated that the RUC was prepared to co-operate fully, should Gardaí wish to pursue the matter. This should have led to an expectation that the necessary evidence to convict the suspects might be obtained. Information of this quality was not received every day.

Unfortunately, the passing of this information to the Department of Justice cannot be established since there is no file at the Department dealing with this period in the investigation of the murder of Seamus Ludlow.<sup>70</sup>

The senior officers in C3 in 1979 were Assistant Commissioner Laurence Wren and Chief Superintendent Michael Fitzgerald. Those with whom they dealt in the Department were Department Secretary Andrew Ward, Principal Officer Pat Colwell and Assistant Principal Officer James Kirby. Unfortunately, C/Supt Fitzgerald, Andrew Ward and Pat Colwell are deceased.

The Inquiry has met with James Kirby, who said he had no memory of the Ludlow case. On the issue of communication between the Department and An Garda Síochána, he said that he personally had maintained a close relationship with C/Supt Fitzgerald: the two men regularly held long telephone conversations in which they discussed the activities of republican and loyalist subversives. He did not deny the possibility of similar communications occurring between either Chief Superintendent Fitzgerald or Assistant Commissioner Wren on the one hand and Andrew Ward or Pat Colwell on the other.

All things considered, it seems highly likely that the contents of Superintendent Courtney's report of 15 February 1979 were passed to the Department. It is even more likely that the letters from the RUC to C/Supt Fitzgerald received on 2 and 28 February 1979 respectively would have been forwarded to the Department. Nevertheless, there is nothing in the Garda or Departmental files to confirm this.

The Inquiry spoke with the former Minister for Justice Gerard Collins on 7 September 2004. He had no recollection of having been told of the information concerning suspects for the Ludlow murder, but could not say that he had not been told.

He told the inquiry that Deputy Commissioner Wren would have had the authority to refuse permission for Garda officers to attend interviews with the suspects outside the jurisdiction. However, he did not believe that C3 would have done so without consulting the Department of Justice. He described then Deputy Commissioner Wren

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<sup>70</sup> See chapter 1.

as a very cautious policeman who was sensitive to criticism and who would not have wanted to get on the wrong side of the Department.

He said that the usual procedure in those circumstances would have been for C3 to make an informal application to Principal Officer Colwell. Collins did not think there was any written regulations governing such applications, and said that it was certainly not a matter for the Government.

Collins said that Wren was very close to both Kirby and Colwell. If either of these men were informed of the matter, they should have told Andy Ward. Ward in turn would certainly have informed the Minister.

The decision to grant or refuse permission for D/Supt Murphy to attend interviews with the suspects was a matter which Collins would have expected Wren to have discussed also with the Commissioner, Patrick McLoughlin. However, he fully accepted McLoughlin's statement that the matter had not been brought to his attention.

As to possible reasons why a decision not to allow Gardaí attend interviews with the suspects outside the jurisdiction might have been made, Collins said that at the time, the British authorities were putting considerable pressure on the Irish Government to provide "better co-operation" in dealing with republican subversives. The three areas on which the British Government focused were hot pursuit, overflying rights for British military aircraft, and that the RUC be allowed to question suspects in the State.<sup>71</sup> With that in mind, the decision of the RUC to release the information on the four suspects at the end of January 1979 – some eighteen months after they had received it – may have been seen as political in nature: a gesture made in the hope of forcing future concessions from the Irish authorities on the issue of cross-border investigation.

In its Report on the Dublin and Monaghan bombings of May 1974, the Inquiry dealt with another occasion on which Gardaí declined an offer by the RUC to attend an interview with a suspect for the bombings outside the jurisdiction. In considering possible explanations for this, the Report stated:

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<sup>71</sup> Garda practice regarding the last of these three issues was governed by a directive from the Assistant Commissioner, C Branch dated 13 November 1953 which stated:

"In accordance with established practice, reciprocal arrangements exist whereby members of other police forces may visit the area of the Republic to pursue enquiries into ordinary crimes committed in their area, interview suspects witnesses etc...

In all such cases, the members of the other police force should be accompanied by a member of the Gardaí of same rank as visiting officers, who should remain present as far as possible at all interviews with members of the public.

In the case of crimes or offences or enquiries of a political nature, arrangements should not be made whereby members of other police forces can interview persons in this country or accompany members of An Garda Síochána making such enquiries. In these cases, any enquiries which are considered necessary to be made should be made by Gardaí themselves. The result of any such enquiries made by Gardaí should not be communicated direct locally to the police forces concerned, but forwarded to the Commissioner (3C section)."

“Another possible reason is that Garda officers believed themselves unable to reciprocate any offers to question witnesses across the border. The Inquiry has been told by a number of Gardaí that there was a general policy of not allowing the RUC to question witnesses or suspects in the State. This policy was assumed by them to have originated with the Government. One former Chief Superintendent said that when Government approval was sought to allow RUC officers to question witnesses in the State, the reply was that the time was not ripe for such actions. Other Gardaí have spoken of a perception that politicians were unwilling to take the risk of offending a significant portion of the electorate by allowing RUC officers to operate in the State.

Patrick Cooney, Minister for Justice in 1974, told the Inquiry:

‘I have no recollection of a Garda request to sit in on RUC questioning. This would have been a radical departure and would have to have been regarded by the Gardaí as essential to their investigation... The fact that they received an invitation to sit in might not necessarily of itself convince them in this regard. They and the Department would have in mind other considerations which would arise from such a radical departure, considerations of legal, political and constitutional import, and especially that it would be a precedent for a request by the RUC to sit in on Garda questioning. Such a request might well have to be refused for perfectly good operational or legal reasons but in the political climate of those times, could be seriously misrepresented to the detriment of relations between the jurisdictions.’<sup>72</sup>

Dr Garret Fitzgerald, Minister for Foreign Affairs in 1974, told the Inquiry that Gardaí or civil servants might conceivably have presumed a Government attitude of non-cooperation in these matters, but that he was aware of no basis upon which they could validly have reached such a conclusion.

Nevertheless, even if the members of the investigation team felt that they were unwelcome to investigate matters in Northern Ireland, there seems to have been no reason why they could not have asked the RUC to do it for them.”<sup>73</sup>

The passage from former Minister Cooney appears to have been written in qualification of a statement made by him at a meeting with the Inquiry on 30 January 2003 and summarised by the Inquiry in a subsequent letter as follows:

“In the course of discussing the offer made by the RUC to allow the Gardaí to sit in on the questioning of [a suspect for the 1974 Dublin / Monaghan bombings], I asked you why did you think they would not accept the offer, to which your reply was, ‘But then they would have to allow the RUC to do the same.’”<sup>74</sup>

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<sup>72</sup> Letter to the Inquiry, 24 April 2003.

<sup>73</sup> Report of the Independent Commission of Inquiry into the Dublin and Monaghan Bombings, p.117.

<sup>74</sup> Letter from the Inquiry to Patrick Cooney, 13 March 2003.

Although the opinions referred to in the Inquiry's first report were concerned with the situation in 1974, there is reason to suppose that similar attitudes existed at senior levels in the Gardaí and the Department of Justice in 1979.

This was something to which former Commissioner Laurence Wren adverted at a meeting with the Inquiry on 25 June 2002. His views were summarised as follows in a subsequent letter to him from the Inquiry dated 12 March 2003:

“You did tell the Inquiry that An Garda Síochána never allowed RUC officers to come South for the purpose of investigating crime, as this was not permitted. You also said that the offer of the RUC to facilitate questioning of Hosking in 1979 might have been declined on similar policy grounds.”

In the final analysis it seems that the reason for the failure to pursue the questioning of the suspects lies in the perception that it was contrary to Government policy to do so. If that was the correct view, then it would have been known to Deputy Commissioner Wren. While it may or may not have been discussed with officials in the Department of Justice, it would have been something of which they were all aware. This would explain why the Garda Commissioner Patrick McLoughlin was not told, something which a later Commissioner, Patrick Byrne accepted in his letter of 10 January 2003.

## **CONCLUSIONS**

- 1. OVERVIEW**
- 2. CONCLUSIONS**
- 3. OTHER RELATED MATTERS**

### **OVERVIEW:**

It is now more than twenty-eight years since Seamus Ludlow was murdered. Because of this, the difficulties faced by the Inquiry in attempting to establish the truth of what happened and how the matter was pursued by the authorities in this State were considerable. Filing records were incomplete; documents had been lost, destroyed or misplaced; key witnesses were deceased, others were gravely ill, and still others were unable to remember anything about the case.

Even when witnesses did provide information based on their own memories, the Inquiry was hampered in its efforts to confirm or refute such claims by the fact that some documents were missing or, in the case of the Northern Ireland authorities, not supplied.

Nonetheless, the Inquiry has formed views that certain information provided by certain individuals was credible, and has reached conclusions on that basis.

The terms of reference charged the Inquiry with undertaking “a thorough examination, involving fact-finding and assessment” of the following issues:

- The facts, circumstances, causes and perpetrators of the killing;
- The nature, extent and adequacy of Garda investigations, including co-operation with and from relevant authorities in Northern Ireland;
- The reasons why no prosecutions took place, including whether, and if so by whom and to what extent, the possibility of the initiation of criminal proceedings was impeded; and
- The material, information and evidence presented at the inquest into Mr Ludlow’s death and the circumstances relating to the non-attendance of relatives of Mr Ludlow at the inquest.

Accordingly, where the Report appears to affect adversely the right of any person to his or her good name, the Inquiry is merely carrying out its function in accordance with its Terms of Reference. Indeed, given the nature of the issues before the Inquiry, it was inevitable that some references adverse to the good name of certain persons would be made.

The conclusions set out below represent the opinions of the Inquiry on these issues, based on the information placed before it.

## **CONCLUSIONS:**

### **Facts, circumstances, causes and perpetrators of the killing:**

- The facts and circumstances as they appear to the Inquiry have been set out in this report. They indicate that Seamus Ludlow was picked up by a car near the bridge on the Dundalk to Newry road; that this car was driven by James Fitzsimmons and contained three other passengers – Richard Long, Samuel Carroll and Paul Hosking. Information obtained by the RUC from Hosking suggested that it was Carroll who shot Seamus Ludlow. The Inquiry has not been in a position to test the veracity of this allegation.
- As to the cause of the murder: it would seem to have been a random, sectarian killing of a blameless catholic civilian by loyalist extremists. There is absolutely no evidence to suggest that Seamus Ludlow was known to his attackers, or that he had any republican connections or sympathies which might have led to his being targeted by loyalist subversives.
- The above version of events is based on the information given to the RUC by Hosking and Fitzsimmons: Carroll and Long have consistently denied any knowledge or involvement in the murder. However, the inconsistencies and gaps in the stories told by Hosking and Fitzsimmons, together with the fact that they may have been seeking to minimise their own role, means that the notes of their interviews should be treated with caution.

### **Nature, extent and adequacy of Garda investigations:**

- Concerning the original murder investigation: the evidence shows that it was carried out competently and diligently by the Garda officers concerned. The failure to identify the killers at that time was due entirely to a lack of reliable intelligence information – for which Gardaí were in no way to blame.
- But as this report makes clear, the key question for the Inquiry was: why was the information received from the RUC in 1979, naming four suspects for the murder, not pursued?

From the evidence available to it, the Inquiry believes that the only credible explanation for the failure to pursue these suspects is that a direction was given which led the investigating officer, D/Supt Dan Murphy to abandon plans to have the suspects interviewed outside the jurisdiction.

As to why such a direction might have been issued, only one credible explanation has been offered – that it was done in order to avoid a situation where Gardaí might feel obliged to reciprocate by allowing RUC officers to attend interviews of suspects in the State.

Whether such a reciprocal obligation would in fact have arisen is beside the point: it is sufficient that senior Gardaí and / or officials from the Department of Justice held a perception that this was so.

- Such a policy could have arisen out of a combination of one or more of the following factors:
  - 1) A risk that republican subversives would target RUC officers coming to this jurisdiction;
  - 2) A risk that republican subversives would view such co-operation with the RUC as a justification for attacking members of An Garda Síochána; and
  - 3) A fear of the political consequences arising from the fact that a certain sector of the population would perceive any co-operation with the RUC in this State as a ceding of sovereignty to the British Government.

In considering these matters, it is very important that they should be viewed in the context of the times. The period 1976-1980 was one of huge turmoil. Deep divisions and distrust existed, not only between the nationalist and unionist communities in Northern Ireland, but also between the governments of the United Kingdom and this State.

The Inquiry has been told that the British Government were pressing for greater co-operation on three security-related matters: hot pursuit across the border; permission for RUC officers to question suspects in the State, and overflights by British military aircraft. These three issues evoked strong reactions amongst ordinary people in this State, and such popular opposition was inevitably reflected in the policies and attitudes of the Gardaí and successive governments.

- Regardless of the motive behind the decision not to pursue the information offered by the RUC, the question remains as to who actually made the decision. The Inquiry believes it most probable that the decision was made by Deputy Commissioner Laurence Wren (C3). Before doing so, it is likely that he would have discussed the matter with other senior Gardaí and possibly senior officials from the Department of Justice. However, the absence of files means that this cannot be confirmed.

#### **The reasons why no prosecutions took place:**

- At the conclusion of the original Garda investigation in 1976, no suspects existed against whom a prosecution might be taken.
- The reason why no prosecutions were taken against the four suspects named to Gardaí in 1979 was that the information was not properly followed up. The reasons for this failure have already been discussed.

- In 1999, the DPP for Northern Ireland decided not to prosecute the four suspects named in 1979, on the basis that there was insufficient evidence against them. On the basis of the information available to it, the Inquiry accepts that this was a reasonable decision. The following factors would have supported it:
  - (1) There was no admission from the person alleged to have committed the murder – Samuel Carroll – or from Richard Long, who was alleged to have helped him dump the body.
  - (2) The only evidence to implicate any of the four as the killer was that provided by Paul Hosking; yet James Fitzsimmons repeatedly stated that he had no memory of Hosking being in the car with them that night.
  - (3) The admissions made by Hosking and James Fitzsimmons would not justify the laying of a charge of murder. Their accounts placed them in the car in which Seamus Ludlow was killed. However, nothing in those accounts indicates that they were aware of any plan to murder him. Taking this to be so, it could not be established that they, either individually or collectively, were part of a joint enterprise. On that basis, no criminal liability could be visited upon Hosking or Fitzsimmons arising out of the decision to shoot Seamus Ludlow.
  - (4) No other circumstantial or forensic evidence existed which might have supported a murder charge.

**Circumstances relating to the non-attendance of Ludlow relatives at the inquest:**

- There appears to have been no justification for the failure to notify Kevin Ludlow of the date of the inquest into his brother's death. Given the nature and circumstances of the death, other family members should also have been notified.
- The failure to notify Kevin Ludlow is partially explained by the fact that he was on holiday in County Cavan at the time. But this does not excuse whichever Garda member was deputed to notify him of the time and date of the inquest. If the member concerned failed to make contact with him, he should have persisted. He should certainly have reported this failure to his superiors.
- The identity of the member or members who were given responsibility for contacting Kevin Ludlow remains unknown. It would have been expected that as the murder occurred in Dromad district, a Garda officer attached to Dromad station would have been instructed to notify Kevin Ludlow. If so, that would explain why, when Kevin Ludlow went to Dundalk Garda Station, no-one there had any relevant knowledge. On the other hand, in his letter of 16

January 1997, local Garda Sergeant Jim Gannon said that the task was given to a member attached to Dundalk Garda Station.

- According to Kevin Ludlow's wife, she was told by Gardaí that the inquest could not be put back. There is no explanation as to why she was told that, since the question of whether or not to postpone was a matter for the coroner to decide; not the police.

In the end, the fact that the inquest proceeded reflects a belief that, as the cause of death was undisputed; the inquest procedure was a formality. While this was technically true, the decision to proceed in the absence of family members caused them unnecessary hurt and annoyance, at a time of extraordinary sadness and difficulty in their lives.

### **OTHER RELATED MATTERS:**

As we have seen, between 1997 and 1999 former C/Supt Ted Murphy undertook inquiries into a number of issues raised by the Ludlow-Sharkey family. The Inquiry believes that it would not be fulfilling its duties under the Terms of Reference without offering observations on these matters.

### **Garda liaison with family:**

- Much of the Garda contact with the family following Seamus Ludlow's death would come under the heading of investigation rather than liaison. The one exception to this was the contact between Kevin Ludlow and Sgt Jim Gannon, whom he visited regularly at Dromad station to discuss the case.
- The family are understandably angry at the fact that the information concerning suspects received by Gardaí in 1979 was not made known to them until the *Sunday Tribune* published articles on the matter in 1998. However, it is clear that none of the local officers (with the exception of Supt Courtney, D/Sgt Corrigan and the senior officers to whom they reported) were aware of this information, at the time or subsequently. The failure of the investigating officers to inform the family is rooted in the far more serious failure to follow up the information by having the suspects questioned.

### **Questioning of Kevin Donegan:**

- It is hard to see why this questioning should not have been a matter of greater concern to Gardaí. The questioning may have taken place outside the State, but the crime to which it related happened within the jurisdiction.
- What is important about the questioning of Kevin Donegan by British Army officers, not members of the RUC, is that it raises a suspicion that the British Army had information concerning the murder of Seamus Ludlow, and at the

same time was anxious to discover whether such information was available to the Gardaí or the family, or both. In view of the fact that when information was later received that there were four suspects, two of whom were members of the UDR - a regiment in the British Army - the suspicion that the British Army was immediately aware of the circumstances of the murder increases.

- As was indicated in its correspondence with the Secretary of State for Northern Ireland, the Inquiry finds it difficult to accept that there are no written records relating to this incident in the archives of the British Army.

### **Allegations of IRA involvement in Ludlow murder:**

- As is clear from the investigation report, a number of theories as to who might have committed this crime were considered.

One such theory, that members of the family might have been responsible, understandably has caused great offence to the family. In the initial stages, however, there were reasons why this theory should have been at least considered: an unexplained killing, with the body having been found within a mile of the family home. But from the documents seen by the Inquiry, it would seem that this theory was quickly and rightly discounted: for one thing, the fact that the murder took place so near the rear entrance to the Ballymascanlon Hotel at a time when people might have been leaving the regular Saturday night dance there suggests a lack of local knowledge on the part of the killers.

- Nonetheless, there were aspects of the Gardaí's dealings with the family in the early days of the investigation that seem unnecessarily heavy-handed. The family's complaints of an obtrusive presence by members of the Gardaí outside the family home; of the prolonged and forceful questioning of family members including teenagers; and of Gardaí making allegations that the killers were known to the family, are all justified.

The Inquiry put these allegations to a number of Garda officers, who denied that the investigation team had behaved wrongfully towards the family. In some cases, they then referred to alleged connections between the family and the Provisional IRA. No evidence that the family had such connections or even sympathies was offered by any officer who spoke to the Inquiry.

- It is necessary to state, clearly and categorically, that there is no evidence of any connections between any member of the Ludlow-Sharkey family and republican subversives at the time of Seamus Ludlow's murder. The suggestion to the contrary by some Garda members is unfounded and in fact reinforces the family's perception of how they were treated in the early stages of the investigation.
- This is not to suggest that initially positing IRA involvement in the murder was unreasonable. For one thing, there was a strong republican paramilitary presence in Dundalk and the surrounding areas. Although members of the IRA approached the family to say that they were not responsible, Gardaí could not

be expected to take such denials at face value, given the number of incidents in which republican and loyalist groups have denied responsibility for attacks they were later proven to have carried out.

- Finally, the fact that intelligence information now indicates that loyalist subversives from Belfast were responsible for the murder should not be allowed to obscure the fact that at the time, this would have been considered a remote possibility. It was generally believed that loyalist paramilitaries rarely left those areas of Northern Ireland which they knew well, and were fearful of travelling across the border - particularly to Dundalk, which they believed to be a hotbed of IRA activity.

## **APPENDICES;**

- A. POLICE SKETCH OF MURDER SCENE**
- B. SKETCH BY PAUL HOSKING**
- C. SKETCH BY JAMES FITZSIMMONS**
- D. SELECTED GARDA DOCUMENTS, 1979-80**

## **APPENDIX A: POLICE SKETCH OF MURDER SCENE**

This map, drawn following an examination of the scene on 2 and 3 May 1976, is not to scale.

The back entrance to the Ballymascanlon Hotel (not shown on the map) was 200 yards from the mouth of the lane where the body was found. Those leaving the dance which was held in the Hotel that night would have passed the lane on their way to Thistle Cross, where the deceased lived. Thistle Cross was on the main Dundalk to Newry road.

The body of Seamus Ludlow was lying on the bank at the right-hand side of the lane, approximately a car-length away from the entrance to the lane.



## **APPENDIX B: SKETCH DRAWN BY PAUL HOSKING**

Paul Hosking was detained and questioned at intervals by RUC officers from 2.40 p.m. on 18 February to 12.45 p.m. on 21 February 1998.

At 10.35 p.m. on 18 February, he was asked if he would attempt to draw a sketch showing what he remembered of that night.

“He was given a pen and paper which he used to draw a basic sketch. He said he really could not remember much more than what he had drawn.”<sup>75</sup>

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<sup>75</sup> Statement of interviewing RUC officer, 25 March 1998.



### **APPENDIX C: SKETCH BY JAMES FITZSIMMONS**

James Fitzsimmons was detained and questioned at intervals by RUC officers from 9.47 a.m. on 18 February to 15.28 p.m. on 20 February 1998.

At 11.46 p.m. on 18 February, he was asked if he would make a sketch of the murder scene. He agreed to do so.



## **APPENDIX D: SELECTED GARDA DOCUMENTS, 1979-80**

The documents included here relate to the following up of Supt Courtney's report of his meeting in Belfast on 15 February 1979. They are as follows:

- 1) 19 February 1979: C/Supt Cotterell, Divisional Office, Drogheda to the heads of C1 (Crime Ordinary), C3 (Security and Intelligence) and C4 (the Technical Bureau).

This was a covering letter accompanying copies of Supt Courtney's report.

- 2) 22 February 1979: C/Supt Fitzgerald, C3 to Divisional Office, Drogheda.
- 3) 9 April 1979: Assistant Commissioner John Fleming, C1 to Divisional Office, Drogheda.

There are two copies of this minute in the C1 file on the murder of Seamus Ludlow. The first (presumed to be the copy which was kept for their own records) is stamped "Despatched 9 April 1979, Crime Branch" and bears the initials of the Assistant Commissioner. The second has his full signature, and contains a number of additional minutes, indicating that this was the copy that was sent out.

On the face of the latter document is a minute from the Divisional Officer, Drogheda to the Superintendent at Dundalk station. On the reverse of the document is a handwritten note from Supt Courtney, and a further minute from the Divisional Officer, Drogheda to Commissioner, C1.

- 4) 5 July 1979: Assistant Commissioner's office, C1 to Divisional Office, Drogheda.
- 5) 10 October 1979: Assistant Commissioner's office, C1 to Divisional Office, Drogheda.
- 6) 18 January 1980: Assistant Commissioner's office, C1 to Divisional Office, Drogheda.

There are two copies of this minute in the C1 file on the murder of Seamus Ludlow. The first is stamped "Despatched 18 Jan 1980, Crime Branch". The name of the officer sending the minute, J.A. McGovern, is stamped rather than handwritten.

The second copy has his handwritten signature, and contains a number of additional minutes from Drogheda and Dundalk stations, indicating that this was the copy that was sent out.

On the reverse of this latter document are (a) a minute from the Divisional Officer, Drogheda, to the Superintendent, Dundalk; (b) a reply to this minute; and (c) a minute from the Divisional Office to Commissioner, C1.

- 7) 12 March 1980: Assistant Commissioner's office, C1 to Divisional Office, Drogheda.

- 8) 19 March 1980: Superintendent, Dundalk to Divisional Officer, Drogheda.

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- 9) 26 March 1980: Assistant Commissioner's Office, C1 to Supt Courtney, Technical Bureau (C4)

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## **APPENDIX A: POLICE SKETCH OF MURDER SCENE**

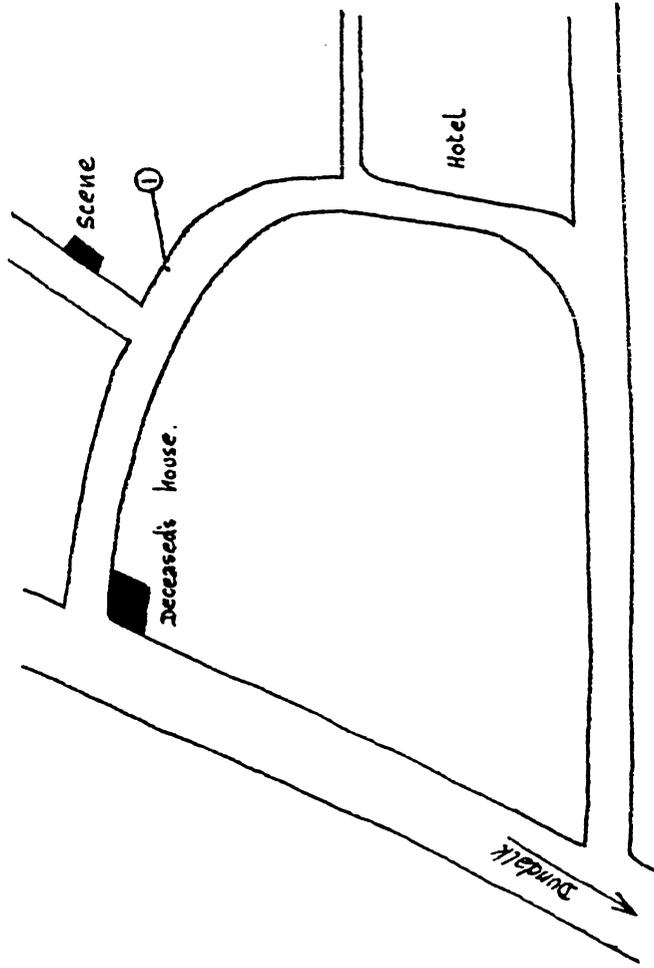
This map, drawn following an examination of the scene on 2 and 3 May 1976, is not to scale.

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The body of Seamus Ludlow was lying on the bank at the right-hand side of the lane, approximately a car-length away from the entrance to the lane.

Murder of Mr. S. Ludlow, Dundalk on 1/2nd. May 1976.

Examined scene and attended P.H. on 2nd. and 3rd. May.



① gent's glove - black leather - right hand.

Body lying on top of bank - overcoat and suit-coat off and lying on top of body.

## APPENDIX B: SKETCH DRAWN BY PAUL HOSKING

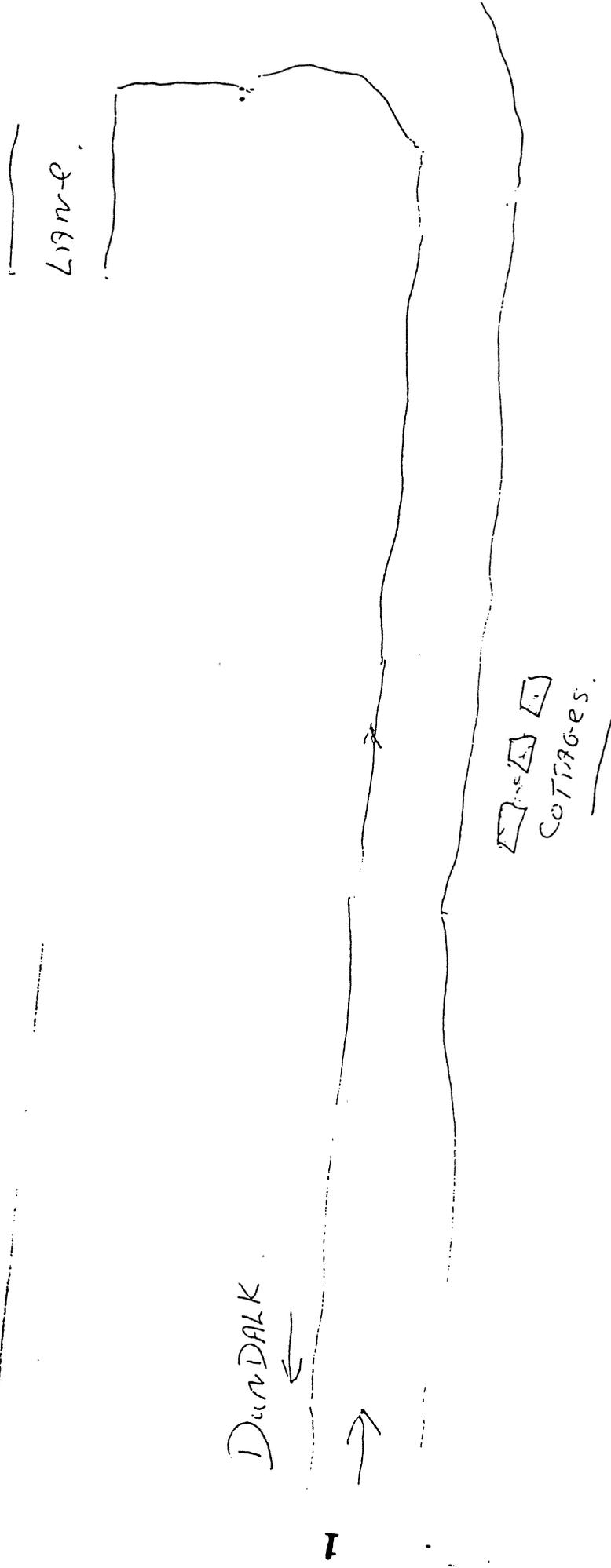
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<sup>75</sup> Statement of interviewing RUC officer, 25 March 1998.



18 FEB '98 23:01  
 M/Saylo Soft 10971

Paul Henning  
 10.35 pm  
 18/2/98

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MAIN ROAD  
TO  
NEURY

THE FIRST  
OPPORTUNITY TO  
GET TURNED.

STOPPED HERE  
TO LET THE  
MAN OUT  
SHOOTING  
OCCURRED.

TO BALLYMASCANLON  
HOTEL.

Woods DC  
10924  
18/2/98

James R. [Signature]  
180298  
18 FEB '98 23:46

Naresha [Signature]

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LC 13/67/76

2-1066/76

Confidential.

Commissioner "C"(1).  
Commissioner "C"(3).  
Commissioner "C"(4).

Re: Murder of Seamus LUDLOW, Culfore, Dundalk on 2.5.1976.

For information. Superintendent Courtney on my instructions is discussing the matter fully with D/Superintendent Murphy at the Technical Bureau today when further steps to be taken will be decided upon.

*R. Cotterell*  
.....  
(R. Cotterell)  
Chief Superintendent

*Chief Suph*

*To see please*

*in discussion Suph*  
*16. 3. 79*

*Noted*  
*J. Gray 16/3/79*

IRISH REPUBLICAN ARMY  
SECURITY DEPARTMENT  
DUBLIN  
22 FEB 1979  
COMMUNICATIONS

3C. 1353/76.  
LM. 1066/78.

Chief Superintendent,  
Drogheda.

Murder of Seamus Ludlow, Culfore, Dundalk on 2.5.76.

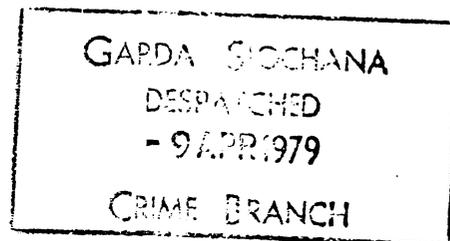
Your correspondence on above subject has been received and noted.  
Report any further developments.

The use of Detective Sergeant Adamson's name may not be prudent  
having regard to past events.

M. J. [unclear]  
CHIEF SUPERINTENDENT.

IC. 13/67/76  
L.M. 1066/76

Chief Superintendent,  
Drogheda



Re - Murder of Seamus Ludlow, Culfore, Dundalk on 2nd May, 1976

Relative to above and further to your report of 19th February, 1979, please inform me of the outcome of the discussions between Superintendent J. Courtney, Dundalk and Chief Superintendent D. Murphy, Technical Bureau, which were held on 19th February, 1979.

Report in early course.

ASSISTANT COMMISSIONER.

3 April, 1979

AN GARDA SIOCHANA

Any reply to this communication should be addressed to:

Commissioner,  
Garda Síochána,  
Phoenix Park,  
Dublin 8.

and the following number quoted:

IC. 13/67/76  
I. M. 1066/76

Chief Superintendent,  
Drogheda

Re - Murder of Seamus Ludlow, Culfore, Dundalk on 2nd May, 1976

Relative to above and further to your report of 19th February, 1979, please inform me of the outcome of the discussions between Superintendent J. Courtney, Dundalk and Chief Superintendent D. Murphy, Technical Bureau, which were held on 19th February, 1979.

Report in early course.

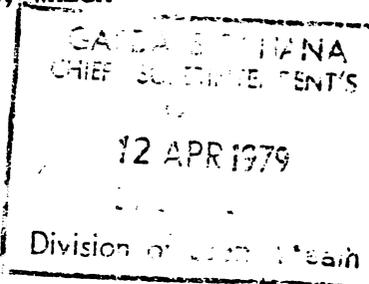
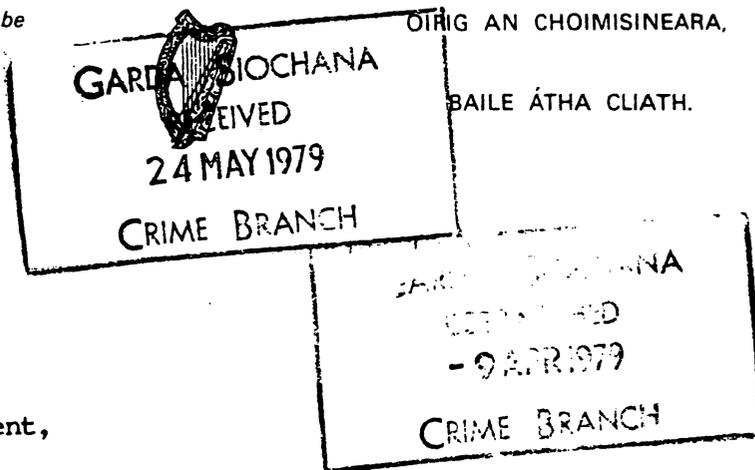
*[Signature]*  
ASSISTANT COMMISSIONER.

9 April, 1979

Superintendent,  
Dundalk

For early report in duplicate, please.

*[Signature]*  
.....  
(D. Cotterell)



GARDA SIOCHANA  
POLICE DEPARTMENT  
MAY 1979  
HEADQUARTERS

RECEIVED  
MAY 1979  
MAY 1979

18 MAY 1979

I have discussed this matter with  
Supt. D. Murphy, and he told me that  
at present he is involved in an interview  
of Supt. to of Inspector. Immediately after the  
interview he will make the necessary  
arrangements regarding travelling to Glasgow  
to interview the subject there.

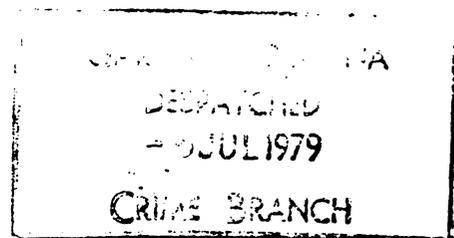
John Courtney Supt.  
215779

Commissioner C

To see the present position.

... R. Cotterell .....  
(R. Cotterell)  
Chief Superintendent.

IC. 13/67/76  
LM. 1066/76

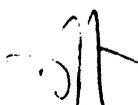


Chief Superintendent,  
Drogheda.

Re: Murder of Seamus Ludlow, Culfore, Dumdalk on 2nd May, 1976.

---

Please state if there are any developments to report in  
relation to this investigation.

  
Supt,  
for ASSISTANT COMMISSIONER.

5 July, 1979.

IC. 13/67/76

Chief Superintendent,  
Drogheda.



Re: Murder of Seamus Ludlow, Culfore, Dundalk on 2nd May, 1976.

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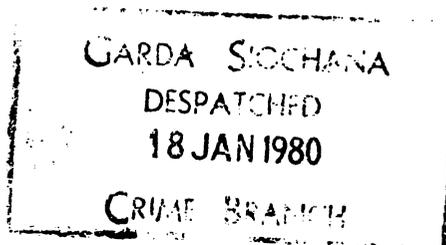
A reply to this office minute of the 6th July, 1979 in  
the above matter is requested, please.

 C/Supt,  
for ASSISTANT COMMISSIONER.

*10th* October, 1979

IC. 13/67/76  
PERSONAL

Chief Superintendent,  
Drogheda.



Murder at Culfore, Ravensdale, Dundalk, Co. Louth  
on 2nd May, 1976. Deceased: James Ludlow.

---

Please respond without further delay to these office  
minutes of 5/7/79 and 10/10/79.

J. A. McE... ..

for ASSISTANT COMMISSIONER.

January, 1980

AN GARDA SIOCHANA

reply to this communication should be addressed to:

Commissioner,  
Garda Síochána,  
Phoenix Park,  
Dublin 8.



OIFIG AN CHOIMISINEARA,

BAILE ÁTHA CLIATH.

and the following number quoted:

IC. 13/67/76

PERSONAL

111 1000/10

Chief Superintendent,  
Drogheda.

GARDA SIOCHANA  
DISPATCHED  
18 JAN 1980  
CRIME BRANCH

Murder at Culfore, Ravensdale, Dundalk, Co. Louth  
on 2nd May, 1976. Deceased: James Ludlow.

Please respond without further delay to these office  
minutes of 5/7/79 and 10/10/79.

for ASSISTANT COMMISSIONER.

15 January, 1980

Superintendent,  
Dundalk.

CASE NO. 1000  
CHIEF SUPERINTENDENT  
23 JAN 1980  
DROGHEDA  
Division of Death/Meath

For immediate attention and report in duplicate. What is the cause of delay in this case? Were these minutes sent direct to you?

*R. Cotterell*  
.....  
(R. COTTERELL) C/SUPT.

Chief Superintendent,  
Drogheda.

The minutes referred to were sent from here to Supt.  
J. Courtney, T/Bureau.

*R. Fahy*  
-----  
Superintendent  
R. Fahy

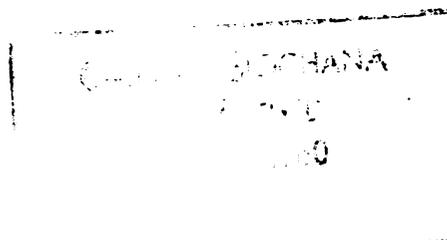
Commissioner "C"(1).

Perhaps the matter would be taken up with D/Superintendent Courtney who is now attached to Garda Headquarters.

*O. Giblin*  
.....Supt. for C/Supt. o.d.  
(O. Giblin )

RECEIVED  
- 8 APR 1980  
DROGHEDA  
Division of Death/Meath

IC. 13/67/76  
LM. 1066/76



Chief Superintendent,  
Drogheda.

Murder at Culfore, Ravensdale, Dundalk, Co. Louth on  
2nd May, 1976. Deceased: James Ludlow.

---

On the 6th July and 11th October, 1979, and 18th January  
1980, minutes were addressed to you in relation to the  
above matter without a reply.

I would thank you to state if there are any further  
developments to report in regard to the suspects referred  
to by the Superintendent, Dundalk, in his report of the  
15th February, 1979.

ASSISTANT COMMISSIONER.

GARDA SÍOCHANA  
 Superintendent's Office  
 Division 7

1C.13/67/76.  
 LM.1066/76.

Chief Superintendent,  
 Drogheda.

GARDA SÍOCHANA  
 RECEIVED  
 25/11/1980

Murder at Culfore, Ravensdale, Dundalk, Co. Louth  
 on 2nd. May, 1976. Deceased : James Ludlow.

With reference, to attached minute from Commissioner  
 1C in above matter, I wish to report that this  
 matter was dealt with personally by Superintendent  
 John Courtney while he was attached to this  
 District.

Minutes from Commissioner 1C dated the 6th. July,  
 11th. October, 1979, and 18th. January, 1980,  
 were forwarded to Commissioner C.4 for the  
 information of Superintendent Courtney, who is  
 now attached to the Technical Bureau.

*T.F. Murray*  
 Inspector for Supt.  
 T.F.Murray.

Commissioner 'C'.(II).

All previous correspondence received from you in the  
 matter was passed to Superintendent Courtney.

This discreet aspect of investigation was dealt with  
 solely with the Superintendent and perhaps you would  
 contact member direct.

*J.M. Doyle*  
 (J.M. DOYLE)  
 C/SUPT.

P.T.O.

7  
CARDER BOCHANA  
# 2111100  
MAY 1980

Superintendent Courtney,  
Technical Bureau.

For report, please.

Chacoquin

~~for a Commissioner~~ Dept.

26-3-1980.

## MEMO

### Investigation into Murder of Seamus Ludlow

At the request of the Chairman of the Inquiry I attended on 25<sup>th</sup> June, 2002 at Government Buildings in the above matter.

On being questioned by the Chairman, Mr. Justice Barron, I stated that I had no recollection at that point of the facts of the case, and I suggested that any connections I had with it should be available on the relevant Garda Headquarters files. I indicated that I had taken no official documents with me on leaving the Force and have since no access to official files.

Mr. Justice Barron then went on to relate to me that Superintendent John Courtney had informed the Inquiry that in the course of his investigations into the murder he had received confidential information from R.U.C. sources as to whom was responsible for the crime. He was told that four suspects, named, would be available to him for questioning in Northern Ireland, where they resided, should he care to travel there. Courtney stated that he approached me, seeking permission to travel but I refused his request.

I have no recollection of any such meeting with Superintendent Courtney and so informed Mr. Justice Barron.

I do not suggest that I can remember all discussions I had with people over the years but, nevertheless, this particular one should have made an impact for the following reasons: Courtney was not a member of my staff and requests between various Headquarters Departments would in the normal course be made through heads of the Departments. Again, the request was most unusual since it sought to break with the then accepted practice of not actively investigating crime or engaging in other official work, outside our own jurisdiction. Facilities existed, of course, for requesting assistance from outside forces in such cases, when necessary. Any suggestion that this practice be changed would be expected to come from the head of the requesting Department and any decision on such type of request would not be made at "C3" without reference to higher authority.

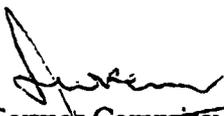
However, I now understand that the draft Inquiry report shows that Superintendent Courtney does not suggest ever approaching me in this matter but rather talking to D/Sergeant Boyle, a junior member in the Branch. A rather curious way, I would suggest, of seeking an important decision.

I understand D/Sergeant Boyle does not recall ever having a discussion with the Superintendent in the matter. Neither is there any correspondence to show that such approaches from any source were made to Security Section.

Despite the foregoing, which shows clearly that there is not one word to indicate that I was approached in any way in the matter, the Inquiry has come to the conclusion that "*it believes it more probable that the decision was made by Deputy Commissioner Laurence Wren .....*" How this conclusion could be reached in view of the foregoing, beggars comprehension (and when Superintendent Courtney's direct superiors do not appear to have any knowledge of his efforts in this regard).

I have no intention of accepting the conclusions reached by the Inquiry in reference to my supposed activities, and if the report is eventually published as it now stands I will be compelled to take corrective action to clear my name in this matter.

Signed:-

  
Former Commissioner

Dated:- 13<sup>th</sup> October, 2005

**Independent Commission of Inquiry into  
Dublin, Monaghan & Dundalk Bombings**

GOVERNMENT BUILDINGS  
UPPER MERRION STREET  
DUBLIN 2.



**An Coimisiún Neamhspleách Fiosrúcháin faoi  
Bhuamáil, Bhaile Átha Cliath, Mhuineacháin  
agus Dhún Dealgán**

TITHE AN RIALTAIS  
SRÁID MHUIRFEAN UACHTARACH,  
BAILE ÁTHA CLIATH 2.

**Martin Fraser**  
Department of An Taoiseach  
Upper Merrion St.  
Dublin, 2.

24<sup>th</sup> October 2005

Our ref: HB/09-07

**Re: Independent Commission of Inquiry  
into the Dublin, Monaghan and Dundalk Bombings**

Dear Mr. Fraser,

Thank you for your letter asking me for my comments on the memorandum received from Mr Wren.

The relationship between the Gardai and the Department of Justice and the general policy in such matters is fully set out at pages 66 to 81 of the Report. The conclusion reached was based upon the information contained in those pages.

Yours sincerely,

*Henry Barron*  
Henry Barron.