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D 56 (26/11/2002) PN-12392



Office of Clerk of the Dáil
Leinster House
Kildare Street
Dublin 2

Telephone No. 6183314 or 6183438

22nd November, 2002



Ms. Maura Corcoran,
Librarian.

I would be obliged if you would arrange to have the enclosed ~~correspondence~~ ^{Interim Report} received today from Mr Justice Robert Barr, Sole Member of the Tribunal of Inquiry (into the facts and circumstances surrounding the fatal shooting of John Carthy at Abbeylara, Co. Longford) laid before the Dáil and Seanad as soon as possible.

See full title
on eleaf

Kieran Coughlan

Kieran Coughlan
Clerk of the Dáil

Laid before both
houses on 22/11/02.

~~to be~~ Ack. ✓

title typed ✓

the Tribunal of

Interim Report

To the Clerk of Dáil Éireann from The Honourable

Mr. Justice Robert Barr, Sole Member of Inquiry

(into the facts and circumstances surrounding the fatal shooting of John Carthy at Abbeylara, Co. Longford on 20 April, 2000).

(21 November, 2002)

Houses of the Oireachtas

PN. 12392

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Interim Report

To the Clerk of Dáil Éireann from The Honourable

Mr. Justice Robert Barr, Sole Member of Inquiry

(into the facts and circumstances surrounding the fatal shooting of John Carthy at Abbeylara, Co. Longford on 20 April, 2000).

(21 November, 2002)



Tribunal of Inquiry

(Into the facts and circumstances surrounding the fatal shooting of John Carthy at Abbeylara, Co. Longford on 20th April, 2000)

Sole member:

The Honourable Mr. Justice Robert Barr

Tribunal Office

*Distillery Building,
145 – 151 Church Street,
Dublin 7*

Tel: 01 8175290

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21 NOV 2002
21st November, 2002

Clerk of the Dail,
Leinster House,
Kildare Street,
Dublin 2

Re: Tribunal established by Dail Eireann and Seanad Eireann to inquire into facts and circumstances surrounding the fatal shooting of John Carthy at Abbeylara, Co. Longford on 20th April, 2000

Dear Sir,

Pursuant to the foregoing Resolutions by the Houses of the Oireachtas, the Minister for Justice, Equality and Law Reform made the following instrument given under his Official Seal on 1st July, 2002.

1. “ This Instrument may be cited as the Tribunals of Inquiry (Evidence) Act 1921 (Establishment of Tribunal) Instrument (No.2) 2002.
2. A Tribunal (hereinafter called “the Tribunal”) is established to inquire into, report and make such findings and recommendations as it sees fit to the Clerk of Dail Eireann on the definite matter of urgent public importance specified in the Resolution passed by Dail Eireann on 17th April, 2002 and the Resolution passed by Seanad Eireann on 18th April, 2002, the text of which Resolutions is set out in the recital to this Instrument.
3. The Honourable Mr. Justice Robert Barr is appointed to be the Sole Member of the Tribunal.....”

The foregoing Resolutions of Dail Eireann and Seanad Eireann contain, inter alia, the following provisions:-

- “(i) The Tribunal shall report to the Clerk of the Dail on an interim basis not later than four months from the date of establishment of the

Tribunal and also as soon as may be after the 10th day of any oral hearings of the Tribunal on the following matters:

- (a) the number of parties granted representation by the Tribunal,
- (b) the progress which will then have been made in the hearings and work of the Tribunal,
- (c) the likely duration (so far as might then be capable of being estimated) of the proceedings of the Tribunal
- (d) any other matters that the Tribunal considers should be drawn to the attention of the Houses of the Oireachtas at the time of the report (including any matters relating to its terms of reference);.....”

Pursuant to the terms of the foregoing Resolutions, the following is a necessarily attenuated interim report to the Houses of the Oireachtas:-

By letter dated 13th May, 2002 to Mr. Michael Mellett, Assistant Secretary of the Department of Justice, Equality and Law Reform, in response to an inquiry made by him on behalf of his then Minister, I confirmed that I was honoured to accept appointment as Sole Member of the proposed Tribunal. Soon thereafter I set about recruiting a team of counsel to assist me in my task. That function was completed in the following July and we were ready to proceed with the work of the Tribunal on a full-time basis in September, 2002. However, no premises or staff were provided for us until 14th October last. We were then given the benefit of restricted temporary premises provided by the Bar Council in the Distillery Building, Church Street, Dublin and also a secretary. Since then some equipment and additional staff have been provided.

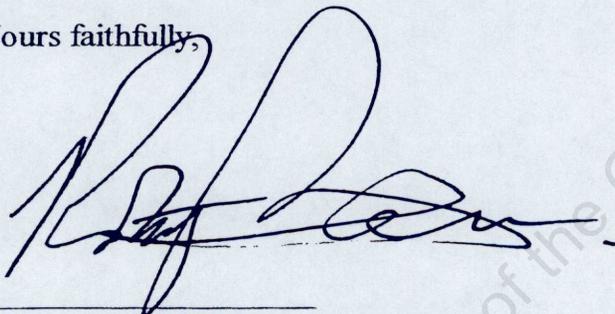
The primary difficulty which I have presently is that there has been delay by the Office of Public Works in concluding a contract with the Bar Council for the final premises required by the Tribunal, including an appropriate hearing room for oral evidence. A premises recently acquired by the Council which is suitable for the Tribunal's operations was offered to O.P.W. in July last but a final contract is yet to be concluded. It is understood that financial and other terms have been agreed. This has resulted in major delay in arranging the programme of the Tribunal. The proposed premises will not be available for occupation until some indefinite date in 2003 having regard to necessary works which are required. O.P.W. has not offered any other suitable premises.

Pending the provision of the requisite premises, the Tribunal team has carried ^{out} a wide range of preparatory work which is on-going. Through the good offices of the President of the High Court, hearings have been arranged as a temporary measure in a courtroom in the Four Courts complex on 7th and 10th January, 2003, during the Christmas law vacation, relating to applications for legal representation at the Tribunal and consequent rulings thereon. Due to pressure of work in the High Court, courtroom space can be made available to the Tribunal only for occasional days during legal vacations.

I have delayed furnishing a formal interim report on the activities of the Tribunal as required by the foregoing Resolutions of Dail Eireann and Seanad Eireann in the hope that O.P.W. would conclude its proposed contract with the Bar Council and it would

be possible to chart the future progress of the Tribunal with some accuracy. The on-going delay has frustrated that hope. Accordingly, for the foregoing reasons I am furnishing this partial report which does not cover all of the interim matters referred to in the Resolutions of the Houses of the Oireachtas. In the prevailing circumstances I am unable to do so. It is my intention that (i) after the proposed representation hearings on 7th and 10th January, 2003; (ii) when and if a contract is finally entered into by O.P.W. with the Bar Council and (iii) a date for occupation of the new premises, including the urgently required hearing room, can be estimated with reasonable accuracy, I will furnish to you a supplementary report dealing specifically with the questions I am required to address. I regret that it is necessary to take that course, but you will appreciate that it has arisen through circumstances beyond my control.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R. Barr', written over a horizontal line. The signature is fluid and cursive.

Mr. Justice Robert Barr
Sole Member of the Tribunal

Houses of the Oireachtas