

NATIONAL ARCHIVES**IRELAND**

Reference Code: 2001/61/3

Title: Copy Dublin Metropolitan District Court statement of evidence by Diarmuid O’Riordan, Customs and Excise, in the case against Albert Luykx, John Kelly, James Kelly, Charles Haughey and Neil Blaney, accused of conspiring to illegally import arms and ammunition into Ireland.

Creation Date(s): June, 1970

Level of description: Item

Extent and medium: 4 pages

Creator(s): Department of Justice

Access Conditions: Open

Copyright: National Archives, Ireland. May only be reproduced with the written permission of the Director of the National Archives.

No. 216

AN CHUIRT DÚICHE,

THE DISTRICT COURT

Form 4 — Rule 5

CRIMINAL PROCEDURE ACT, 1967

section 6 (1) (d)

STATEMENT OF EVIDENCE

District/Court/Area/of

DUBLIN METROPOLITAN

District/No.

THE ATTORNEY GENERAL

Prosecutor

ALBERT A. LUYKX, JOHN KELLY, JAMES J. KELLY,
CHARLES J. HAUGHEY and NEIL T. BLANEY.

Accused

Statement of the evidence that is to be given by Diarmuid O'Riordan,.....

Customs and Excise,.....(witness no. 7):-
Alexandra Quay, Dublin.

I am a Surveyor, Customs and Excise, and carry out my duties at Alexandra Quay, Dublin. On or about the 23rd March 1970, I received certain instructions over the telephone from Mr. J. C. Buckley, Officer of Customs and Excise, Custom House, Dublin. As a result, when Captain Jim Kelly, the accused, whom I had previously known as an Army Officer, came to my office on the same day, I informed him that I had been instructed to facilitate the clearance of a consignment of mild steel plate consigned to Weluks Ltd., due to arrive on the m.v. "City of Dublin." Captain Jim Kelly was accompanied by another man whom he did not introduce to me but whom he addressed as "John." The other man did not state his occupation and I did not ask him. This other man is the accused, John Kelly. I informed Jim Kelly that I had enquired from Palgrave-Murphy's about the arrival time of the m.v. "City of Dublin" and had been told that she was due to berth at Ocean Pier at 7 a.m. on the 25th March 1970. At about 9.00 a.m. on the 25th March 1970, I went to Ocean Pier, Alexandra Quay. The "City of Dublin" was berthed there and the cargo was being discharged.

I met Jim Kelly there and with him was another man whose name I afterwards learned is John Kelly. John Kelly was the man called

"John" who was with Jim Kelly on the 23rd March 1970. They were watching the cargo being unloaded. I asked them if the cargo they were interested in had come off and they said 'No.' There was a red truck standing by with a driver in it which I understood from Jim Kelly was to take the goods away. Jim Kelly and John Kelly accompanied me back to my office where, in their presence I rang Palgrave-Murphy's to have the copy manifest of the m.v. 'City of Dublin' sent over to me. The copy manifest, Exhibit No.1, was examined by myself and by the two Kellys and they pointed out to me on the manifest that two of the items in the consignment they were waiting for had been deleted, by being crossed out but that the particulars remained legible. They said that the third item which was six bales of garments was on the manifest. This was the first time I heard of garments being part of the consignment. The items which were crossed out but legible on the manifest were "32 packages of safety cartridges and 40 packages of safety cartridges, total 72 packages of safety cartridges." The two Kellys were concerned about the crossing out of these two items, so in their presence I rang Mr Wilmot of Palgrave-Murphy and asked him why these items had not been shipped. After about an hour Mr Wilmot sent me a Telex message, Exhibit No.2, he had received from Antwerp which stated that the shipment had been stopped by the Belgian Customs due to the fact that the shippers did not have an Export Licence. The Kellys were present with me when I received this Telex message and I showed it to them. They were very disappointed when they knew these items did not arrive. Jim Kelly stated that he would have to check back along the line and he made a telephone call from my office. As far as I could see, it was a local call but I cannot be sure as I left the office while he was making the call. When I returned to the office I made a comment to the two Kellys that the cargo I had been instructed to give Customs clearance to was supposed to be mild steel plate but, according to the manifest, it was cartridges. Jim Kelly then told me the goods were intended for the defence of the Catholics in the North in the event of an anti-Catholic outburst of violence. Jim Kelly stated that the whole transaction was secret but that it had top level approval. John Kelly was present but did

No. 216

AN CHÚIRT DÚICHE



THE DISTRICT COURT

Form 4 — Rule 5

CRIMINAL PROCEDURE ACT, 1967

section 6 (1) (d)

STATEMENT OF EVIDENCE

District Court Area of

District No.

.....Prosecutor

.....Accused

Statement of the evidence that is to be given by

.....(witness no.):-

Statement of Diarmuid O'Riordan continued

not make any comment. I told the Kellys that as far as Customs were concerned, they could take the bales of garments which had come ashore and were put into shed number 14 or 15. This was the morning of the 25th. March, 1970. The Kellys and I had seen the six bales and were satisfied that they were the garments referred to in the Manifest. I did not open the bales to examine them. The Kellys then left my office and I cannot say if they collected the bales on that day or not. I assumed they collected them because they had a lorry available. Some days later, John Kelly called to my office and informed me that Jimmy Kelly had travelled to the Continent to see what went wrong with the consignment. John Kelly enquired if the items which had not arrived on the 25th. March, 1970 had arrived yet and I informed him that they had not. I have not been instructed before or since for any Customs concessions regarding any other consignment for the Kellys or either of them. On the 25th. March, 1970, I was concerned that I had been instructed to facilitate the Kellys regarding a consignment of mild steel plate

(681).N28031/A.310000.4/69.W.P.W.Ltd.22

whereas the Manifest showed one item of six bales of garments and two items for a total of 72 packages of safety cartridges. Consequently, when the Kellys left my office I 'phoned my immediate superior, Mr. Bernard P. Muldoon, Assistant Collector, Customs House, Dublin, and spoke to him. He rang me back, some time later and spoke to me. About the 25th. March, 1970, I gave the Manifest of the 'City of Dublin' for the 25th. March, 1970, and the Telex message confirming the non-shipment of the 72 packages of safety cartridges which I have referred to, to Mr. T. Tobin, Superintendent, Customs and Excise, Dublin Castle. I showed the aforementioned Manifest to Mr. Ua Maolduin, the Assistant Collector, Customs on the 25th. March, 1970.