

Lawyer's fax offers way out on tribunal dilemma

Tom Brady
Security Editor

A SOLICITOR has dramatically provided a solution to the dilemma faced by the Morris Tribunal over confidentiality of bogus information given to Dail deputies.

The solicitor has admitted he received a fax containing information similar to allegations relayed to former Opposition justice spokesmen Jim Higgins and Brendan Howlin.

The informant suggested Assistant Commissioner Kevin Carty, who headed the criminal inquiry into allegations of corruption among gardai in the Donegal division, had conspired with Assistant Commissioner Tony Hickey and

Det Sgt John White to plant evidence to secure criminal convictions.

New documentation reveals a solicitor has come forward and indicated he also received a fax from the informant shortly after Mr Higgins and Mr Howlin.

The disclosure may provide a way out for Mr Justice Frederick Morris, who is to decide next week whether the two politicians are entitled to claim privilege on the identity of their informant.

Counsel for the politicians as well as the Dail and Seanad committees on procedures and privileges argued this week that they had a constitutional right to protect their sources of information.

But Mr Justice Morris has to decide whether that right should

extend to a case where the information given confidentially to Mr Higgins and Mr Howlin has been found to be baseless — and may have been supplied with malicious intent.

The decision of the solicitor to come forward came after the tribunal widely circulated documentation on its terms of reference which disclosed the gardai had listed six people as not being cooperative with their inquiries.

The six are understood to have included the solicitor, a garda and a number of civilians.

The documentation also disclosed the possibility of criminal prosecutions for wasting garda time under the Criminal Law Act 1976 arising out of the circulation of baseless claims.

Initially it was suggested the information given in a fax to Mr Higgins and in a telephone call to Mr Howlin on Sunday, June 25, 2000, related to allegations of garda corruption in the north-west.

It is now clear it involved suggestions of criminal use of property seized elsewhere by gardai and then planted as evidence in other investigations.

The informant's suggestions related to the activities of Mr Hickey and Mr Carty, along with Sgt White.

The informant alleged Mr Hickey and Mr Carty used Sgt White to plant the evidence and then paid him off by signing false expenses claims for him.

The three gardai strenuously

denied the allegations.

The 10-month investigation involved a lengthy trawl of the records of seized property held in Blanchardstown garda station, where Sgt White had been based for several years, and the files on expenses paid to gardai at the Department of Justice financial section in Killarney.

It was also suggested that the informant was either a retired or serving detective inspector in Dublin, this led to every officer in that category being tracked down and interviewed as part of the inquiry. It now transpires the informant was a retired garda who had been based in the Donegal division and was known to one of the parties involved in the overall Donegal probe.

Life sentence for youth who tried to kill 10-year-old girl

Liz Walsh

A 19-YEAR-OLD youth who tried to murder a 10-year-old girl because he "wanted to inflict pain" was jailed for life yesterday after a judge said he must protect society from the risk of him attempting to kill again.

At the Central Criminal Court, Mr Justice Paul Carney said jailing Eric Daniels for anything less than life — a sentence normally reserved for murder convictions — would expose society to the risk of another attempted murder. It was a risk he refused to take, he said.

The court heard that Eric Daniels of Elm Park, Clonmel, Co Tipperary, had admitted trying to murder the girl in a field in the town because he "wanted to see what it was like to kill somebody".

He had told gardai: "I just wanted to inflict pain. I just wanted to see what it would be like. It was to see hurt, pain. I wanted to see what it would be like to hurt somebody, to see real pain."

Sentencing him to life imprisonment, Mr Justice Paul Carney said that, having regard to those facts, he had "no confidence" the accused "won't try this again".

His "primary function", Mr Justice Carney said, must be to prevent a repetition of "anything of this kind" and the protection of the community. "The only way I can achieve that is by the imposition of a life sentence."

While this may seem harsh, he said, the Parole Board can monitor the accused and "review the case when it has passed from my hands". The board is equipped, he added, to "see when it is safe for society" to recommend the accused's release.

At the start of his trial last month, Eric Daniels denied the attempted murder of the girl, then 10, and three other charges. Three days later, however, he changed his plea to guilty of attempted murder, following which the State entered a nolle prosequi on the remaining charges.



Eric Daniels: Wanted to experience killing

At the sentencing hearing yesterday, Sergeant Tom Maguire told the court the accused admitted to gardai that he intended to kill the young girl. Eric Daniels said he tied a lace from his Doc Marten boots around the child's neck and tightened it after luring her into a field in Clonmel on the pretext of showing her some puppies.

Sgt Maguire said Daniels told gardai: "I took the lace out with the intention of killing her. It was my intention to choke her. I wanted to see what it would be like to kill somebody."

Daniels also told gardai: "I don't know what I'm capable of," but said he was glad he did not kill the girl.

During the trial, the young victim testified via video-link that she thought she was going to die when Daniels, whom she had known since childhood, put the lace around her neck and tried to choke her.

She said he had told her to look into the bushes for the puppies but then knocked her to the ground. She escaped after pretending to be dead, and this, the court heard, saved her life.

Before sentence was passed, the court heard that the accused suffered from epilepsy but was not on medication. He had begun drinking at 14. He had taken cannabis at 11 and had taken some on the day of the incident, November 10, 2001.

The court also heard that the young girl "was fearful of Mr Daniels and his family" but had otherwise recovered well from her ordeal.



Michael Collins: Letter offers insight into his state of mind

National Library loses out in Collins' letter sale

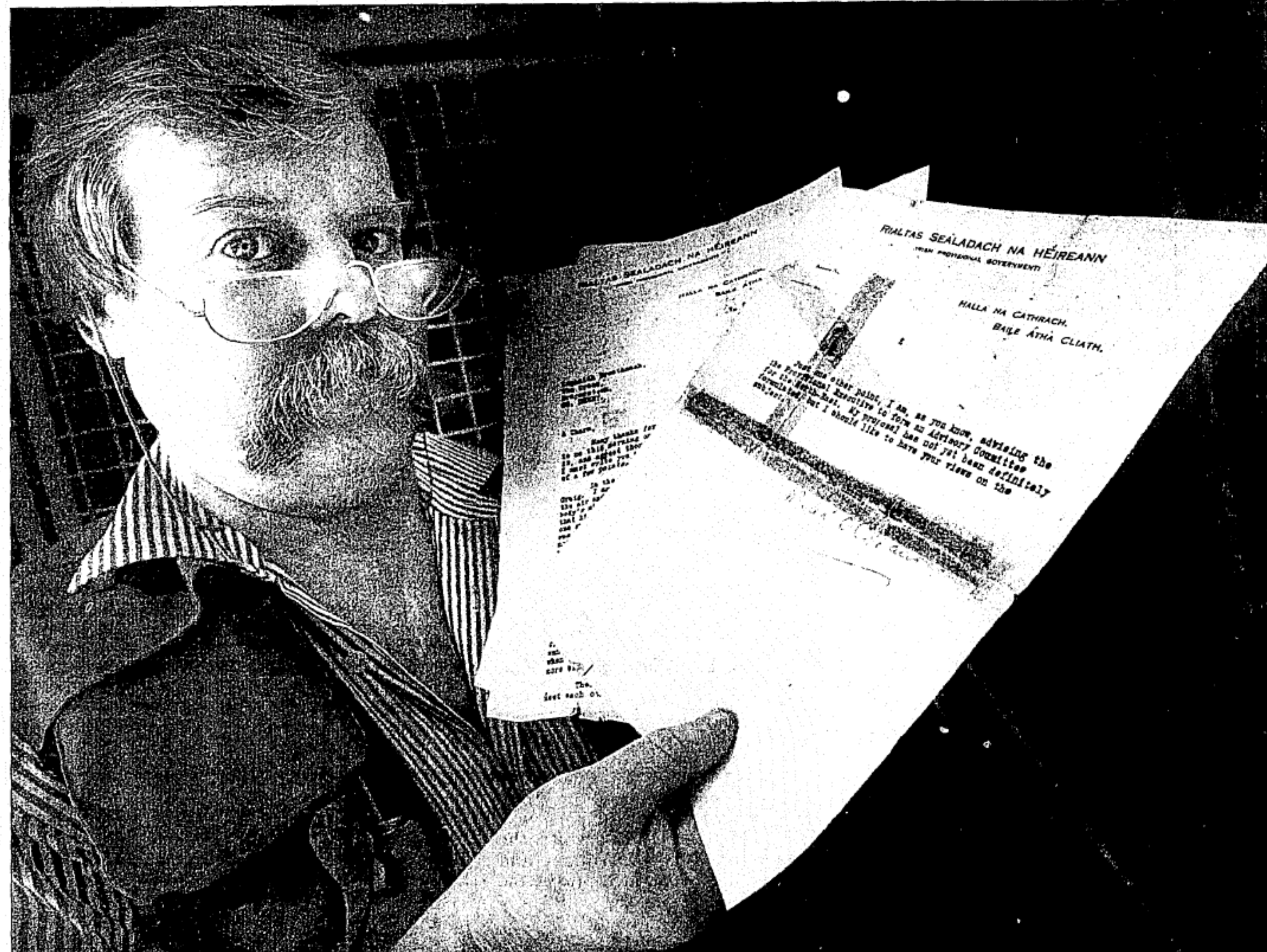
Grainne Cunningham

AN historically important letter written by Michael Collins three months after the Anglo-Irish Treaty was signed sold in Dublin last night for €26,500.

Bidding for the historic document was intense, with 20 interested parties taking part in the fray at one stage.

In the end the National Library lost out to a mystery private collector who paid well over the predicted sale price.

The three-page letter on provisional government-headed note-



Cataloguer Peter Sheen holds three typed pages on Irish Provisional Government headed notepaper, dated February 2, 1922, and addressed to Lughaidh Breathnach and signed by Michael Collins which was auctioned last night. Picture: Marc O'Sullivan

paper, is unique in offering an insight into the political mind of the soldier turned statesman.

It is dated February 7 1922 and Collins, then in difficult negotiations with unionist leader Sir James Craig, states he finds "any kind of even tempo-

rarity partition distasteful."

Speaking before the James Adam/Bonhams auction last night, Collins' grand-niece and former minister Nora Owen said she hoped the State would buy the letter — or if it was purchased by a private collector

that it would not be lost to the archives or public.

The letter was particularly significant as so little of Collins' correspondence survived the "weeding out" of the 1930s, said Ms Owen. It strengthened the view that he did not want to

sign a treaty that partitioned Ireland "but knew pragmatically that he had to sign".

Document expert James Sheen confirmed that the letter's existence was not known until a North-based militaria collector offered it for sale.

Teachers show renewed interest in supervision

Katherine Donnelly

SECONDARY teachers last night sent a strong signal to Education Minister Noel Dempsey that they want to do supervision and substitution work in schools.

However, they are still insisting that there must be changes in the current scheme to take account of difficulties for ASTI members.

In a second strong message from a meeting of the powerful 23-member ASTI Standing Committee, the union has deplored the "modernisation" demands of the benchmarking/national pay programme.

The signal on supervision and substitution came at the end of a week when Mr Dempsey hosted a series of "information meetings" with ASTI members, during which he heard their grievances.

The Standing Committee adopted a motion which "confirmed" the ASTI's "commitment to renegotiate the supervision and substitution scheme in the event of its rejection."

The ASTI is recommending rejection in a ballot next

month and Mr Dempsey has advised that in the event of a No vote, he will hand the work over to outsiders on a permanent basis. However, it is understood many ASTI members want to do the work and they are hoping a way can be found to take on board their problems.

Mr Dempsey has worked hard to reach out to ASTI members, admitting that he would, on behalf of the government, accept partial blame for the situation which had evolved, which had damaged the education system.

While the minister has said the supervision and substitution scheme is not up for renegotiation, he has confirmed that the operational side will be reviewed after a year.

On benchmarking, the Standing Committee said the combined pay programme placed "intolerable demands on an already overburdened profession".

The combined pay report will be considered at a meeting of the 180-member ASTI Central Executive Committee on March 7, following which it is likely to go to ballot.

Civil service more friendly and helpful

Lorna Reid

OUR civil service may be old fashioned and bureaucratic, but it has become more friendly and helpful over the past five years.

Major new research on a service which impacts on the lives of the whole population was launched yesterday and it shows a very high rate of customer satisfaction from the general public.

However, there was a less than happy result from businesses who feel that some departments are lagging behind in the whole area of electronic communication.

The survey by Lansdowne Market Research questioned 1,000 members of the public about their attitudes and perceptions of the civil service, and it also interviewed 300 businesses with small, medium and large workforces.

Most members of the public now contact a Government department by telephone and almost nobody uses e-mail or a website when they have a query.

The Department of Social and Family Affairs, traditionally the department most accessed by the public, has seen a decline in contact with people, a fact the survey attributes to the fall in unemployment and the buoyant economic conditions.

The main reason people contact them now is to find

out information and they found the staff to be helpful, courteous and knowledgeable.

But people are still annoyed by the length of time it takes them to be put through to a particular section. The survey concludes that "issues of access" could be improved and telephone-based access to staff could be speeded up, particularly in the business area.

Telephone access to Government departments now accounts for two-thirds of the contact made by members of the public, with both personal and written contact declining in importance. While personal contact is declining, customers say that they do not want to be delayed unduly when visiting an office and they want swift and convenient access to staff.

When it comes to e-communications, 46pc of those surveyed believed that e-mail was an inconvenient form of communication and 47pc declaring they felt the same way about websites.

This may be attributed to the fact that current internet access in Ireland by members of the public stands at 42pc.

Just over half those surveyed (53pc) think the civil service is trustworthy, and 52pc see it as fair and equitable. Almost one-third (32pc) think it is old fashioned, while 27pc think that it is not.

Over 75pc believe that it is very/fairly efficient.

Business has few complaints with service

BUSINESSES trust the civil service more than members of the public, the survey has revealed, writes Lorna Reid.

Almost 70pc of businesses said the civil service was independent and trustworthy in its dealings with business, compared with 53pc of the public who were asked the same question.

A substantial majority in the private sector business believe that it matches the levels of customer service apparent in other sectors of the economy.

Taoiseach Bertie Ahern yesterday launched the survey, which was commissioned by the Quality Customer Service (QCS) Research Group, and said that Ireland could be proud of its civil service.

More than two-thirds of the business community believed it had improved its customer focus over the last five years, and 71pc very or fairly satisfied.

However, 50pc of the companies say they are looking towards e-mail and the internet as way of interacting with government in the future, with the larger companies saying it was a more convenient way to communicate.

The Revenue Commissioners accounted for 77pc of contact made by businesses, and this was followed by the Central Statistics Office with 34pc.

The Revenue was also the busiest department with the public, accounting for 10pc of the 28pc total contact.

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Dublin Bus

Route 19A

As a result of customer feedback and at the request of our customers, Dublin Bus wish to advise that from Sunday 23rd February 2003, Route 19A will now serve McKee Road in both directions and will no longer serve Grove Park Road.

From the city, this route will now operate via Ballygall Road West, Clune Road, McKee Road and Sycamore Road to Jamestown Road.

For further information please ring (01) 8734222. Full details also available on our website at www.dublinbus.ie

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