



**Tutorial Pack:
Advocacy and
Negotiation**

Introduction

The activities contained within this document are designed to be worked on both independently and as part of tutorials.

All articles and cases referred to in this pack may be found towards the end of the pack or by following the links provided.

Week 1

Activity 1

- a) Write a short paragraph to summarise the law on contempt.
- b) Provide examples of what may amount to contempt with case authority in support.

Activity 2

- a) Research and draft a paragraph describing how the rights of audience of a costs lawyer have evolved over time.
- b) Are there any areas for growth in the future?
- c) Compare the role of a costs lawyer advocate to those of other advocates. How does a legal executive gain their rights to undertake advocacy?

Week 2

Activity 1

As part of the online materials this week you need to complete the case theory activity. You need to read and appreciate CPR Part 12 and Part 13 and any pertinent case law in default judgments.

The aims are to prepare the case thoroughly and have a strong understanding of how to research relevant facts and issues. You should prepare on the basis that you will be making the application. The intention is that you put into practice that which you have reviewed and prepared. It is appreciated that whilst the materials/reading thus far has likely been 'easier' than expected the student may find the competent application as the theory may take some considerable time in the beginning.

In effect you will recall advocacy is a doing thing. Not something you read about. This is the beginning of your training and practice of same.

As a function of this exercise you will become familiar with the ability to research law in light of facts and instructions to the familiar with different confidence in being able to research the procedure rules on the basis of facts rather than memorising those in the first instance. Moreover, you will understand how to present in a logical fashion the submissions that can be made in an application in front of the judge such that the tribunal would be persuaded to agree with you.

This is an application in a County Court. This will be a competent preparation and based on the facts of the case.

Guideline on how to prepare:

- read papers
- appreciate your facts; i.e. from client's perspective
- appreciate their facts, i.e. facts which are less than satisfactory
- do your legal research
- decide/find the legal and factual issues
- Read and appreciate CPR Part 12 and Part 13 and any pertinent case law in default judgments
- Appreciate basic contract law, i.e. breach, Section 13 Sale of Goods and Services Act, remedies for breach
- basic appreciation of civil litigation; claim and counterclaim in one proceedings and off set principle in money judgment cases
- Now revisit point 1
- attend to your case theory and break it down into your submissions
- in so doing you will know what propositions you want to make and what conclusions should seem simple for the judge to make
- make out your strengths and weaknesses

be prepared to discuss and defend your case theory and submissions in tutorial time

Activity 2

Write a short paragraph to summarise your experience of advocacy. Reflect on that experience. You may wish to consider:

- Have you sat behind counsel? Did their skills impress you? If so, what was it that impressed you?
- How can you gain more experience?
- Conducted a hearing? If so, how could you have done things differently?

Activity 3

Read the following: <http://www.39essex.com/content/wp-content/uploads/2015/02/Costs-Budgeting-at-the-Coalface-Seminar-02-Feb-15.pdf>

What do you make of the assertion that costs lawyers should not attend Costs Management Conferences? Be prepared to share your thoughts during tutorial time.

Week 3

Activity 1

Please find attached a copy of a good example by a Silk of how to cross examine a witness; and not just any witness, but a politician and ex-offender well versed in avoiding liability and with a savvy approach to making public statements.

Please read the cross examination that follows and make notes on where you think that cross examination was effective and areas in which you feel the witness was in control.

- What effect did the judge have on proceedings in this matter? Do you feel the judge was overly involved?
- What considerations do you think both the advocate and judge had in preparing for how to deal with this particular witness?

Make notes on the above and consider what you would do differently, if at all.

Be prepared to discuss the above in tutorial.

“Northern Ireland's police ombudsman is to formally investigate if detectives did not properly examine whether Sinn Fein president Gerry Adams covered up the crimes of his sex abuser brother.”

What follows is the Cross examination of Gerry Adams by Ms McDermott QC at the Crown Court in Northern Ireland sitting at Belfast; Monday April 22nd 2013 on just this matter.

Please note how the questions are directed as closed questions bringing the court to a conclusion, even if a sticky witness such as Mr Adams. Note how the Advocate also puts her client's case to the witness.

During Liam Adams' first trial earlier this year, which ultimately collapsed, the Sinn Fein leader, now a TD in the Irish Republic, claimed he first heard of the sex abuse claims in 1987 and, 13 years later, his younger brother admitted his guilt to him.

The high profile republican has been criticised for not informing the police at the time of the revelations, with his statements to detectives not coming until 2007 and 2009.

Below is a full transcript of Gerry Adams evidence given during the first trial in April 2013, when he was speaking as a witness for the prosecution.

The Following transcript supplied by the office of the Lord Chief Justice:

Ms McDermott: Mr Adams, when you went to Buncrana in March of 1987 you were aware, weren't you, that your niece was alleging that her father had sexually abused her?

A: That's right; yes.

Q: And were you aware, at that time, that she was making an allegation that he had raped her?

A: No.

Q: Were you aware, at that time, that she was making an allegation that he had caused her to have oral sex with him?

A: No.

Q: When did you become aware of her allegation that he had raped her?

A: We never discussed the detail of her allegation.

Q: Well you have become aware, at some stage before today, that she is alleging that he raped her?

A: The first time that I recollect I became aware of that was when my brother, Liam, was questioned by the PSNI, and these charges were put to him.

Q: Was that in 2007?

A: Whatever time it was; I don't recall.

Q: Well if you take it from me for the moment that that was 2007. Is it the position then that for 20 years you were unaware that your niece was making an allegation of rape?

A: That's true. But I was very aware that she was making an allegation of serious sexual interference.

Q: Yes, I'm not... I'm not disputing that Mr Adams. I think if you just try to answer the question, the information will flow.

JUDGE PHILPOTT: Well I think, Ms McDermott, that was probably all right. Mc McDERMOTT: As your Honour pleases.

(TO THE WITNESS): And the same is true of oral sex, as is true of rape. You weren't aware of that allegation until 2007?

A: That's true. I... may I explain, your Honour?

JUDGE PHILPOTT: No, I think that is all right. THE WITNESS: Okay.

MS McDERMOTT: And you may or may not be aware that the evidence of Mrs Campbell has been that she told you in detail before the Bunrana meeting about the allegations that her daughter was making?

A: Well I have no recollection of that.

Q: It goes without saying, would you agree, that if you were told that your brother was alleged to have raped his daughter, that's something that would never leave your mind?

A: That's true. Let me say that I didn't want to know the detail, and I consciously (because this is a dreadful thing that allegedly happened) didn't want to know the detail.

Q: Well whether you wanted to know, or not, your evidence is that you did not know until 2007; is that right?

A: The specifics of the rape allegation, and the oral sex allegation, yes, but the specifics of Liam telling me that he had sexually interfered with her, that he had assaulted her, and molested her – I was conscious of that.

Q: Because any allegation of sexual abuse against a child is a matter of the most fundamental seriousness; is that not so?

A: Absolutely, and this matter had been brought to the attention of the police and the Social Services.

Q: I will be coming to ask you about that in due course, Mr Adams. But an allegation of sexual assault against a child is a matter (as you've agreed) of fundamental seriousness, not only because of the harm and damage that it's alleged is done to the particular child, but because a person who would do such a thing is a danger to other children; isn't that right?

A: That's true; yes.

Q: And that is well recognized, and was well recognized by you?

A: Yes, and I... I brought this matter to the attention of Liam's partner at that time. In terms of the 20 year span that you refer to, a lot of that time they were not on the island of Ireland.

Q: I'll be coming to ask you all this, Mr Adams, in due course. Did you say, when you were in Buncrana, to your brother that if the allegations were true, you would hit him with a hammer?

A: No, I did not.

Q: You were well aware (you've just made reference to it, in fact) that your brother was living in Buncrana at that time with, as part of his family, a two year old daughter?

A: Yes.

Q: Was his partner in the house on the 9th of March 1987, when you visited?

A: I can't recall that, but I do know that I went to see her subsequently.

Q: Does it strike you as strange that you can't remember whether she was there or not?

A: No, it doesn't. This was a very traumatic event. It's quite a long time ago. I am quite perplexed at my inability, for example, to get the time-line of all of this right. But it doesn't strike me as strange at all.

Q: Well whatever about the time-line – well perhaps I'll just leave the matter at that. You say you've no recollection of her being there?

A: No. I do recollect that we had tea and biscuits, of all the obscure things that I remember. Q: But you don't remember whether his partner was there?

A: No, I don't, no.

Q: And you have just said that you told her about these allegations having been made by your niece?

A: Yes, because I was very conscious, on the foot of such an allegation, that one has to protect other minors.

Q: You see I want to suggest to you, Mr Adams, that you never told her? A: Well I did.

Q: When did you tell her?

A: At her home in Andersonstown, in around this –

Q: And when was that?

A: Well, again, it was subsequent to the Bunrana meeting.

Q: Well how much subsequent was it?

A: Again, I can't recall. But my sense of it is that I brought it to her attention quite quickly.

Q: Well when you say the home in Andersonstown, do you mean a home that she was sharing with your brother?

A: No, I don't think so. I think that they were... they were living, at that time, in Bunrana. Q: No, you said that you brought it to her attention at her home in Andersonstown?

A: I did say that, yes.

Q: When was that?

A: Well I don't remember the exact time but eh...

Q: Well was she living with your brother, in this home in Andersonstown, at the time? A: I presume so, but I think that was their family home; if that's the right expression. Q: Well who were they living with?

A: Well they were living at Bunrana at that time.

Q: No, I'm asking you about the home you've referred to in Andersonstown?

A: Well they subsequently lived in a home in Andersonstown.

Q: Yes?

A: But, again, because of my uncertainty about the time-lines of this that may have been, you know, some long time afterwards. But I do remember making a point of telling Liam's partner of the allegation that was made.

Q: You see, Mr Adams, your brother's wife (as she is now) she's called Bronagh, isn't that right, just...

A: That's right.

Q: ... she might be called that for shorthand. She didn't have a home in Andersonstown until she was living there with your brother in 1999 or 2000; thirteen years after this allegation is made in Buncrana?

A: Well, all I can tell you, and it's the truth, that she was told of this very quickly after the engagement with Liam. Now, perhaps, and I make no apologies for this, there were other development in my family which had nothing to do with Aine, which was also pre-occupying me. And I have a very clear recollection, perhaps not about the exact place that it occurred, that I brought this to Bronagh's attention.

Q: And you brought it to her attention?

A: Yes.

Q: And when I ask you where that was, you say it was at a house in Andersonstown?

A: Well I may be mistaken in that, and I acknowledge that.

Q: Well where was it, Mr Adams, and when was it?

A: Well it was quickly after the initial meeting in Buncrana, and I can't tell you with any clarity where exactly it took place. But I can tell you with absolute clarity that I give her this information.

Q: Well she was living in Buncrana at this time; isn't that right?

A: That's right; yes.

Q: When you went in 1987, did you go back to Buncrana to tell her?

A: No, I didn't go back to Buncrana to my knowledge, no.

Q: And your recollection of telling her in a house in Andersonstown or in her home in Andersonstown can't be right; can it?

A: Well I concede that.

Q: So where was it?

A: Well I've already told you I don't recollect. My initial... my initial response to your question was that it was in Andersonstown, but I concede that that may be erroneous but I am very, very clear about me bringing this to her attention.

Q: Well is this not surely something else that would never leave your mind – having to go to your brother's partner to tell her that his daughter had made allegations of serious sexual abuse?

A: Well that's why I'm so clear that I did it.

Q: Can you remember what she said?

A: She refused to accept what was being said. Q: And what did you do about that?

A: I couldn't do anything, I could simply just tell her what had been alleged. I felt that I had fulfilled my responsibility, by bringing it to her attention.

Q: And did you go and visit her, by yourself, or with somebody else? A: By myself.

Q: And even now, as you sit there, have you no picture in your minds of the circumstances in which you say that happened?

A: Well I do have a sense that it happened in Belfast, and Bronagh's parents lived in Belfast, and I may have arranged to see her in –

Q: I'm not asking you about a sense, Mr Adams. I'm asking you about a recollection. A: I'm giving you a sense, with respect –

Q: But I'm not asking you for a sense. I'm asking you for a recollection – whether you have a recollection or whether you don't?

A: A recollection about what place?

Q: A recollection about telling your brother's partner about the allegations that your niece had made?

A: Yes, I do have a recollection of that. I've just explained it to you.

Q: Did you tell Social Services in Donegal about the allegations?

A: No, I didn't.

Q: You've told the court today that your niece's mother, your sister-in-law at that time (now Mrs Campbell) and her family had moved to Scotland?

A: Yes.

Q: I suggest to you that that didn't happen until Aine was eighteen?

A: Well, again, I don't have any specific recollection of this. You may, your Honour, recollect that the decade we're talking about (or even more than a decade) was an extremely busy time for me, in terms of my political work.

Q: And you give this as a reason – do you, Mr Adams – why you might not be able to remember some of these things; that you were busy with your political work?

A: No, I give it as an explanation. If you recall, these were the years in which cessations were arranged, in which talks were opened up, in which Good Friday Agreement was negotiated, and so on. I give it not as a reason, but as an explanation. And I also should note that the RUC at that time had... I was advised had a statement and that the Social Services had been given an account.

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Q: Mr Adams, have I asked you anything about the RUC just, or Social Services? We're coming to that in due course. And the Good Friday Agreement certainly wasn't being negotiated in 1987; was it?

A: The Good Friday Agreement wasn't, but the peace process was.

Q: The peace process had begun then; had it?

A: Well the history of that is now well known, and you don't need me to give you through all of the dates involved.

Q: No, I'm not asking you about the history of the peace process, Mr Adams. I am asking you whether you know that, in fact, your niece remained in Belfast with her mother and other members of her family (according to her) until she was eighteen, which is five years after the 1987 meeting in Buncrana?

A: Well I think, with respect, I have answered that question. I do have a problem around exact time-lines. I know she went to Scotland. I don't know precisely when she went. I know she was there for some time, and then returned. The only clear landmark date that is in my head was arranged the funeral in 1999.

Q: Do you remember November of 2009? A: Not eh...

Q: And do you remember in November 2009 giving an interview with to a television journalist for a programme he was making about these allegations?

A: I do; yes.

Q: Now I am going to show you a part of a transcript from that, I will hand it to the Court. It is just a couple of lines so I don't think the members of the jury will be able to follow it. I want you to go Mr Adams, to 10 lines up from the bottom of that page where you see the figures "06.47", you see that?

A: Yes, but I would like to read the entire page if that is appropriate.

Q: Well, by all means. Well I think all that you need to read is to satisfy yourself that this document comes from an interview that you gave at that time?

A: Well I can only ascertain that if you give me leave to read the entire page. Q: Well it is a matter for the Court.

JUDGE PHILPOTT: Just let him read the entire page. Ms McDermott, for my information are those time-lines on the tape?

MS McDERMOTT: Yes.

THE WITNESS: Your Honour I have read the page.

MS McDERMOTT: Now if you would be good enough to go Mr Adams, as I have said to 10 lines from the bottom and to the number "06.47". Now before that you have been speaking about the meeting in Buncrana and you then say to the journalist: "Now some

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time after that Liam left where he was living and went out of the country". I just want you to pause there. I suggest to you that it is a lie to say that your brother went out of the country at that time or at any time thereafter apart from the odd two week holiday to Spain.

A: Well I take exception to you saying it's a lie.

Q: Well I am suggesting to you just so that it is plain Mr Adams, that it is a lie and he never went out of the country?

A: Well he did go out of the country. Q: And where did he go?

A: He went to Canada.

Q: To Canada?

A: yes.

Q: Mr Adams, your brother went to America for about six or eight months and also to Canada, but that was in 1983 long before the meeting in Buncrana?

A: Well, again I don't know the dates but he was certainly out of the country.

Q: Well he was not out of the country at any time after 1987 other than going to Spain on a few occasions for a two week holiday?

A: Well, I mean I have give you my answer to that.

Q: You say he was out of the country?

A: Well to the best of my recollection he had left Ireland.

Q: Well, let's see what your recollection is about the next part of what you told the journalist. "And basically he was out of my life more or less for about the next 15 years". Now that's another lie I suggest to you?

A: Well again I do take exception to you describing this as a lie, it might have been...

Q: I'm not asking you to take exception Mr Adams, simply to answer the question?

A: Yeah, well it may have been as I have said repeatedly I do have a problem with the time-line, it may have been less than that time. When he came to live I think in Dublin, I'm not sure when, and when he came to live in Dundalk, I did see him, I did see him during that period, yes.

Q: You were trying, I suggest, to put as much distance between yourself and your brother as you possibly could?

A: That's not the case, I love my brother. I don't take any pleasure in dealing with these issues whatsoever. The easy thing that I could have done was to say...

Q: Mr Adams, I am not asking you about the easy thing...

MR MURPHY: Let him answer.

JUDGE PHILPOTT: I am afraid Ms McDermott he is entitled to answer this.

THE WITNESS: Just put the question again, I am allowed to answer is that right your Honour? I could have said to Aine and to her mother, I'm not her parent, this has been reported to the RUC, this has been reported to the Social Services, I have done my best. I can't get Liam to do anything about this, he is denying it and that's what I could have done and because I love my family and because I had thought, naively as it was, there was a possibility of getting these issues dealt with and dealt with in a therapeutic way then I did what I told you earlier on.

Q: Mr Adams, you were the Member of Parliament at Westminster for West Belfast in March 1987, isn't that right?

A: That's right, yes.

Q: You could have told the RUC what had been alleged?

A: The RUC knew.

Q: When did you become aware that the RUC knew?

A: I became aware when I was told I think by Sally in or around the prelude into the Buncrana meeting.

Q: So before you went to Buncrana you were aware that the RUC had been informed?

A: Yes, but that they were no longer involved because whatever course of action had been taken Sally had put the statement on hold or perhaps Sally and Aine had put the statement on hold.

Q: So you knew the RUC had been contacted, you knew that the statement had been, as you say put on hold, did you know the case wasn't being proceeded with at that time?

A: Well I know that it was for reasons that she explained that the RUC weren't dealing with the issue as she wanted it to, that Sally didn't feel that she could proceed.

Q: I am sorry I didn't catch the last thing that you said. A: That Sally didn't feel that she could proceed.

Q: She didn't feel that she could proceed, you didn't bring any pressure upon her not to proceed, did you?

A: No, not at all.

Q: Just look back to the page that you have been given Mr Adams, if you would and I want you to look now at some photographs, you can be given an album of photographs and you will also see them coming up on the screen. There is one between two your Honour, for the jury and suffice obviously one for the Court, one for your Honour, one for the prosecution.

JUDGE PHILPOTT: There is one for the witness I take it?

MS McDERMOTT: Oh, of course. Now I want you to look at these photographs Mr Adams, in the light of what I am putting to you are the two lies that you have told the journalist, (a) that Liam went out of the country and that he was out of your life for more or less the next 15 years.

JUDGE PHILPOTT: Well just before we go to that, is there any time-line on these?

MS McDERMOTT: There are certain dates that I will be putting to the witness and of course I will be putting certain dates to the witness and of course Mr Liam Adams will be giving evidence in due course.

This photograph, could it be moved up the screen please.

Thank you.

This photograph, I want to suggest to you, was taken in about 1991 in the Mansion House in Dublin and it shows you, isn't that right, on the left?

A: Yes it does, yes.

Q: Your father next to you. Is that your father? A: Yes, it is, yes.

Q: And a child, as it appears to be, who is hugging your father, do you know who that is?

A: I just presume that it is Clare but I can't say for definite.

Q: And your brother Liam?

A: yes.

Q: And is that Mr Martin McGuinness? A: it is, yes.

JUDGE PHILPOTT: Well Mr Adams, just before you go on, Clare, do you mean your brother's daughter?

THE WITNESS: yes, well I can't say for definite but it looks like her, yes. JUDGE PHILPOTT: That's who you think it is?

THE WITNESS: Yes.

MS McDERMOTT: Do you agree that is in about 1991?

A: I don't know, I do know that we met on a number of occasions around events and family occasions.

Q: Now just look at the next photograph, if you would. Can that be moved up a little, that is in 1996 I suggest to you?

A: I presume it is Liam's wedding but again I don't recall the date. Q: It clearly is your brother's wedding isn't that right, one can see... A: Yes, I said that.

Q: One can see by his attire?

A: Yep.

Q: And that's in 1996 which can be established of course?

A: I have no reason to question the date.

Q: And who else is in the photograph?

A: My brother Paddy, my brother Sean and my brother Dominic.

Q: And you are standing again on the left Mr Adams, with your arm around your brother Liam's shoulder, is that right?

A: Yes, that's right, yes.

Q: And the next photograph. The next photograph I suggest to you is taken in 1997 at the christening of your brother Liam's second child another daughter, Dervla.

A: Yes.

Q: Do you accept that?

A: Yes.

Q: That's you, who is holding the infant?

A: No, not in this photograph it isn't.

Q: No, I said that is you, who is holding the infant?

A: A brother-in-law Eamon McCaughey.

Q: Then your brother Liam is next to him, is that right?

A: Yes.

Q: And who is the other gentleman?

A: I don't recollect but he is not a family member, he may be...

Q: Then the next photograph again on the same occasion of Dervla's christening, you on the left, is that right?

A: Yes.

Q: Your brother and his wife on the right?

A: Yes.

Q: Any other family members?

A: Yes. They are not all family members, but yes.

Q: Including other family members and including two small children apart from the baby?

A: Well there are two small children with what I presume is a parent.

Q: The next photograph please. This is 1997, I suggest to you, you may remember it from the fact that there is an election campaign going on?

A: It's upside down on my screen, I am just waiting for it to...

Q: Have you got the album?

A: It isn't in the album this particular photograph that I can see, but anyway. Q: Number 5?

A: Ah, here it is, yeah.

Q: I think it is the right way up on the screen.

A: It is, yes.

Q: Mr Adams. So I was saying to you, you may remember this is 1997 because there is an election campaign going on?

A: Well again I don't recollect exactly when it was but it clearly is an election campaign and posters.

Q: You are on the poster in the middle?

A: Yes.

Q: And Mr Owen Hanratty, a candidate, is on the other two posters?

A: Yes.

Q: I want to suggest to you that at that time or shortly before that time in Dundalk that your brother Liam stood for the Sinn Fein nomination against Mr Owen Hanratty?

A: Well, my recollection of that is different. I heard that Liam was considering standing and I contacted him and said he should not do that because of this ongoing issue around the alleged abuse of Aine.

Q: Well did he stand or did he not?

A: Well my recollection he didn't, no. He withdrew his name.

Q: I put to you that he did?

A: Well I am just giving you if he did then that was in total contradiction of what he said to me when I asked him not to stand because he told me he wouldn't.

Q: Well you were the President of Sinn Fein at this time, were you? A: Yes.

Q: And his brother?

A: Yes.

Q: And your evidence is that you told him not to stand, if he did stand that must have been in defiance of what you had told him, is that right?

A: I didn't say that, I said that if he did stand this is my first knowledge of it and it was in contradiction of what he told me because he accepted when I spoke to him that he shouldn't stand.

Q: Just have a look at the next photograph please. This is a photograph from 1998, is that your father on the left?

A: It is, yes.

Q: Yourself, your brother Liam and is that another brother?

A: That's another family member, yes.

Q: Another family member. It is obviously taken in or it appears to be taken in a house, do you know where it was taken?

A: I don't, I don't, it could have been in Liam's house, it could have been anywhere, I don't recall.

Q: To the next photograph please, number 7. I suggest to you that this photograph was taken in 1998 in Castlebellingham, County Louth, at a presentation being made to the ladies there who have got bouquets of flowers?

A: Well again I don't know where it is but it clearly is a presentation and one would presume the women there are the recipients.

Q: And if I were to suggest to you that it is taken in Castlebellingham do you dispute that?

A: No I don't, I don't.

Q: And your brother Liam is there on the left of the photographs?

A: He is, yes.

Q: And you are in the middle? A: Yes.

Q: And if you just go to the next photograph, you are not in this photograph –sorry the next two photographs your Honour, were those which were shown to the jury before in relation to the witnesses Sinead and Sean Rossbottom so I don't intend to show those.

JUDGE PHILPOTT: I don't have them in this file.

MS McDERMOTT: No, but they came up on the screen. So 8, there is a jump in the numbers, that's why, because 8 and 9 don't have anything to do with this witness.

THE WITNESS: Do you want me to look at 8 and 9. MS McDERMOTT: No.

JUDGE PHILPOTT: Just look at the next.

MS McDERMOTT: If you look at number 10 yes, thank you. This is in 2003 at a presentation in Clonard Youth Club where your brother Liam was at that time working. That's your brother Liam on the right, isn't it?

A: That's right, yes.

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Q: And he is standing beside again, I say "again" just because he has been seen in another photograph, he is standing beside Mr McGuinness?

A: Yes he is, yes.

Q: Was Mr McGuinness the Deputy First Minister at that time?

A: I have no recollection of this photograph whatsoever.

Q: I am asking you about 2003?

A: Well I don't recall, when was the power sharing arrangement set up? Q: You might know Mr Adams.

A: Sorry.

Q: I said I thought you might know the answer to that.

A: Well, I don't off the top of my head, I know it happened after we did the big meeting with Ian Paisley so whatever date that was.

Q: The next photograph then is photograph 11, I think that is just a duplicate of a wedding photograph. If you just go to photograph number 12. Now is that an inscription on the flyleaf of a book called "An Irish Journal"?

A: Yes, I gave a copy of that book to all my family members.

Q: Does this particular inscription if I may try to, well I will just ask you what it is in English. Does

it say "To Liam, Bronagh and your family, from Gerry"?

A: It says "To Liam, Bronagh 's fionghlan O Gerry" which means to Liam, Bronagh and your

family from Gerry. Q: "XOXOX"?

A: Yes.

Q: "15.05.01"?

A: Yes.

Q: And then the next photograph or the next thing I want you to look at is a copy of your presidential address to the Sinn Fein Ard Fheis?

A: Yes.

Q: If the camera could move down the date is given at the bottom 26th February 1994?

A: Yes.

Q: And then if we could move back up again "To Liam, Bronagh and Clare XOXOX Gerry"?

A: Yes, that's correct.

Q: Isn't that right, that is in 1994 and I think if I may just check for completeness the last photograph is just the photograph I have shown to the Rossbottoms which I don't ask this witness to look at.

So I am putting to you Mr Adams, that far from your brother Liam being out of your life more or less for about the next 15 years, he was in fact very much in your life that you had regular contact with him during that time?

A: Well he was out of my life for a period, I am sorry your Honour, I am doing my best to recall the exact time-line. I have never denied being in contact with Liam. I was also as I have given evidence, during some of this period trying to put together an engagement between Liam and his daughter Aine. So you know I don't, I have never denied that I was in contact with him.

Q: You have never denied what? A: That I was in contact with him.

Q: Well, what you have said to the journalist is basically he was out of my life more or less for about the next 15 years, now that was from 1987?

A: Okay.

Q: Which brings you to 2002?

A: Well, your grasp of the calendar of these events is obviously better than mine. He was out of contact from me for a time, I concede it might not have been for 15 years, I acknowledge clearly and I have never failed to do so that I was in contact with him and that's also clear on family occasions and on other occasions.

Q: You wrote an autobiography Mr Adams called "Before the dawn", isn't that right? A: That's right.

Q: And you will take it from me for the moment that your foreword in that book is dated "February 1996, Belfast"?

A: Yes, if you say that it what it is, yes.

Q: You don't have it with you I'm sure, I will certainly pass it over to you in a moment?

A: No, I accept what you are saying.

Q: No, I am going to ask you something else about it. You thank various people at the end of your foreword, do you remember that?

A: Yes I do, yes.

Q: And you thank your publisher and people in the publisher's office and then you say, "I want

also to thank Colette, our Paddy, my father, brothers and sisters, especially Liam".

A: Yes.

Q: "Uncle Alfie Hanaway, Gerry Begley, Father Alex Reid who all helped to jog my memory".

A: Yes.

Q: So that you clearly had significant contact with him while you were writing that book?

A: Well, I don't know specifically what you mean by the word "significant", I was in touch with him, I acknowledge it in the foreword.

Q: How many brothers and sisters do you have Mr Adams? A: I have nine.

JUDGE PHILPOTT: Is that counting you?

THE WITNESS: No 10 including me.

MS McDERMOTT: And he is the one, they are all happily still alive are they?

A: They are, yes.

Q: And he is the one that you singled out for thanks in relation to helping to jog your memory.

A: Yes, well I have to go back to what I was saying previously, I was involved in the process of trying to keep, in so far as I could, my family together but also deal with this issue that Aine had

alleged about her father. So you know, one tries in all of this to create circumstances where people can get their lives back together and so on and I dealt with this in a very forthright and honest way.

Q: Is that your assessment is it, Mr Adams?

A: Well I am only here to speak for myself as you know, but I might your Honour just ask there is an issue that I want to raise but I might need your advice on it first.

JUDGE PHILPOTT: If there is an issue I think we will just deal with it in the absence of the jury.

MS McDERMOTT: It is my submission it is highly irregular for a witness to ask...

JUDGE PHILPOTT: It maybe highly irregular but I want to make sure relevant evidence is given and if there is any doubt about it.

MS McDERMOTT: Very good your Honour.

JUDGE PHILPOTT: Members of the jury I am going to ask you to rise, I don't know what it is yet but it may be a legal matter and if it is, I will deal with it.

(JURY OUT 12.00)

JUDGE PHILPOTT: Ms McDermott, I would rather it was asked, we have all had experience of when witnesses just blurt something, sorry, just blurt something out, and then it's too late to do anything about it.

MS McDERMOTT: Of course, I fully respect what your Honour has decided to do, but the court knows that this witness has been warned.

JUDGE PHILPOTT: I do, but I know how long it took to get to this stage. MS McDERMOTT: Yes.

THE WITNESS: Well, your Honour, you will know, I accept this entirely, that I have been very limited in elements of the evidence that I can give.

JUDGE PHILPOTT: Well, can I just say, you have been very limited because we are here to deal –

THE WITNESS: No, I appreciate that. I accept that entirely and that's why I asked to take advice from you on this. I always regretted that foreword and I always regretted the foreword, not so much around Liam –

JUDGE PHILPOTT: Just to stop you there. That's enough. Right, Ms McDermott, is he entitled to say that?

THE WITNESS: Well, it's about my father, your Honour. MS McDERMOTT: Definitely not, your Honour.

JUDGE PHILPOTT: No, not about that – so the reason you regretted the foreword was because about your father?

THE WITNESS: Because I wasn't aware of what the allegations against my father, and I always regretted that I wrote this book and it did reflect my childhood as I recalled it, but then I ended up in this situation where I heard a totally different story about my father. And I always, always regretted.

JUDGE PHILPOTT: Well, I think you were wise to ask. I can't say that, Mr Adams, and don't say it. Just carry on with the issues. I appreciate it may cause a difficulty in your own mind for you, but we are concerned solely with this trial. And to go into that would not be helpful for the trial.

THE WITNESS: Well, I appreciate your advice, but, you know, it does mean – JUDGE PHILPOTT: I'm afraid you're going to have to take it.

THE WITNESS: No, I do take it without condition whatsoever, but it does – JUDGE PHILPOTT: I appreciate that you may feel that you have –

THE WITNESS: Place me in a –

MS McDERMOTT: If it is of any assistance, and just in case the witness is under any misapprehension about this, I don't intend to ask him anything that is in his book.

JUDGE PHILPOTT: I think the difficulty is this, it's the foreword. But if I could just say this: If you regret the foreword because of your father, it's not relevant to this directly. And I'm sure you're quite able to see that and we have to keep to the exact issues.

THE WITNESS: Okay. Thank you, your Honour. JUDGE PHILPOTT: Carry on. (JURY IN).

Mr GERRY ADAMS
(Cont'd) Cross-examination by MS MCDERMOTT QC

Q: Now, you say, Mr Adams, that your brother made an admission to you when you were walking around Dundalk in the rain in the year 2000 is that right?

A: Yes.

Q: And if that – I should make it clear to you that I am suggesting to you that no such admission was ever made, do you understand?

A: I do understand. I don't accept it, but I understand

Q: If what you say is true, then you can have been in no doubt whatsoever in 2000 and onwards, but that your brother had sexually assaulted your niece, is that right?

A: That's true, yes.

Q: Did you know that he was working in youth clubs?

A: I did, yes.

Q: Which youth clubs did you know that he was working in?

A: Well he was working in Clonard Youth Club.

Q: And also in a youth club in Beechmount known as The Blackie centre, is that right?

A: That's right, yes.

Q: Those two in particular. Did you know that he was also working with youth in Dundalk? A: Yes.

Q: Perhaps not children in Dundalk, but young people.

A: Well, if I may, I raised the issue about him working with young people in Dundalk and he, you might need to advise me on this as well, your Honour, he told me that he was working with young people...

Q: If you just let me ask you the questions.

JUDGE PHILPOTT: Just before you go on. What age were the young people in Dundalk?

THE WITNESS: Well...

JUDGE PHILPOTT: If you don't know just say.

THE WITNESS: No, but I think they were in their late teens or mid teens.

JUDGE PHILPOTT: Mid to late teens?

THE WITNESS: I mean, I can't say that specifically, but I think that's ...

MS MCDERMOTT: Well let's leave Dundalk out of it for the moment. You have a particular association, don't you, Mr Adams, with Clonard Monastery?

A: That's correct, yes.

Q: And I'm not sure whether I read this out from your foreword or not, but one of the people whom you thank is Father Alex Reid who is famously associated with Clonard Monastery, isn't that right?

A: That's right, yes

Q: And who was and no doubt is a friend of yours.

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A: He's a very close friend of mine.

Q: And the youth club that your brother went to work in was the Clonard Monastery youth club, isn't that right?

A: That's right, yes

Q: And he went to work there, Mr Adams, I suggest in 1998. A: He may well have, yes.

Q: I'm suggesting to you that you know that he went to work there in 1998 because he was living with you at that time for a period of six weeks.

A: Where was he living with me? Q: In your house

JUDGE PHILPOTT: Who's this?

MS MCDERMOTT: The accused.

JUDGE PHILPOTT: The accused was living with you for six weeks in 1998.

MS MCDERMOTT: Your brother.

A: Well, I genuinely don't have any recollection. He was in my house many times, but I have no recollection of him living with me for six weeks.

Q: I am suggesting to you that he had been living in Dublin and Dundalk, you know that don't you?

A: Yes.

Q: And that he came back to Belfast in 1998, having applied for a job in Clonard Youth Club, having successfully applied for it, but not having had time to make accommodation arrangements for his family he came for the first six weeks of his working in Clonard to live with you.

A: Well, I genuinely have no recollection of that whatsoever.

Q: And that he remained working in Clonard Youth Club for five years.

A: He may well have. I raised this issue with him and I also raised this issue with the authorities in Clonard.

Q: Well, I want to suggest to you that you never raised any such issue with the authorities in Clonard.

A: Well, there were other developments in my family which had nothing to do with Aine. Q: I'm not asking you about anything else to do with your family

A: Well, I'm giving you an

Q: Mr Adams, please try to concentrate

A: With respect.....

JUDGE PHILPOTT: Maybe he can explain it without going into an extraneous detail. MS

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MCDERMOTT: Well, your Honour, it's nothing to do with anything I'm asking him. A: It's got to do with Clonard and I want to give an explanation.

JUDGE PHILPOTT: Well, I'm going to let him give the explanation in relation to Clonard. (TO THE WITNESS): Now, Mr Adams, I noticed you're taking notes.

THE WITNESS: Well, I'm doodling.

JUDGE PHILPOTT: Well, it would be better if you don't.

THE WITNESS: All right, your Honour. When I say I'm doodling, I have written down one or two bits, yeah.

JUDGE PHILPOTT: Don't, it's just that you haven't any other documents except the ones that have been given to you ?

THE WITNESS: No, no.

JUDGE PHILPOTT: That's fine.

THE WITNESS: Not at all.

MS MCDERMOTT: Well, might the Court's direction be brought back ...sorry your Honour.

JUDGE PHILPOTT: He simply deals with the issue of what he... you have put it to him that he did not raise this matter with the authorities in Clonard.

MS MCDERMOTT: Yes.

JUDGE PHILPOTT: And he says he did. Now, he is allowed to answer how he raised it with the authorities in Clonard.

MS MCDERMOTT: Well, might I ask the court to direct the witness' answer towards when he raised it and to whom he raised it, or with whom he raised it.

JUDGE PHILPOTT: Right.

(TO THE WITNESS): Doing the best you can, Mr Adams, when did you raise it with the authorities in Clonard and who in Clonard did you raise it with?

THE WITNESS: Well, as I've said before, there were other developments in my family which needed attention, and Clonard allowed us to use.....

JUDGE PHILPOTT: Mr Adams, I'm concerned that you are straying from the question. You know, just in relation to your brother Liam.

THE WITNESS: Okay, well....

JUDGE PHILPOTT: When did you raise these issues with Clonard and with who?

THE WITNESS: Well, I had acquainted the authorities in Clonard about the other issue involving my family, and I also acquainted them with the fact that an allegation had been

made against Liam and that he was working in the youth club. And I raised this with a Father McGoran.

JUDGE PHILPOTT: Can you remember when?

THE WITNESS: No, I don't, but it was during that period. MS MCDERMOTT: During that what, sorry?

A: During that period.

Q: During the five year....sorry, your Honour.

JUDGE PHILPOTT: Hold on.

(TO THE WITNESS): It stated that Mr.... now, correct me if this is wrong.

MS MCDERMOTT: Yes.

JUDGE PHILPOTT: Mr Liam Adams came back to obtain a job in Clonard in 1998.

MS DERMOTT: That's right, your Honour, yes.

JUDGE PHILPOTT: So, therefore, if you raised it, does that help you in giving any time?

THE WITNESS: Well, it was because I actually told Liam that I thought that he should not be working with young people and I then went and, as I said earlier on, and I think it was within a very short time of him coming to, back to that post.

JUDGE PHILPOTT: So when did he take up the post do you know, Ms McDermott?

MS MCDERMOTT: I think it was October of 1998.

JUDGE PHILPOTT: So it would have been obviously some time after October 1998. THE

WITNESS: Yes.

JUDGE PHILPOTT: Well, can you, taking that aswas it before he took up post or was it after he took up post?

THE WITNESS: It was before when I, I think he may have told me that he was taking up this post, but it was certainly afterwards.

MS MCDERMOTT: So you told him, you think, before he took up the post, that he shouldn't take it up? Is that right?

A: Yes, well, I told him he shouldn't be working with young people. Q. And after he took it up you told him that he shouldn't take it up?

A: Yes, and again I did it because I think that was the right thing to do, but I also did it because Aine raised it with me.

Q: Well, Aine, I'll come to that again in due course. But you tell him before he takes it up and after he takes it up. And then you say that you tell Father McGran.

A: Yes

JUDGE PHILPOTT: Could somebody just spell that, so I can get it right?

MS MCDERMOTT: It's probably G O R A N:

(TO THE WITNESS): But he continued to work there for five years, isn't that right? A: Well, for five years I suggest.

A: He continued to work during the period where we were trying to construct the meeting between himself and Aine, and that was my focus in relation to all of this. He also, I understand, had police clearance to work.

Q: I was just going to ask you about that. Did you know that he had police clearance to work there?

A: No, I didn't at that time. I didn't until subsequently. Q: When subsequently?

A: When the media raised the, when the whole issue became a matter of some media coverage

Q: When was that?

A: Again, I don't recall, but it was around the time that that programme that you alluded to earlier was taking place.

Q: Round about November 2009?

A: Whatever the date was.

Q: Yes. And you say that's the first time that you were aware that he had police clearance? A: Yeah, yeah.

Q: Of course, you knew, Mr Adams, no doubt as a citizen but certainly as a member of Parliament, that anybody working with children and young people required police clearance for just these reasons.

A: That's true. I don't know if they were as rigid then as they are now, or as thorough or robust then as they are now.

Q: Between 1998 and 2003? They must have been, mustn't they, because you now know that he did have police clearance?

A: Yes, but as a matter of statements from the institutions involved.

Q: And, of course, it shouldn't be a matter, should it, of you or anyone else telling a person who is suspected of being a sexual abuser of children that you thought they shouldn't be working there? It was within your power to make sure that he wasn't working there.

A: Well, as I can do, and as you know Liam denies this allegation, is to bring it to the attention of those who have responsibility, and also to bring it to Liam's attention as well. And I didn't bring it to Liam's attention in a, you know, a dictate sort of a way. I tried to reason with him. If he wanted all of this to be put behind him and if he wanted to acknowledge or to get his life, you know, a future with a new family and so on, then he shouldn't be leaving himself open to any accusation that he's working with young people, that he shouldn't be working with young people. And he told me that he was working with young people because he wanted them to have a better start in life than him and based upon his experiences.

Q: But this wasn't about him, Mr Adams. This was about the danger that was posed to young people if what you say is true.

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A: Well, I have already answered that question. I brought it to the attention of those who were in authority.

Q: What about the police? Did you bring it to their attention?

A: I didn't, because at this point Aine was an adult. This, insofar as we know, was a legacy issue. I am not Aine's parent. I am an uncle and she has many uncles. And I was trying my best to resolve these matters in a way which helped Aine, but also, if I may say so, in a way which allowed Liam to get rid of these demons.

Q: Mr Adams, this is not about your niece Aine, it's not about your brother getting rid of his demons. This is about the protection of children and young people in your constituency, in a youth club which is associated with Clonard Monastery with which you had a very close connection

A: Well, I have answered that question, I think, and if I may say so, this is all about Aine.

Q. Well, it's a matter for the court, Mr Adams, but I am suggesting to you that there is a very clear distinction here; your duty in relation to informing the police if you thought that your brother posed a danger, a sexual danger to children and young people, was to tell the police about it and to put a stop to it.

A: Well, I think you have come to the point. I didn't believe at that point that my brother was a danger. I think that he'd, and I don't want to stray into realms of speculation, but given his acknowledgement to me and the fact that he said this only happened the once. And, remember, I had lengthy conversations with my brother, lengthy, lengthy conversations over a long time with my brother. And I think I know him, I know him fairly well.

Q: So you decided that you would be the arbiter of whether he posed a danger to those.... A: No.

Q: Just let me finish the question, whether he posed a danger to these children and young people in your constituency?

A: I don't know how many times, your Honour, I have to repeat the fact that I brought this to the attention of the authorities in Clonard.

Q: You brought it, you say, to the attention of a Father McGoran. The police is the civil authority and was at that time in Clonard.

JUDGE PHILPOTT: Well, Ms McDermott, although it wasn't proceeded with, it is fair to say the police did have information about an allegation in 1987.

MS MCDERMOTT: Yes, but the police.....sorry

JUDGE PHILPOTT: Although it was not proceeded with, they still had that information.

MS MCDERMOTT: What the police didn't have, of course, Mr Adams, if the evidence you are giving today is true, is the information that not only was there an allegation but the

person against whom the allegation was made had admitted it to you right in the middle of the period that's working in Clonard youth centre.

A. Well, again I have answered that. As your Honour rightly points out, the police did have this statement. The Social Services also had a statement . Aine is now a young woman with her own children, and in all of my dealings with her she said she just wanted acknowledgement from her father.

Q. Mr Adams, please just try to answer the questions and not stray A. I have answer them, with respect.

Q. And not stray beyond them. So as far as you were concerned, you say this was a legacy issue?

A. Yes, as far as I'm informed. And, remember, if you would, that other matters not relevant to Aine that were being dealt with at that time.....

Q. Mr Adams, do you think that I am asking you about any other matters that are not relevant to this case? Because let me assure you

A. I don't know quite what you are asking me, with respect. JUDGE PHILPOTT: A dispute with counsel seldom helps.

MS MCDERMOTT: Well, I think it can't be made any more clear to the witness that I am just asking him about this case

JUDGE PHILPOTT: We know that, Ms McDermott. MS MCDERMOTT: Not anything else.

JUDGE PHILPOTT: Just keep on the issues.

MS MCDERMOTT: Yes.

(TO THE WITNESS): May the court take it that..... JUDGE PHILPOTT: Both people just keep on the issue. THE WITNESS: Okay

MS MCDERMOTT: May her Honour and the jury take it that after this alleged admission that your brother makes to you in Dundalk in 2000 is concerned, that you don't say to him: You're going to have to get out of Clonard youth centre

A. Well, I had already put that to him. You know, he knew my feelings on that issue. There is no question but that I raised this issue on a number of occasions

Q. One thing to

JUDGE PHILPOTT: Ms McDermott, excuse me.

(TO THE WITNESS): Could I just ask you this, though: Did you ever say to him: If you don't get out I'm going to have to go to the police?

THE WITNESS: No, I didn't say that to him, but I did say to him that, you know, Aine has taken this course of action and if you don't bring yourself and strengthen yourself to deal with this, then it's going to end up with the police

MS MCDERMOTT: You see, he left Clonard Youth Club in 2003, isn't that right? A. I don't know theI know he left it, I don't know the specific time.

Q. Well

A. I don't doubt what you are saying.

Q. Do you know that he left it in order to take up the other job that he got, the next job that he got, in Dundalk?

A. Well, my recollection was that he moved from there to The Blackie. Now, I might be wrong in that

Q. No, there's a year intervening, Mr Adams. Your brother's case is that he worked in Clonard youth centre from 1998 to 2003; that he then got a job, he applied for a different job in Dundalk in Cox's Demesne Community Centre. Does that ring any bells with you?

A. Well, my notion until now was that he moved from one to the other

Q. And that then he was there in Dundalk for a year and he would say because his wife wanted to come back to Belfast, he then applied for the job in The Blackie centre, and came back there in 2004.

A. Is that a question?

Q. I'm asking you, I started

A. I don't have

Q. Let me tell you the question.

A. Okay.

A. Whether you recall him going to work in Dundalk for a year at another youth centre?

A. No, I don't, but it wasn't unusual given his anxiety and demeanour that he would leave, but I don't doubt what you are saying, but I have no.....if you had asked me I would have said he went from Clonard to The Blackie, but I don't doubt, if you are telling me he went somewhere else then that's fair enough.

Q. And that he then came back and got a job in The Blackie centre in Beechmount. A. Yes, he did, yes.

Q. Which again, for any member of the jury who mightn't be familiar with the area, is in the heart of your constituency.

A. That's right

Q. And you knew that he was working there?

A. Yes. I actually raised this issue with him and eventually persuaded him to leave The Blackie.

Q. Well, how long was he there before you persuaded him to leave?

A. He was there for some time.

Q. Well, how long?

A. Well, I don't recall.

Q. Well, I'm suggesting to you that he was there for a year. A. Okay, that's

JUDGE PHILPOTT: For how long? MS MCDERMOTT: A year.

TO THE WITNESS: I don't doubt it. I know he was there for some time and we were very intensely engaged in terms of what I have already outlined to you; me trying to get him to a point where he was able to deal with Aine's allegations.

Q. And you persuaded him to leave there eventually you say?

A. Well, I was also meeting with Aine in the course of all of this.

Q. Mr Adams

A. I said yes.

Q. You persuaded him to leave the Blackie Centre, is that right?

A. Yes.

Q. And why did you persuade him to leave if you didn't think that he represented a danger?

A. Because Aine was increasingly disappointed with the fact that she had got...

Q. Mr Adams.....

A. I'm giving you my answer please.

JUDGE PHILPOTT: I think this will have to be, he is entitled to give the answer to that question.

MS MCDERMOTT: Well, your Honour will recall, I do seek the court's guidance about this.

JUDGE PHILPOTT: I do recall, I do recall. Members of the jury, can I just ask you to leave for one moment.

(To the witness): And, I think Mr Adams, I'm going to ask you to leave and wait outside as well

THE WITNESS: Sure (The witness withdrew) (JURY OUT)

JUDGE PHILPOTT: Well, Ms McDermott, I don't know what he is going to say, but it may be that in light of the fact Aine was still exercised, to put it neutrally, over this, he knew it would

be better if his brother wasn't working in that youth club, considering her evidence has been that she reported it to begin with because she was worried about Clare. So I think your question, these are difficult issues, but I think he is entitled to answer that question as long as he doesn't stray completely out of it

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MS MCDERMOTT: Very good, your Honour

JUDGE PHILPOTT: If there is any danger of him doing that no doubt Mr Murphy will be on his feet very quickly because really...

MS MCDERMOTT: I know that everybody concerned is anxious to avoid the witness straying into this.

JUDGE PHILPOTT: I do not want to be completely directing this, I am here to hear this and make appropriate rulings.

MS MCDERMOTT: Yes.

JUDGE PHILPOTT: But, I think if you don'tthe jury are entitled to hear that answer.

MS MCDERMOTT: Very good, your Honour.

JUDGE PHILPOTT: Because not to allow it would be unfair. But I am going to tell him that when he is explaining it, not to be going too wide and just to get to the point.

MS MCDERMOTT: Well not to be going wide at all I think. JUDGE PHILPOTT: Well any reference is wide. WITNESS RETURNS 12.32

JUDGE PHILPOTT: Now Mr Adams, when you are answering this question all you should do is explain, without great length, but explain why at this time or what you were worried about happening if he didn't leave the youth club. So it is why at this time you felt he needed to leave; do you understand? I mean, it is difficult, to give direction because we can't interfere with your answers, they have to be your answers, and no one wants to be suggesting answers. But you understand that what Ms McDermott has asked you was why were you asking him to leave the Blackie?

MS MCDERMOTT: I think the question was, your Honour, I will just repeat it so that it is clear in the minds of everybody: Why did you persuade him to leave the youth club if you didn't think you he represented a danger? That's the question.

THE WITNESS: Yes.

JUDGE PHILPOTT: So you can answer that. THE WITNESS: I can.

JUDGE PHILPOTT: But be careful about bringing unnecessary material in. What you can mention, just keep ityou see Mr Adams, this is difficult because if I say, I can't give you the answer.

THE WITNESS: I understand that.

JUDGE PHILPOTT; I can't say to you this is what would be acceptable. It has to be your answer, but bear in mind, I know it is difficult, but you have to bear in mind all the other direction that you have been given. So Ms McDermott would you just repeat the question when the jury comes in so that the jury have the question and then he can answer it. Thank you.

JURY IN 12.34

MS MCDERMOTT: Thank you, your Honour. JUDGE PHILPOTT: Thank you, Ms McDermott.

MS MCDERMOTT: Mr Adams, I was asking you before the jury retired why it is that you say you persuaded your brother to leave the Blackie youth centre, if you didn't think he represented a danger?

A. Because Aine was increasingly disappointed and agitated at the failure of our process. I think the telling point with Liam was when I said to him "Aine is really disturbed that you were working in Clonard and really disturbed now that you are working in the Blackie, and you need just to back away from it." I had pleaded with him in my own way, but this was, I thought, the tipping point in his decision to leave.

Q. You thought the tipping point came about a year.....well you have accepted that he is there, don't dispute that he's there for about a year?

A. No, but the tipping point, if I may repeat myself was

Q. No, please don't repeat yourself, Mr Adams.

JUDGE PHILPOTT: Well I think let him finish.

THE WITNESS: Well the tipping point I think, and remember that... JUDGE PHILPOTT: Just stick to the tipping point.

THE WITNESS: Okay. Well the tipping point was I think his genuine effort to try and deal with Aine's issues, and the fact that she was agitated about this I think had an effect on him. He left.

MS MCDERMOTT: Well I want to suggest to you, first of all, that no such conversation took place between you and your brother?

A. It did.

Q. That he left the Blackie centre because he had a frozen shoulder which prevented him from continuing to work?

A. Well I can only tell you that I raised these issues with him, didn't succeed, and then eventually succeeded after representation by Aine to me.

Q. That.....

A. The conversation took place above the Gaelic football pitch in the Falls Park, I am very clear on it.

Q. This is the

A. I am very clear on this.

Q. This is the second, you say Dundalk, then something in the Falls Park and something in your house is that right?

A: No, this is a separate, I mean.....

JUDGE PHILPOTT: Just stop. I think, Ms McDermott, what he is saying, the conversation about leaving the Blackie and the reasons for it, which is denied, and which you have put to him, is because of the frozen shoulder.

MS MCDERMOTT: Yes.

JUDGE PHILPOTT: It appears to be related to him leaving the Blackie and that's what occurred at the Gaelic Football at the Falls Park.

MS MCDERMOTT: Your brother was receiving Disability Benefit because of his frozen shoulder, do you know that?

A. I know my brother suffered from a number of ailments including depression and Q. I am only asking about his frozen shoulder, Mr Adams, as you are well aware. JUDGE

PHILPOTT: To your knowledge did he have a frozen shoulder?

THE WITNESS: I don't know if he had a frozen shoulder or not.

MS MCDERMOTT: Now you say that you were in possession of this information that he had made an admission to you in the year 2000?

A. Yes.

Q. And in the year 2007 did you become aware that the police wanted to speak to you about this case?

A. Yes.

Q. And was that information conveyed to you by your then solicitor?

A. Well, yes, that's the short answer to it, but I always had said to Aine that if she wanted to go to the police I would support her in whatever stand that she took. So I wasn't surprised when my solicitor told me the police wanted to talk to me.

Q. I wasn't asking whether or not you weren't surprised, I am asking you whether or not it happened.

A. I have said yes.

Q. Yes, and was that in March or April of 2007? A. Again, I don't have the specific date, but it.....

Q. Well do you remember this, do you remember various arrangements being made and remade with the police in order to suit you?

A. I know we had difficulties getting the meeting together, but it wasn't always because my schedule wasn'tand I have a very busy schedule as I am sure you would accept, but I made a statement to the police.

Q. I am just bringing you through the steps in relation to that, Mr Adams. Just pause for a moment. There are various arrangements with the police, and you accept that?

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A. There weren't various arrangements, there were difficulty getting scheduling dates. The arrangement was always to meet with them in my solicitor's office.

Q. And that took place in your solicitor's office, did it? A. It did, yes.

Q. And was your solicitor present?

A. He was, yes.

Q. And was there onlydid you have only 40 minutes available to speak to the police?

A. No, I could have been available to the police for as long as they needed me, the issue of 40 minutes never came into it.

Q. Well I am going to put this police note to you for your comment; "Met with GA in solicitor's office, had only 40 minutes. Rearranged various times, had considered taking notes but felt if he hadn't taken statement then wouldn't get one."

A. Well I can't comment.

Q. Is that a fair representation of your meeting with the police?

A. No, I can't comment on that.

Q. You had no problem in relation to time or anything else?

A. There were normalthis happens every single day of the week, trying to get times that the solicitor was available, that I was available, that the police were available.

Q. But when you were all available and you were all in the solicitor's office..... A. Well I certainly didn't.....

Q.were there any issues about time so far as you were concerned?

A. Well not that I can recollect. I had met about my solicitor before I was interviewed by the police, so the issue of the interview being in any way restricted by time is not an issue whatsoever.

Q. And you made a statement to the police at that time? A. I did.

Q. On 20th June 2007?

A. Yes.

Q. And in it you make no reference to this admission which you now say was made to you by your brother in 2000, isn't that right?

A. That's correct, yes.

Q. And in 2009, in October 2009, did you ask your solicitor to get in touch with the police again?

A. I did.

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Q. And was that because you wanted to make a statement to them?

A. It was, yes.

Q. And was the point of making another statement to tell them that your brother had made an admission to you?

A. Well, the reason, your Honour, for the second statement, is that when I met with my solicitor I gave him the detail or at least a general outline of all that had passed both in terms of other developments within my family and the issue of Aine and Liam and efforts to bring them together which my solicitor

Q. Mr Adams, may I ask you the question again so that you can focus?

JUDGE PHILPOTT: Well I think, Ms McDermott, he is coming to the focus now.

THE WITNESS: My solicitor, who was in touch with the police – I wasn't in touch with the police until I met them, he was in touch with the police – told me that their focus

JUDGE PHILPOTT: Well no, you can't say what he told you because that is hearsay, Mr Adams.

THE WITNESS: Okay. Well.....

JUDGE PHILPOTT: I think actually.....

THE WITNESS: Well I made my statement under legal advice, if that's fair to say that.

JUDGE PHILPOTT: Right, but if you want to go back to the second bit of that question, Ms McDermott, do so.

MS MCDERMOTT: You made the statement of October 2009 under legal advice? A. Yes.

MS MCDERMOTT: I don't know, your Honour, whether the court wishes to advise the witness about privilege?

JUDGE PHILPOTT: Well I think he knows. You don't have to say what your solicitor told you or what the legal advice was because that's between you and your solicitor. At this stage I think you are accepting that you did not mention the 2000 meeting or the 2000....

THE WITNESS: But if I may, your Honour.

MS MCDERMOTT: Well could you answer first, Mr Adams?

JUDGE PHILPOTT: If you do, you are going to be waiving privilege. Now you need

THE WITNESS; I am happy to waive privilege.

MS MCDERMOTT: Well could you just.....

THE WITNESS: I have already answered your question. I said

MS MCDERMOTT: Well what was it then, if you would bear with me, we will go back over it. You, through your solicitor, in other words, you asked your solicitor to contact the police in October 2009, is that right?

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A. Well the solicitor was liaison with the police on my behalf, whether I asked him or not, you know or whether the police contacted him, I don't know.

Q. Well it was at your request and not the police request that this statement was produced? A. That's probably true, yes.

Q. Well I am suggesting to you that it is certainly true. Do you have any reason to cast doubt on that?

A. No, I don't no.

Q. And the purpose – would you like to have a look at your statement, it is at page 56?

JUDGE PHILPOTT: Well could a copy of his statement be given to him?

THE WITNESS: I want to, if I may, your Honour, to come back to the issue of privilege?

MS MCDERMOTT: Your Honour, the issue of privilege can only arise if I ask the witness some questions which engage it, which hasn't happened.

JUDGE PHILPOTT: You will have to wait. But what he has said is if you do ask questions that engage privilege he is going to waive it. Is that your position?

THE WITNESS: Yes, and I am quite happy if our friend puts those questions to me.

MS MCDERMOTT: Well have a look at that statement, Mr Adams, and then we will move to the...

THE WITNESS; Is this the statement of the 21st of the 10th? MS DERMOTT: Yes.

JUDGE PHILPOTT: For the benefit of the jury, that is 2009. MS MCDERMOTT: 2009, Now the

JUDGE PHILPOTT: Well just let him.

MS MCDERMOTT: Sorry.

THE WITNESS: This is the second statement?

MS MCDERMOTT: It is. Two years and four months, Mr Adams, have passed since 20th of June when you make the first statement.

JUDGE PHILPOTT: That's the 20th June, 2007.

MS MCDERMOTT: 2007. And nine years have passed since you say that this admission was made to you by your brother, all right?

A. Yes

Q. So the police again come to your

JUDGE PHILPOTT: Well, Ms McDermott, just let him finish reading it.

MS MCDERMOTT: Oh, I'm sorry.

THE WITNESS: Okay, I have read it, your Honour.

MS MCDERMOTT: Yes. So the police, I am suggesting to you, come to your solicitor's office, not at their request, but at the request of your solicitor?

A. That's correct, and I can explain that, if you wish, your Honour. Q. I am not asking you why that is.

A. I am asking for

JUDGE PHILPOTT: Just wait just a moment.

THE WITNESS: Okay.

MS MCDERMOTT: And in that statement you tell the police that an admission or admissions are made to you. If you look at the second page, nine lines from the bottom, do you see the sentence beginning, "in the course of"?

A. Yes.

Q. And there is some writing then in there, isn't that right? A. Yes.

Q. Which is initialled by you?

A. Yes.

Q. If you would be good enough to follow the course of the question that I am going to ask you. You say "In the course of many conversations with him....." and then there is an arrow, ".....between 2001 and 2007" Is that right?

A. No, it doesn't say 2007.

MR MURPHY: It is accepted that that is the date.

JUDGE PHILPOTT: It is accepted that is the date, Mr Adams. THE WITNESS: Okay.

MS MCDERMOTT: So between 2001 and 2007. So that is the first occasion, Mr Adams, on which you tell the police that your brother has made an admission to you?

A. That's correct.

Q. Not in Dundalk in the year 2000?

A. I don't understand what you're saying.

Q. You don't tell the police on the 21st October 2009 that your brother's admission to you came in the year 2000 in Dundalk?

A. What I told the police and I will read it if I may?

JUDGE PHILPOTT: No, I think just stop. I think, Ms McDermott he did tell them in 2009 about the meeting in Dundalk and what transpired, but I think what you perhaps meant to put, he was interviewed by the police on 20th June 2007 and he didn't tell them then. Is that not what you mean?

MS MCDERMOTT: No, I mean that in 2009 he doesn't say anything to them about either the year 2000 or Dundalk.

JUDGE PHILPOTT: Right. Do you accept that you do not say anything specifically in that statement about the year 2000 or Dundalk?

THE WITNESS: That is correct, although I would draw your attention to the fact that I said in the course of many conversations with him he did admit that he sexually assaulted Aine.

MS MCDERMOTT: And October 2009, of course, is just about a month before you are interviewed for the television programme isn't that right?

A. Yeah, that may well be, yeah.

Q. Well I can take you to it if you wish? A. No I accept what you are saying.

Q. It is a very short time before you're interviewed for the television programme. You knew this television programme was going to be made, didn't you, when you asked your solicitor to contact the police?

A. Yes.

Q. And I suggest to you that that is why you asked your solicitor to contact the police?

A. No, back to my initial statement, when I gave my solicitor an outline of what had occurred, he told me, he advised me or his advice to me was that we will deal with the issue of Buncrana and there would be plenty of time to make a supplementary statement if that was required. And that's

Q. No, the advice from your solicitor, which I think it is fair to suggest to you you have been very anxious to the jury should hear.....

MR MURPHY: There is no need for any comment about that.

JUDGE PHILPOTT: Well I think, Ms McDermott, that is a comment. There is plenty of time to comment at a later stage.

MS MCDERMOTT: Yes, I accept that. Your advice from your solicitor then, Mr Adams, in 2007 was that you should withhold important information from the police who were investigating a very serious crime, a number of very serious crimes?

A. That wasn't the advice, no.

Q. Well your solicitor told you, I thought you just said, that in 2007 you should just tell the police about Buncrana and that there would be plenty of time to tell them anything else?

A. Well that's different from what you insinuated a moment ago.

JUDGE PHILPOTT: Well I think we will leave that and the jury can make of that what they want.

MS MCDERMOTT: And you waited then for two years and four months before you decided that you were going to tell the police this?

A. Well, I didn't. I wasn't, I was also, if I can remind you, trying to deal with other issues not relevant to Aine.

Q. Mr Adams, there is no doubt, is there, that it was two years and four months after the 20th June statement that you made the 21st October statement?

A. There is no doubt about that whatsoever.

Q. You had had this information about an alleged confession from your brother in your possession for nine years at this stage?

A. And I was dealing with his daughter, the alleged victim.

Q. And you now say that your solicitor knew about this from the 20th June 2007?

A. Well when I went to see my solicitor before seeing the police I gave him an account of what had, what had occurred and my role in it and we then proceeded as I explained.

Q. Well are you talking about 2007 when you say that?

A. I am talking about the first time I was interviewed by the PSNI. Q. June 2007?

A. Yes.

Q. So that your solicitor ...not only were you withholding information from the police over the nine year period, but your solicitor, it appears, was withholding information from the police for a period of two years and four months?

A. Well, the police had Aine's allegation from 1987, I think.

Q. Yes indeed, but they were investigating the matter and here you had, and you say your solicitor had, very important evidence to the effect that your brother had actually admitted it to you.

A. Yes, and I told the police that. If you read the statement you will see that. Q. Well you told the police that you had known for many years?

A. I told the police in the course of many conversations he admitted to me that sexually assaulted Aine.

Q. Oh, are you saying that you told the police that your solicitor knew, is that the point you are making?

Q. Well, did you tell the police your solicitor knew? A. No I didn't, my solicitor was there to advise me.

Q. What you have just described, Mr Adams, withholding information in relation to an investigation of child sexual abuse, is a criminal offence in the jurisdiction in whose parliament you sit at the moment, isn't it?

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A. Well, if the police here had felt that, then they would have proceeded accordingly.

Q. I am not asking you about the police here, I am asking you about the law in the jurisdiction where you represent the constituency of Louth?

A. Anybody, anyone who.....

Q. It is now a criminal offence, is that not right?

A. Even if it wasn't a criminal offence, any allegation of abuse against a minor needs to be dealt with by the appropriate agencies even if it wasn't a criminal offence.

Q. But it is a criminal offence there?

A. It should be a criminal offence everywhere.

Q. Well you know perfectly well, Mr Adams, that it is a criminal offence in the Republic of Ireland?

MR MURPHY: The witness isn't an expert on the law in the Republic of Ireland. MS

MCDERMOTT: Well it might be something that he voted on...

JUDGE PHILPOTT: Well.....

MS MCDERMOTT: Your Honour, I see it is five to one.

JUDGE PHILPOTT: The point I think has been made and I think we will leave it. The situation in relation to that will be dealt with at a later stage. Now it is five to one, Mr Adams, we are going to rise for lunch now. Now you are to speak to nobody, nobody at all, about your evidence and will you be back here at two.

THE WITNESS: Okay, thank you.

JUDGE PHILPOTT: Now members of the jury you have your lunch and we will be back at 2.00.

THE JURY WITHDREW

THE WITNESS: Your Honour, I have documents here which aren't mine.

JUDGE PHILPOTT: Just leave those there, they will remain, no one will touch them. They will remain there.

THE WITNESS: Okay. Am I free to go?

JUDGE PHILPOTT: Yes, you are free to go.

THE WITNESS: Thank you.

THE WITNESS WITHDREW

JUDGE PHILPOTT: Ms McDermott, I am not tying you in any way, it is just for my own point of view, do you think you will finish this today?

MS MCDERMOTT: Oh definitely.

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JUDGE PHILPOTT: Thank you very much.

LUNCHEON ADJOURNMENT

ON RESUMING 14.01

JUDGE PHILPOTT: Yes. Are we ready.....?

MR MURPHY: Yes I understand.

MS MCDERMOTT: Yes, Your Honour.

JUDGE PHILPOTT: Ms McDermott, there were photographs put in the dock. Were they taken out by anyone?

MS MCDERMOTT: The witness box, your Honour?

JUDGE MCDERMOTT: Yes. Did I say dock..?

MS MCDERMOTT: Well not to my knowledge. (SHORT PAUSE).

JUDGE PHILPOTT: The photographs don't seem to be in the dock – or in the witness box.

MS MCDERMOTT: I remember the witness saying something, when he was leaving, about would he leave it there or something, but maybe.....

JUDGE PHILPOTT: I didn't see him walking out with anything.

MS MCDERMOTT: Oh no, I'm not suggesting that he did. There are plenty of copies. JUDGE

PHILPOTT: That's not what I'm concerned about Ms McDermott.

MS MCDERMOTT: No.

JUDGE PHILPOTT: They shouldn't have been lifted.

MS MCDERMOTT: I don't know where they went. I should say, your Honour, that I'd be applying to make those an Exhibit, D.2, D.1 is all that is in existence at the moment.

JUDGE PHILPOTT: Well you don't need them in the witness box at the minute? MS

MCDERMOTT: I don't need them; no.

JUDGE PHILPOTT: Right, that's fine.

MS MCDERMOTT: Unless your Honour wants to ask the witness about them. JUDGE PHILPOTT: I just want to confirm, you didn't take these photographs out. THE WITNESS: Yeah, I have them in my briefcase here.

JUDGE PHILPOTT: You have them?

THE WITNESS: Yeah, yeah.

JUDGE PHILPOTT: Well could you get them back?

THE WITNESS: I will surely, yes.

JUDGE PHILPOTT: In fact.....

THE WITNESS: They are family photographs, some of them, but I will get them back; yeah.

JUDGE PHILPOTT: I think they would be better staying back.

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THE WITNESS: Sure.

MS MCDERMOTT: I think if they could be brought back now then.

JUDGE PHILPOTT: Would you bring them back.

THE WITNESS: Yeah, okay.

JUDGE PHILPOTT: I just want to do that. In fact, at least we know where they are.

MS MCDERMOTT: Yes.

JUDGE PHILPOTT: I was concerned that they were somewhere they shouldn't have been.

MS MCDERMOTT: Well they were.

JUDGE PHILPOTT: Well they were. But somewhere more.

MS MCDERMOTT: Yes.

JUDGE PHILPOTT: Just two minutes please and we'll be with you. (SHORT DELAY). JURY IN 14.05

JUDGE PHILPOTT: Yes Ms McDermott.

MS MCDERMOTT: Thank you, your Honour.

MR GERRY ADAMS CONT'D CROSS EXAMINATION BY MS MCDERMOTT QC

MS MCDERMOTT: Mr Adams, if I may just deal with one discreet matter at this stage. Do you recall in January of 1986 speaking to Mrs Margaret Taggart, a Health Visitor in New Barnsley, about concerns that you had about the hygiene of the home and of the children; your brother's family?

A. No, I don't have any recollection of that whatsoever. I would like to see if I may, your Honour, the note on that.

Q. Yes. I'm sure that that can be done Mr Adams, in due course.

JUDGE PHILPOTT: Is there any chance it can be done now Ms McDermott, just before you finish it.

MS MCDERMOTT: Yes certainly if your Honour would give me a moment.

JUDGE PHILPOTT: Sorry, members of the jury, but there's quite a lot of documentation, so it will just take a minute to do this. Do you think you would be able to do it, or should I ask the jury to rise for a couple of minutes, Ms McDermott?

MS MCDERMOTT; Eh yes, if your Honour would, I think.

JUDGE PHILPOTT: Yes because sometimes it'sMr Adams, if you remain with us while this is found.

THE WITNESS: Thank you.

SHORT ADJOURNMENT 14.07.

ON RESUMING 14.12.

MS MCDERMOTT: Yes your Honour I think.....Yes.

JUDGE PHILPOTT: Now I want to make it clear that no one is to take notes in this court, apart from journalists, or anyone who has specifically asked for permission, and I have given it. Is that clear.....? Right. Yes, Ms McDermott?

MS MCDERMOTT: Yes.

MR GERRY ADAMS CONT'D CROSS EXAMINATION BY MS MCDERMOTT QC

MS MCDERMOTT: You asked for the note, Mr Adams in relation to a complaint, I'm suggesting to you, you made to the Health Visitor in relation to standards of hygiene in your then sister-in-law's home. The first document that I'm going to show you the minutes of a Child Abuse and neglect case conference held at Milner Street on Friday the 23rd of January 1987. And the part that I am going to ask you to look at is on the second page, the beginning of the second paragraph, and it reads: "Mrs Taggart....." I pause there to say that, and you may recall this, that she was the Health Visitor in the area; do you remember her?

A. No.

Q. "Mrs Margaret Taggart, reported that the family first came to her attention just after Christmas last year (January 1986) when the brother in law came to see her, because the children were dirty and had lice in their hair". And then I'm going to show you another

document, which are the minutes of what's called an Admission Panel at theWhiterock Family Centre, held on Monday the 27th of January 1986. So that's a year before the one I've just read out. And if you look at the fourth paragraph down, it says: "Mrs Taggart....." And I break off there to say that she is described at the top as Mrs M Taggart, HV, Whiterock Health Centre: "Mrs Taggart explained how Sister Bernadette had asked VSB to go in anddecorate the house. Mrs Taggart went on to say Gerry Adams (brother in law) had said that poor home management standards had, in some way, contributed to the marital difficulties. So there are the two documents.

A. Thank you. (SHORT PAUSE)

Q. I'm only asking you whether you said this, Mr Adams, whether you accept that you said it (that's all) not going to the

A. No, I don't.....I don't have any.....any recollection whatsoever.

Q. Well do you dispute that you said it?

A. Well I don't have any recollection. I

Q. Well you know the difference, don't you, between having a recollection of something, and not?

A. Where is the second reference here please?

Q. I beg your pardon?

A. Where is the second reference?

Q. It's on the second page, the last page that you've got there, four paragraphs down, first sentence.

SHORT PAUSE

A. I'm afraid I can't see this here.

Q. Perhaps if you would pass it back, I'll mark it for you Mr Adams. If you pass the two documents back, I will mark both.

A. That's both.

Q. Thank you. (SHORT PAUSE) Mr Adams the first document is clipped together, and the reference is on the second page and highlighted. The second document consists of one page and it is highlighted.

A. Thank you (SHORT PAUSE) I see that now, I've read it.

Q. Yes. Do you accept that you did make such a complaint to the Health Visitor? A. Well, as I said earlier, I don't have any recollection whatsoever of this.

Q. Well may I suggest to you that you, as the Member of Parliament for this area, reporting your own family to the Health Visitor, because of concerns about hygiene and lice, is surely something that would stick in your mind?

A. Well I can't give you the answer; other than the answer that I have given you. Q. Well do you dispute that you did make the complaint?

A. Well if I brought anything to the attention of Health Visitors (or anyone else) it wasn't as a complaint; it was to try and help in the situation. But II don't have a recollection. This is in '87 and '86, so I don't have a recollection. I do have a recollection of meeting with a Health Visitor in the house. My memory of that was almost that it was accidental, that I was either in the house and she came in, or she was in the house when I went into it.

Q. Well now that's another occasion, Mr Adams. It wasn't the Health Visitor you met on that occasion, it was the Social Worker.

A. Right.

Q. ...called Sheila Brannigan. A. Right.

Q. And that was on the 10th of March of 1987, the day after the meeting in Buncrana. You told police, in your interviewor in your statement, rather, to them in June of 2007 that you recalled neither meeting Miss or Mrs Brannigan, but had no reason to dispute that it happened. Nor did you remember making the complaint to the Health Visitor, or report to the Health Visitor but, again, you'd no reason to dispute that it...that it happened. Now you recall, no doubt, coming to this Court on last Thursday?

A. Yes.

Q. And it was your expectation, was it not, that you were going to be giving evidence that day?

A. Yes.

Q. And there were particular matters of clarification which you were asked to address weren't there?

A. Well I was...I was advised that the Court was looking clarification. I was also advised that elements of my statement could not be dealt with.

Q. Beg your pardon?

A. I was advised that elements of my statement could not be dealt with, and that there was some other matters needed clarification.

Q. Yes. And when you came to court on last Thursday morning, were you accompanied by your solicitor?

A. I wasn't accompanied by him, but he met me here.

Q. He was.....he was here. Now that is not the same solicitor as the solicitor you referred to earlier; is it?

A. No. No.

Q. Albeit a solicitor from the same firm of solicitors?

A. Yes.

Q. So you met him here, and were you accompanied by a Sinn Fein Press Officer? A. I was accompanied by an assistant who works with me.

Q. Is that Mr McAuley?

A. Yes.

Q. Mr Richard McAuley?

A. Yes.

Q. And is he a Sinn Fein Press Officer?

A. No, he's not. He's a Personal Assistant.

Q. A personal assistant. And is he sometimes your spokesman?

A. Occasionally; yes.

Q. Has he ever been described as a Sinn Fein Press Officer?

A. He may have, when he was one.

Q. When was he one?.

A. Oh, going back some.....some years. He has been, we are based in now, in Leinster House, where I am elected as a TD, and things have moved on within Sinn Fein. There were a whole ream of Press Officers deal with the press. Richard would occasionally, I think.....

Q. I think we leave it there, Mr Adams.....

A. No, sorry, I just want to be clear.

Q. Well please then, do continue.

A. And he also would be, I suppose, the main contact if the media were looking for me. Q. Yes. And he came with you anyway; did he?.

A. He did, yes, at my request.

Q. And were you asked in the morning of Thursday to clarify by way of making a further statement, three things about the admission which you allege your brother made to you? Do you remember being asked that? I think there were three, there were three things read out to you in a note. That may have been in the afternoon. But do you recall your mind being directed to the issue of what it was your brother was alleged (by you) to have said? Do you remember being asked about that in the morning?

A. Well, I remember being told that the court had directed....

MR MURPHY: Your Honour, I think there's one matter that I would like to raise in the absence of the jury.

JUDGE PHILPOTT: Very well. Members of the jury, in fact, I think to be well how long will it be?

MR MURPHY: It may only take a short time.

JUDGE PHILPOTT: All right. If you take them out, thank you.

JURY OUT 14.25

MS MCDERMOTT: I don't know whether the witness should remain?

MR MURPHY: The witness is probably all right at the moment, your Honour. I just wanted, from the position of what the witness was told to do, or not to do, the specific questions were asked in the afternoon, leading to the second statement.

JUDGE PHILPOTT: Yes

MR MURPHY: And those were written out by my learned junior. And there were other matters that the witness was directed away from, more than the one matter that maybe we've been mentioning. Certainly I gave some instructions. So that was all part of it. And I don't wish anything about that to come out unnecessarily before the jury. And the matter that we've been touching upon.

JUDGE PHILPOTT, Well let's just stop here.

MS MCDERMOTT: Well your Honour, if it's of any assistance perhaps I could say that I appreciate my learned friend's intervention.

JUDGE PHILPOTT: I don't think his instructions or his conversations should be led, if that's easier.

MS MCDERMOTT; Well I am content to confine the matter to the afternoon, if that would be best.

MR MURPHY: Alright, thank you. Thank you I think that helps.

MS MCDERMOTT: And at half past 2.00. I think, is that agreed, that that is the time.

MR MURPHY: Because there was always the risk of where the emphasis was placed at a particular time.

MS MCDERMOTT: No I'm fine with that, half past 2.00.

MR MURPHY: And I think the afternoon is, insofar as it.....anything is relevant. JUDGE

PHILPOTT: I think yes, that's fine, half past 2.00. Thank you.

JURY IN 14.27

JUDGE PHILPOTT: Yes, Ms McDermott.

MS MCDERMOTT: Yes, thank you your Honour

(TO THE WITNESS): I want to direct you specifically, Mr Adams, to last Thursday afternoon, at about half past 2.00. Now do you recall, at that time, being asked by police to clarify, in statement form, what it was your brother was alleged (by you) to have said to you when he made, as you say, this admission – where that happened, and when it happened? Now do you remember your mind being focused on those three questions?

A. I do.

Q. And is it the case that it was half past 5.00 that evening before the statement was received by the Court?

A. I know I didn't get out of here until half 5.00. My solicitor wasn't there, but I read the statement to him, I phoned him and read the statement to him.

Q. Well your solicitor had been there in the morning; is that right?

A. He had, but he had left in the afternoon.

Q. And he had left in the afternoon. And did you ask the police officer to leave you and your Personal Assistant, Mr Auley, alone to discuss the matter?

A. No, I asked that I be left alone.

Q. That you be left alone?

A. Not to discuss the matter, at all. Let me be very, very clear about this, and your Honour, I'll take guidance from you. I have been asked for a number of statements.....

Q. No, I'm just asking you about this one.....

A. Sorry, I'm.....well, I'm just going to tell you.

JUDGE PHILPOTT: Well now, before we do that, just be aware that it has to be relevant. THE

WITNESS: No, I understand that. Right.

JUDGE PHILPOTT: Don't be putting in anything.....

THE WITNESS: So the....when the police officer come back looking for yet another statement and, remember, quite rightly I wasn't in here, so I didn't know what all this was about, and I had give what I considered to be a full account. So I was a bit nonplussed, I have to say, and when I was asked to do it yet again. And on an earlier occasion I had dictated the statement to the police officer. In this case I hand wrote it. I wrote it on my own. Yes, Richard McAuley was in the room, but he knew nothing of these details. I wrote it on my own, and I phoned it through to my solicitor.

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MS MCDERMOTT: And that took, that process took from 2.30 until 5.30, didn't it Mr Adams?

A. Yes.

Q. The information that was contained in that statement was that the alleged admission was made to you in Dundalk?

A. Well first of all it didn't take me from 2.30 to 5.30 to write the statement.

Q. Just let me take you through what was in your statement for the benefit of the jury, Mr Adams.

JUDGE PHILPOTT: Can we just stop for a moment. I think it is fair to say I received the statement at 5.30 but there was a question of it having to be retyped in statement format so there is that issue, but certainly it was in or around 5 o'clock.

MISS MCDERMOTT: Well pen hadn't been put to paper Mr Adams at 4 o'clock, isn't that right?

A. Well let me if I may.....

Q. Can you answer whether that is right or not right?

A. I can't tell you the exact time. I wasn't keeping a stopwatch. I was quite perturbed.....

Q. I am not asking you whether you were keeping a stopwatch, I am asking you whether you agree that pen had not been put to paper at 4 o'clock.

A. Well that's not true.

Q. What time was pen put to paper?

A. I don't know exactly but if I may recount your Honour, that the police officer came to me, explained to me that certain matters were not to be raised, said there needed to be, I think she used the term that the Court had directed that this had to be who, what, where, when, she actually had a note with equivalent of that. I took a long time to get into my head that I had to write another statement. I was telling this as best I could and it was only when I twigged that this to a large degree was a presentational matter because I had in the earlier statement came at it from a slightly different direction, but I don't want the Court to have any impression that I spent three hours or three and a half hours making the statement, that was not the case. I had part of that time trying to get into my head exactly what was wanted. I had part of that time talking to my solicitor, reading this out to him on the phone and then giving it over to the police officer.

Q. What you were asked to do Mr Adams, was to say in terms what had been said to you, when it was said and where it was said?

A. And I did that.

Q. Yes, and it took three hours from you being asked to the statement being produced. Now one of the things you said in that statement was that this alleged admission was made to you in Dundalk, that was the first time you had ever said that, isn't that so?

A. That's true, yes.

Q. You said that it was made to you in the year 2000, that was the first time you had ever said that, isn't that so?

A. Yes, although you know I couldn't swear on the year, but yes.

Q. You said that the alleged admission was made to you in the course of you taking a walk with your brother?

A. Yes.

Q. You had never said that before, had you?

A. Well.....

Q. In a statement to the police?

A. Is there not ...well okay. I have some notion at an earlier statement I mentioned walking with Liam but perhaps not.

Q. In relation to what was said to you, you said he had interfered with her. "I asked what did he mean. He said sexually assaulted her, molested her." And you then say "I now recall that he said this only happened once".

A. Yes.

Q. You had never before said to police or anybody, had you, that he told you this only happened once?

A. That's true and that came to me when I was writing the statement. Q. It came to you on the 18th April 2013?

A. Came to me last Thursday.

Q In what was statement number 4 in relation to this issue?

A. Well the statements and the number of the statements were at the request of the Court.

JUDGE PHILPOTT: Can we just be clear, in relation to this issue it would be statement number 3 because the first statement didn't, the very first statement didn't refer to it.

MISS MCDERMOTT: No, there are five statements altogether, there are four in relation to the admission, they are the 21st October 2009, 30th March 2013 and two on the 18th of April.

JUDGE PHILPOTT: 30th March.

MISS MCDERMOTT: 2013 and two on the 18TH April 2013 of which this is the second.

JUDGE PHILPOTT: Thank you.

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MISS MCDERMOTT: So that detail came to you, you say for the first time last Thursday?

A. Yes.

Q. Do you have any of the documents before you Mr Adams, that you had before you this morning?

A. I have the statement that you left over, this batch of documents.

Q. That last one, do you have the statement of the 21st October 2009 which I was showing you this morning?

A. Yes, I have it here.

Q. You do. Now when you were speaking to your solicitor in June of 2007, you told the court that he advised you that you should only tell the police in 2007 about the Buncrana meeting and that you shouldn't tell them about the alleged admission?

A. No, he didn't tell me that, he told me that, he advised me that the statement, because that's what the police were asking could be about Buncrana and I would have plenty of time to make a statement about the other matters that I had told him about.

Q. You would have plenty of time, but in fact as the Court heard this morning two years and four months passed, isn't that right?

A. Well yes, the case was under investigation I think for that two years or so.

Q. Yes. Since you have waived your privilege I ask you this question whether your solicitor discussed with you whether you or indeed he and you might be guilty of withholding information?

A. Well, I had already advised my solicitor that the police had this information and that the Social Services had this information.

Q. No, no, no, about the admission?

A. No he didn't, he didn't advise me about that but he did tell me as I said previously, that I could make a statement as the case proceeded that there would be plenty of time to do that.

Q. You would have plenty of time. Sorry that you had plenty of time, or what did you say there, that he had plenty of time?

A. No, it was me the person who was making the statement.

Q. That you had plenty of time. But you waited, didn't you Mr Adams, until the time when you were being interviewed by a television journalist, you waited until that time to request of the police that they take another statement from you?

A. Well, I was also somewhere picked it up that the case was proceeding and went back to my solicitor and said I think we need to make the statement that you had referred to previously.

Q. Well you needed to make the statement at that stage Mr Adams, because you wanted to do your best to avoid allegations that you had withheld information about child sexual abuse.

A. Not at all because I hadn't.

Q. Well you had by any understanding because you were going to tell the police on this occasion about an admission that you say was made to you nine years before. So during that nine years you had that information and the police didn't have it because you had withheld it?

A. Well you have to bear in mind if you don't mind me saying so, that the process that I was engaged in with Liam.....

Q. Mr Adams, I am not asking you about the process that you were engaged in, I was asking you.....

A. Aine was.....

Q. Pardon me, just let me ask you the question again, you went to the police on this occasion because you knew that the question of your withholding information was going to become a matter of public debate?

A. Well I went to the police initially in the course of this after Aine went to the police because up until then.....

Q I am asking you, just pause there Mr Adams. A. Your Honour I have to be able to answer.

JUDGE PHILPOTT; Look he is allowed to answer this question, if he goes over what is, take something outside we can deal with it.

MISS MCDERMOTT: Your Honour I.....

JUDGE PHILPOTT: We will put the jury out for a few moments if there is going to be. Could you just go out as well Mr Adams?

(Jury withdrew) (Witness withdrew)

MISS MCDERMOTT: Your Honour, I am trying to ask the witness about the meeting of 2009, now he is ranging far and wide.

JUDGE PHILPOTT: Yes Miss McDermott, you are not asking him about the meeting of 2009.
MISS MCDERMOTT: Not the meeting, the statement.

JUDGE PHILPOTT: The statement and it is quite proper to ask him about the statement, but you can certainly put it to him that he only made this statement because as you have done he knew it was going to come into the public domain.

MISS MCDERMOTT: Yes.

JUDGE PHILPOTT: But if he says that's not the reason, is he not entitled to say what the reason is as long as it doesn't go into some of the things which I have already ruled out.

MISS MCDERMOTT: Of course he is entitled to..... JUDGE PHILPOTT: Well.

MISS MCDERMOTT: But may I just develop that slightly your Honour. If that was his answer that's not the reason, the reason was, then of course he is perfectly entitled to say it but his answer was and the sentence began "I was engaged in a meeting with Aine", now that's nothing to do with him making a statement in 2009.

JUDGE PHILPOTT: This is where it gets a bit difficult and this is where this was always going to be problematic. He was in terms, because I have seen the other statements, in terms of what he was saying was look I was trying to get this sorted within the family, is that not what he was saying in relation to getting your client to accept what he says that he had done and admitted to him and just go and apologise to his daughter about it. How can that not be relevant if he says that? I mean I can't see how that is not relevant and if that's the ex, we don't know precisely what explanation he is going to give but he did start off by saying I was having discussions with Aine and you know, you certainly have to keep them within reins.

MISS MCDERMOTT: I am doing my best, he is being given considerable latitude.

JUDGE PHILPOTT: Well I don't think he has been given latitude within this point and he is being kept within reins.

MISS MCDERMOTT: I am fully aware that the court is doing its best to.....

JUDGE PHILPOTT: Yes but as well as that I have to make sure that if there is a proper answer that explains his position he can give it.

MISS MCDERMOTT: Of course.

JUDGE PHILPOTT: A way round this might be.....well it wouldn't I can see why you can't do that but I think.....

MISS MCDERMOTT: I am quite happy just to ask him a question.

JUDGE PHILPOTT: I will hear what he wants to say and then I will judge whether it is suitable to go to the jury, is that not a reasonable way to deal with it.

MISS MCDERMOTT: Yes indeed.

JUDGE PHILPOTT: Could he just come back in or what part of it is suitable to go to the jury, because things can get elongated and I don't think.

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(Witness returns)

JUDGE PHILPOTT: Now Mr Adams, in relation to the question that Miss McDermott asked you, what I would like you to do so I can be sure that it doesn't cause any difficulties in the generality of the trial is for you to give the answer you were going to give Miss McDermott and then I will rule what part of it or whether it all can go to the jury and give you certain directions, so if you just answer the question as you were going to answer it and then we will see if it infringes.

THE WITNESS: Well would she put the question again?

MISS MCDERMOTT: Yes I am going to put the exact question from Mr Broly's note because I think this maybe what the jury was left with. The question that I put to you Mr Adams, was that when you went to the police at this time, that is to say on the 21st October 2009 because you knew that the question of your withholding information was going to become the subject of public debate.

A. Well I didn't know that, how could I have known that?

JUDGE PHILPOTT: You can say you didn't know that but do you have anything else you want to add to that answer?

THE WITNESS: Yes, yes.

JUDGE PHILPOTT: Well let's have that.

THE WITNESS: The issue of going to the police I didn't go to the police until Aine went to the police because up until that point when Aine gave up on the process the whole effort what to try and get her father to acknowledge what she alleged he did. And Aine was an adult at this time.

JUDGE PHILPOTT: You can stop there, we don't need that bit. Now is there anything that anyone says is improper about the answer that he has given and why that answer as he has given it cannot go to the jury.

MISS MCDERMOTT: The first answer or the whole answer?

JUDGE PHILPOTT: The one he has given apart from his referring back to Aine again.

MISS MCDERMOTT: Apart from that I have no objection.

JUDGE PHILPOTT; He can say that he was saying about speaking to Aine. Could you just repeat that Mr Adams?

THE WITNESS: I can't give you it verbatim. JUDGE PHILPOTT: Do your best.

THE WITNESS: The issue of me engaging with the police did not occur until Aine went to the police because up until then she wanted her father to acknowledge what she alleged he did and that's where my effort was.

JUDGE PHILPOTT: That's all, is there anything that is inappropriate about that?

MISS MCDERMOTT: Well your Honour, very well your Honour, I am content to proceed with that.

JUDGE PHILPOTT: That's his explanation. Keep it to that Mr Adams. (Jury in 2.50)

MISS MCDERMOTT: I am going to repeat to you Mr Adams, the question that I asked you before the jury retired so that we may take up where we left off as it were. I suggested to you that the reason that you went to the police on the 21st October 2009 was because you knew that the question of your withholding information was going to become the subject of public debate?

A. I didn't know that and the issue of me engaging with the police, I engaged with the police after Aine engaged with the police.

Q. Mr Adams, I am certainly not trying to stop you from saying that but I may I just deal with the first part of your answer in case it gets lost, you say you didn't know that, you didn't know that it was going to become the subject of public debate.

A. No.

Q. But you knew, as you have told the Court this morning that a television programme was being made about the whole matter?

A. I did know that, yes, but I didn't know what you have just asked me.

Q. Well you knew that in the course of that television programme what you had done about the allegations that your niece made was going to be at the forefront of the discussion?

A. Well I didn't know that either. I actually did know that the case was proceeding if you like simultaneous, parallel with this but no, I didn't know that was going to be the specific thrust of the programme.

Q. You didn't know that was going to be the thrust of the programme? A. No.

Q. You knew of course that it would be part of the programme that these allegations or that some allegations at any rate were made known to you in 1987?

A. Which allegations are those?

Q. Your niece and your sister in law say that you were aware that the allegations, one of the allegations, was rape. You say you weren't so aware, that's why I use the expression some.....

A. Okay.

Q. Just pause a moment Mr Adams, that's why I use the expression "some allegations", in other words I am saying whether you are right or they are right, you knew that it was going

to be part of this programme that you were aware that your niece in 1987 was saying that your brother had sexually assaulted her?

A. I met with the programme makers I think some time after this and they told me that the only interest they had in making the programme was because my name was attached to it.

Q. Well that's as may be Mr Adams, that's as may be.

A. That's exactly as it was.

Q. I am asking you whether, and I am suggesting to you that you must have known that the whole issue of what was done about this in terms of reporting etc. was going to be the focus of the programme.

A. Well you see.....

Q. Did you or did you not? Then you can go on.

A. Well I have already answered, I can't keep repeating ad nauseam the same answer. I did not know and there are very few journalists who will tell you specifically all the issues that they are going to raise. I did know that this issue had been reported to the RUC away back, I did know that it had been reported to the Social Services, I was quite satisfied that in trying to deal with this matter at least until at least she gave up on this process that I was acting as Aine wanted me in terms of getting her father to acknowledge what he had done. She became increasingly dissatisfied with the failure of that process and then she went to the police and that brought it into a totally different arena.

Q. Mr Adams, did the police know before 21st October 2009 that you were saying that your brother had made an admission to you, yes or no?

A. Well I don't know if they knew that from someone else but I didn't make that statement until...

Q. Well who else?

A. I didn't make that statement until the date here. Q. Well you had never told them?

A. Sorry?

Q. You had never told them before that date?

A. No, but I have already advised you as to how this occurred and that the statement came in two parts initially about Buncrana and then secondly about the admission and that was in keeping with the legal advice that I gave at that time.

Q. So the statement came in two parts with two years and four months between them, that is right, isn't it?

A. Yes.

Q. And just about a month before you were interviewed by a television journalist, that's a fact, isn't it?

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A. Well it might be chronologically a fact because one came after the other but to link one to the other I think is absolutely and totally wrong.

Q. So may the jury take it that it is your evidence that the fact that this statement came just a month before your interview with the television journalist is no more than a coincidence?

A. I think the jury will make up its own mind on that issue.

Q. But is that what you are telling them, is that what you would like them to understand?

A. No, I wouldn't use the language that you used I would use the language that I used and the jury has heard that and they will make their own judgement.

Q. I want to suggest to you in clear terms that the reason that you made this statement to the police on the 21st of October 2009 was to save your political skin?

A. If I had been interested in saving my political skin I would not have got involved in this process at the beginning and tried to fulfil my responsibility as an uncle for a young woman who I am very fond of and I have a large family and I would not have tried to do my best to resolve this the way that I have outlined to you earlier. This is above politics and saving my political skin is no consideration whatsoever in any of these matters. You see to, if I may say so your Honour.....

JUDGE PHILPOTT: Well I don't want you to make any comment on counsel's questions. THE WITNESS: Well I am not going to.

JUDGE PHILPOTT: Well don't.

THE WITNESS: Is the core of this not the alleged admission?

JUDGE PHILPOTT: We will be coming to that.

THE WITNESS: Well your Honour the suggestion that....

JUDGE PHILPOTT: Look believe me Mr Murphy is there to stop questions, I have interrupted when I felt appropriate.

THE WITNESS: Okay, well then let me without any.....

MISS MCDERMOTT: the witness has not answered the question.

JUDGE PHILPOTT: I have got to take control of this ladies and gentlemen, everybody and I have said you are not allowed to make any comment to counsel, nobody makes comment to counsel. This is their function and the jury decide what they want in relation to the answers and I think you have given your final answer on that, unless Miss McDermott wants to come back.

MISS MCDERMOTT: I have only one other very short thing to ask the witness and it is this, he referred this morning to a Father McGoran in Clonard Monastery and I wonder if he would be good enough to tell the Court Father McGoran's first name.

A. I don't know his first name.

Q. Is it Robert?

A. I don't know.

Q. Did he die in 2006?

A. He did.

MISS MCDERMOTT: Thank you.

MR MURPHY: No re-examination.

JUDGE PHILPOTT: Thank you Mr Adams. (The Witness Withdrew)

Activity 2

Review the following, It is the trial regarding the conspiracy to murder the late great Martin Luther King in its entirety. (it is over 2000 pages long so do not print it).

<http://www.thekingcenter.org/sites/default/files/KING%20FAMILY%20TRIAL%20TRANSCRIPT.pdf>

Please dip into this at various points and consider the witness handling and speeches at the end of the trial. You might it helpful to use the search function inside pdf to hunt for "cross exam" and/or "speech" and/or "closing" etc.

Be prepared to discuss the above in tutorial time.

Week 4

Activity 1

Research the case *Halsey v Milton Keynes General NHS Trust* [2004] EWCA Civ 576 Write a short paragraph about the facts of the case and the point(s) of law.

What are the guidelines from this case?

Activity 2

Research the case *Garritt-Critchley v Andrew Ronnan and Solarpower PV Ltd* [2014] EWHC 1774. Write a short paragraph about the facts of the case and the point(s) of law.

Activity 3

Research the case *Northrup Grumman v BAE Systems* [2014] EWHC 3148. Write a short paragraph about the facts of the case and the point(s) of law.



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