

2020/17/53

S25424

**Arms Smuggling  
Eksund**

16/3/1990 - 14/12/1990

***START of file***

***Newspaper  
article(s)/cutting(s)  
have not been copied***



SEEN BY  
TAOISEACH

OIFIG AN ARD AIGHNE  
(Office of the Attorney General)  
BAILE ÁTHA CLIATH  
(Dublin 2)

An Taoiseach,  
Mr. Charles J. Haughey T.D.,  
Government Buildings.

5th November, 1990

*Mr. J. J. Conroy*  
*8.11.90*  
*M. Keenan*  
*8/11*

*Mr. Hally*  
*for future*  
*reference if*  
*required*

Re: D.P.P. -v- Adrian Hopkins.

Taoiseach,

Attached hereto is a Report from the Office of the Director of Public Prosecutions concerning the circumstances in which Adrian Hopkins, now accused of certain offences before our Courts, was interviewed while in custody in Paris by senior Garda officers accompanied by a Legal Assistant from the D.P.P.'s Office.

There is a Report from Michael Liddy, Legal Assistant in the Office of the D.P.P., which states that the only undertaking given to Hopkins on behalf of the D.P.P. was that nothing which he would say in reply to questions put to him on that occasion would be used in evidence against him in any prosecution before an Irish Court.

Also attached is a Report of a deposition which he made on that occasion and subsequent correspondence between the Office of the D.P.P. and Garrett Sheehan and Company Solicitors for Hopkins.

Yours sincerely,  
*[Signature]*

## REPORT

On December 13th and 14th 1989 I, together with Detective Superintendents Sheil, Byrne and Carty, attended at the Palais de Justice, Paris before M Bruguiere, Senior examining magistrate there who was in charge of investigations into the cargo of munitions found on board the ship "The Eksund" on October 30th 1987 in French territorial waters, to obtain such information as was possible concerning that cargo and any previous such cargo brought by Adrian Hopkins to Ireland. It was known to the Gardai that Hopkins had been involved in the bringing of four shiploads of munitions to Ireland in the years 1985 and 1986. I accompanied those Garda Officers following a request by the Department of Justice that a legal assistant from the Director of Public Prosecutions Office do so.

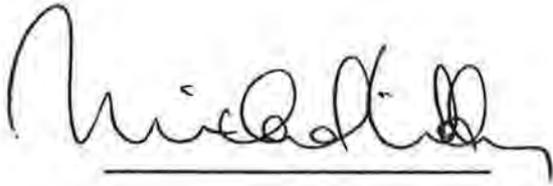
Also in attendance on those days were a French Police Officer, M. Lecoutre, an interpreter and a typist.

On the arrival of the Irish party before him M. Bruguiere arranged for Hopkins to present himself. He then introduced each of the Irish party to Hopkins and explained to him why we were there. He told him that such questions as

we wished to ask were not part of the French investigation and that he Hopkins, was free to answer them or not as he saw fit. Hopkins stated he understood. M. Bruguiere then suggested to Hopkins the following procedure for the asking of questions; that Mr. Liddy would ask some general questions of Mr. Hopkins as were appropriate to elicit any information Mr. Hopkins wished to give in relation to the transporting to Ireland of the earlier four shiploads of munitions and that in reply Mr. Hopkins would say whatever he wanted. Those questions and any answers would then be recorded and would constitute execution of the Rogatory Commission as far as he, Hopkins, was concerned. Thereafter the Irish party would ask detailed questions about the above matters and any answers provided would not be recorded by him. Mr. Hopkins agreed with this procedure, which had been explained by M. Bruguiere in a careful and relaxed way. Indeed he said he would decline to answer the general questions but would answer to the best of his ability the detailed questions. M. Bruguiere then called on me.

I told Hopkins I was authorised by the Director of Public Prosecutions to state that nothing he would say in reply to questions to be put to him would be used in evidence against him in any prosecution of him in an Irish Court.

He enquired as to whether, arising out of anything he might say, he might be called as a witness for the prosecution in a criminal trial in Ireland of anyone else charged in the same matter. When I told him he would not be so called M. Bruguiere allowed the questioning to proceed. Hopkins then answered the general and detailed questions as he indicated he was going to do.

A handwritten signature in black ink, appearing to read "Michael Liddy", written over a horizontal line.

MICHAEL LIDDY

23/10/90

Report of deposition made by witness

On December 13th, 1989 at 15.00 hours

before us, Jean-Louis Bruguiere, Senior examining magistrate in the High Court  
in Paris

Assisted by Christine Perney, Clerk of the Court,

being in our office in the Law Courts and acting in the execution of the international  
rogatory commission from the Republic of Ireland dated 7.3.89 which was sub-  
delegated to us on 5.4.89,

Appeared, separately from and not in the presence of the accused ,  
the below named witness who handed over to us the notice which summoned him.

We asked him his surname, christian names, age, status, profession, abode,  
whether he is related to or connected with the parties and to what degree,  
or whether he is in their service.

The witness replied:

I am called Hopkins Adrian

Born on the 1st October 1938 in Dublin (Ireland)

Profession: none

Living at: presently detained in Fleury-Merogis

I am neither related to nor connected with the parties nor in their service.

Having asked him to swear on oath to tell the truth, the whole truth and nothing but the truth we then obtained his deposition in the presence of Mr. M. Liddy, Senior Legal Assistant and of Mr. P. Sheil Police Officer in the Garda.

Note: At this point we brought in Mr. Ivan Tcherkassof, english language interpreter, date of birth December 3rd 1958 in Alger (Algeria) resident in 7, Boulevard du Palais, Paris 4 who swore on oath to give assistance to justice on his honour and according to his conscience.

Note: Mr. M. Liddy informed us that no proceedings will be instituted against Mr. Hopkins on the basis of information which he might provide in the context of the execution of this international rogatory commission and that this was the reason he wished the party concerned to be heard in the capacity of a witness.

Following a question from Mr. Liddy: The Irish legal authorities informed me that they are making enquiries into the illegal importing of arms and munitions into Ireland during 1985 and 1986 and ask me for information on the conditions in which (how) this material was brought into Ireland, particularly about the place of disembarkation and about the identify of the people who brought them in in this way. I am also asked where these munitions are at present. I do not wish to answer these questions nor questions which I might be asked in the context of this affair.

Note Mr. M. Liddy informed us that taking into account the position adopted by the witness he did not wish to ask any further questions.

Read by the interpreter to the witness who agreed with it and signed with us, the interpreter and the clerk.

***Newspaper  
article(s)/cutting(s)  
have not been copied***

Seol aon fhreagra chun:  
(address any reply to:)

AN STIÚRTHÓIR  
(The Director)

faoin uimhir seo:-  
(quoting:-)

Teleafón } (01) 789222  
Telephone }

Fax No: (01) 610915

Garrett Sheehan & Company  
32 Francis Street  
Dublin 8



STIÚRTHÓIR IONCHÚISEAMH POIBLÍ  
(Director of Public Prosecutions)

44/45 FAICHE STIABHNA,  
(44/45 St. Stephen's Green)

BAILE ÁTHA CLIATH, 2.  
(Dublin, 2.)

9th August 1990

*Just 9/8/90*

RE: Adrian Hopkins

Dear Sirs,

I refer to my letter of the 8th August and in particular to the words "and that he is assured and accepts that that undertaking and no other was conveyed to your client". The Director has since become aware that another undertaking was in fact given to your client on the same occasion. That other undertaking however has no relevance whatever to the matters asserted in your letters to the Director or to the prosecution initiated against your client in this jurisdiction. I bring this matter to your attention now because the words "and no other" in my letter of the 8th August are not strictly accurate.

Yours faithfully,

---

F. Aylmer  
LEGAL ASSISTANT

Seol aon fhreagra chun:—  
(address any reply to:—)  
AN STIURTHOIR  
(The Director)  
faoin uimhir seo:—  
(quoting:—)

Teileafón } (01) 789222.  
Telephone }



STIURTHOIR IONCHUISEAMH POIBLI,  
(Director of Public Prosecutions)  
44/45 FAICHE STIABHNA,  
(44/45 St. Stephen's Green),  
BAILE ATHA CLIATH, 2.  
(Dublin 2.)

Our Ref: 11/111/90  
Your Ref: BE/AMCH

Fax No: (01) 610915

8th August 1990

Garrett Sheehan & Company  
32 Francis Street  
Dublin 8

RE: Adrian Hopkins

Dear Sirs,

I refer to your letter of the 2nd August. The Director has now consulted with Mr. Liddy regarding the various matters alleged by you in your said letter and in that of the 27th July. The Director is constrained by reasons of public interest from dealing with matters of this nature by way of correspondence. However, having regard to the specific assertions in your letter of the 2nd August, he instructs me to state that he authorised Mr. Liddy to give an undertaking that nothing which your client might say in Paris to Mr. Liddy or to the Garda Officers who accompanied Mr. Liddy to Paris would at any time be used as evidence against your client in any criminal prosecution in this jurisdiction, that he gave no greater or other authorisation than that and that he is assured and accepts that that undertaking and no other was conveyed to your client.

Yours sincerely,

*F. Aylmer*

F. Aylmer  
LEGAL ASSISTANT

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS  
(DISPATCHED)  
MQ - 8 AUG 1990  
PUBLIC PROSECUTIONS

X

**GARRETT SHEEHAN & COMPANY**

32 Francis Street, Dublin 8.  
Telephone: 533477/533521.  
Fax No.: 533528

In reply etc.

Your Ref:

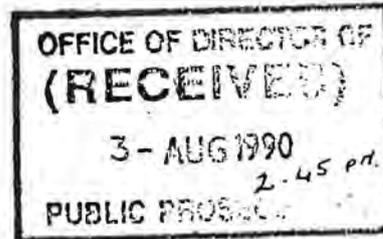
Our Ref: BE/AMCH

Date: 2nd August 1990

*Solicitors:*

**Garrett Sheehan  
Robert Eagar**

**Legal Executive  
Valerie Cronin**



The Director of Public Prosecutions,  
44 St. Stephen's Green,  
Dublin 2.

Re: Adrian Hopkins

We refer to previous correspondence and conversations in relation to this matter. We write for the purpose of making our position, and that of our client, entirely clear.

In December of last year, whilst our client was in custody in Paris, he was taken by the authorities there to the Office of the Juge d'Instruction. This was only one of a long series of meetings in that office. On his arrival, it was immediately clear that this meeting was a most abnormal one. In the first instance, Mr. Hopkins' legal adviser, Maitre De Jongh Dunard was not present. This was the only occasion since he had retained a lawyer that the lawyer was not present at a meeting with a Juge d'Instruction. It had been emphasised to him that such meetings could not proceed without the presence of his lawyer and on one occasion when the lawyer was ill or otherwise unable to attend, the meeting was abandoned.

There were present, at the Office of the Juge d'Instruction, four officials from Ireland viz. Mr. Michael Liddy of your office and three men introduced as Senior Officers of An Garda Siochana. They were introduced and stated their business: they wished to discuss with Mr. Hopkins, as a witness, certain matters which Mr. Liddy in particular specified in great, almost exhaustive, detail.

Mr. Hopkins immediately asked why his lawyer was not present and was expressly told that he did not need to have his lawyer, that this was a different matter (presumably to that in relation to which the lawyer had originally been retained).

P.T.O.

An immunity from prosecution in Ireland in the strongest and most comprehensive terms, in relation to all and any of the matters which had been so clearly stated by Mr. Liddy was then given to Mr. Hopkins by Mr. Liddy on your behalf. Mr. Hopkins enquired how he could know that this was reliable. Mr. Liddy then made an extremely emphatic speech in which he stated that he was acting on your behalf, that you were an entirely honourable man and that, in any event, if the undertaking given by him were breached, and that became known, it would destroy the credibility of your office in Ireland.

The meeting then moved on to the preparation of a document and the taking of a "commission rogatoire". That having been completed, a further conversation of very considerable length occurred between certain of the Irish officials present and our client.

It is important to realise that the comprehensive and clear immunity given by Mr. Liddy on your behalf was given prior to the preparation of the document or the proceedings of the "Commission Rogatoire".

It is also of crucial importance to appreciate that our client was in custody and had no prior notice of the meeting. The circumstances of the meeting in the absence of his lawyer were thus the responsibility of the officials.

You have now caused our client to be charged with very serious offences which, in the event of conviction, would clearly attract an exemplary sentence. This is in clear breach of the immunity given by Mr. Liddy. Apart from any legal consideration at all, when asked how the immunity could be relied on, Mr. Liddy in effect gave your personal word of honour about the efficacy of the immunity.

We now note that it is being contended that the immunity related only to the use of material, if any which, transpired at the conversation between our client and the officials, and that this construction is supported by the document referred to. The document is, of course, quite separate from the immunity given by Mr. Liddy. But in any event, the form of immunity for which we understand you to contend is one of absolute inutility to the person to whom it is tendered. No rational person could derive the slightest comfort from such an immunity, or could regard it as being capable of description as an immunity at all.

It is our client's intention to set up in legal proceedings the immunity as a bar to your continuing with the proceedings you have directed to be taken. This will be done by way of application for an Injunction in the High Court and as confirmed by our Counsel to yours when he met him at the latter's request. This application will be made on Notice to you. We understand that Mr. Liddy is presently away on vacation until Tuesday next and no step will be taken before then so as to give you an opportunity of speaking to him.

P.T.O.

We would point out that our client's actions and statements subsequent to the conversation of December last have all been entirely consistent with the existence of the immunity mentioned above. He trusted your office having been invited in the most dramatic terms to do so. Mr. Liddy offered your personal honour and his guarantee when he wondered why his lawyer was not present, and how he could trust what was being said to him.

Yours faithfully,

  
GARRETT SHEEHAN & COMPANY

fhreagra chun:  
any reply to:)

STIÚRTHÓIR  
(The Director)

tuimhir seo:-  
ring:-)

fón }  
phone } (01) 789222

No: (01) 610915



STIÚRTHÓIR IONCHÚISEAMH POIBLÍ  
(Director of Public Prosecutions)

44/45 FAICHE STIABHNA,  
(44/45 St. Stephen's Green)

BAILE ÁTHA CLIATH, 2.  
(Dublin, 2.)

30th July 1990

F. Garrett Sheehan  
Garrett Sheehan & Company  
Solicitors  
32 Francis Street  
Dublin 8

RE: Adrian Hopkins

Dear Sir,

I am instructed by the Director to acknowledge the receipt by fax of your letter of the 27th July. He has asked me to say that the reasons which precluded comment in the course of the telephone conversation still obtain. He has however asked me to assure you that there was no reason, either of the nature suggested by you or of any other nature, which would have prevented your client's continued detention or his being charged with the offences with which he was charged on the 28th July.

Yours faithfully,

F. Aylmer  
LEGAL ASSISTANT

...AN & COMPANY  
... Dublin 8.  
Tel 533477/533521.  
533528

OFFICE OF DIRECTOR OF  
**(RECEIVED)**  
Recd. MS 5-30  
27 JUL 1990 MS  
PUBLIC PROSECUTIONS

Solicitors:  
Garrett Sheehan  
Robert Eagar  
Legal Executive  
Valerie Cronin

CS/AMCH  
27th July 1990

Eamon Barnes,  
Director of Public Prosecutions,  
Stephen's Green,  
Dublin 2.

WITHOUT PREJUDICE TO ALL  
CRIMINAL ISSUES

Re: Adrian Hopkins

Dear Sir,

Our telephone conversation of about 4.25 p.m. today refers.

As you know, I act for the above named. He is presently in custody in Henry Street Garda Station, Limerick under S30 of the Offences Against the State Act 1939.

I have already informed you of my instructions that Mr. Hopkins is in possession of an immunity from prosecution in this jurisdiction.

This immunity was granted by your office in the person of a very Senior Officer in the presence of high ranking garda officers. Its terms, the place and manner of its giving and the reasons for giving it are all, of course, within your knowledge.

Arising from the above, I asked you if I could assume Mr. Hopkins would be very promptly released. You felt unable to comment on any of the above matters.

I must, however, ask you to confirm to me when Mr. Hopkins will be released and that he will not be charged in breach of the immunity.

Mr. Hopkins' detention in the circumstances is prima facie improper. I am, however, minded to allow a short time to elapse to enable the authorities to consider their position.

P.T.O...

I now expect Mr. Hopkins' release in the next few hours. If he is not, and in particular, if his detention is extended I will have to proceed as seems appropriate in Mr. Hopkins' interest.

Unless this course is forced on me, this letter and its contents is and remains quite confidential.

Yours faithfully,



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GARRETT SHEEHAN & COMPANY

***Newspaper  
article(s)/cutting(s)  
have not been copied***

*Ms. Tait  
in Ekman's file*

*P.A. 25424  
M. H. G. Kelly  
Stanley Tarsus*

042620557+042643130+

IRLFR 643130F  
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HIBERNIA T-450#  
93720E ESTR EI

*Tarson  
Moore  
5/2  
12/17*

*psuf; pgs  
th. walters;  
th. blackmore;  
th. Fry  
th. Collier*

QQQQQQ

C92  
IMMEDIATE  
06/07/90

TO HQ FROM PARIS  
FOR DERMOT GALLAGHER FROM AMBASSADOR

MMMYTRTA

<b>CODED MESSAGE</b>	
<b>IMMEDIATE URGENT</b>	
<b>CONFIDENTIAL</b>	
DATE <u>6/7/90</u>	TIME <u>1701</u>
INITIALS <u>SJB Bailey</u>	

SECRET

PLEASE REFER TO MY C38 OF 16 MARCH REGARDING THE POSSIBILITY OF THE RELEASE OF HENRY CAIRNS, ONE OF THE EKSUND ACCUSED. THIS AFTERNOON AIDAN O'HARA, A MEMBER OF THE EMBASSY STAFF, SPOTTED CAIRNS IN THE STREET, ACCOMPANIED BY A PERSON WHO MAY HAVE BEEN ADRIAN HOPKINS, AND TWO WOMEN WHO MAY HAVE BEEN THEIR WIVES.

2. O'HARA HAS CONFIRMED WITH THE JUGE D'INSTRUCTION, M. BRUGUIERE, THAT CAIRNS HAS BEEN RELEASED, BUT WHEN ASKED ABOUT HOPKINS, BRUGUIERE REPLIED ONLY THAT IT WAS "POSSIBLE" THAT HE TOO HAD BEEN RELEASED. NO FURTHER INFORMATION WAS FORTHCOMING OVER THE TELEPHONE. BRUGUIERE DESCRIBED THE CIRCUMSTANCES AS "DELICATE AND COMPLICATED" AND O'HARA TOLD HIM THAT HE MAY SEEK AN APPOINTMENT WITH HIM SHORTLY IN ORDER TO OBTAIN ADDITIONAL INFORMATION.

3. IT MAY WELL BE THAT D/J ARE AWARE OF THE ABOVE THROUGH DIRECT POLICE CONTACTS. IF SO, I WOULD APPRECIATE CONFIRMATION FROM YOU, TOGETHER WITH AN INDICATION OF ANY POINT ON WHICH YOU WOULD WISH US TO OBTAIN FURTHER CLARIFICATION.

4. CAIRNS'S RELEASE COULD BE EXPLAINED ON HEALTH GROUNDS, BUT IF HOPKINS HAS ALSO BEEN RELEASED, THIS WOULD INDICATE A "DEAL" OF THE KIND SUGGESTED IN PARA 5 OF MY C38. WE INTEND TO REFER ANY PRESS ENQUIRERS TO THE FRENCH AUTHORITIES.

QQQQQQ

IMMEDIATE  
16/03/90

TO HQ FROM PARIS  
FOR DERMOT GALLAGHER FROM AMBASSADOR

MMMFREDD

*CS Sec 7.6*

*Mr. Co. ppg*  
*M. Maloney; M. J. ...*  
*Mr. Dine*  
*M. de ...*

FOLLOWING IS TEXT OF A MESSAGE FROM A O'HARA TO CONSULAR WHICH WE  
HAVE DECIDED TO SEND TO YOU BECAUSE OF THE NEED FOR SECRECY REFERRED  
TO IN THIRD PARAGRAPH.

WE SHALL REPORT FURTHER IF WE OBTAIN CLARIFICATION OF THE PARTICULAR  
POINT YOU RAISED WITH ME ON THE TELEPHONE.

QUOTE

I REFER TO YOUR TELEPHONE CALL OF THIS P.M. CONCERNING RUMOURS OF THE  
RELEASE OF HENRY CAIRNS ON HEALTH GROUNDS. THE EMBASSY HAD ALREADY  
RECEIVED A SIMILAR CALL FROM A PARIS BASED JOURNALIST WORKING FOR THE  
IRISH NEWS.

M. BRUGUYERE, THE JUGE D'INSTRUCTION, HAS INFORMED ME THAT NO  
DECISION HAS YET BEEN TAKEN. THE INVESTIGATION IS NEARLY COMPLETE,  
BUT HE HAS RECEIVED MEDICAL REPORTS FROM THE HOSPITAL AT FRESNES.  
THESE DISCLOSE THAT MR. CAIRNS IS IN BAD HEALTH AND HE ANTICIPATES AN  
APPLICATION FROM HIS LAWYER FOR EARLY RELEASE ON MEDICAL GROUNDS.  
ONLY THEN WILL A DECISION BE MADE.

HE ADDED ON A CONFIDENTIAL BASIS THAT MR. CAIRNS HAS MADE A STATEMENT  
EXPLAINING HIS INVOLVEMENT IN THE AFFAIR. THIS STATEMENT IS CAPABLE  
OF INculpATING HIS CO-ACCUSED AND FOR THAT REASON HE EXPRESSED THE  
WISH THAT IF IT IS DECIDED THAT HE BE RELEASED, THIS SHOULD BE DONE  
SECRETLY IN ORDER TO PROTECT HIM FROM ANYONE SEEKING VENGEANCE. I  
HAVE ASSURED HIM OF OUR COOPERATION IN KEEPING THIS CONFIDENTIAL AND  
SAID THAT, FOR THE MOMENT, OUR REPLIES TO JOURNALISTS WILL SIMPLY  
STATE THE FACT THAT HE IS STILL IN HOSPITAL. YOU MAY WISH TO  
CONSIDER, HOWEVER, WHETHER THIS WILL BE SUFFICIENT FOR MRS. CAIRNS.

~~~~~

FINALLY, YOU MAY WISH TO BE AWARE THAT I HAVE WRITTEN TO FRESNES  
HOSPITAL AND FLEURY-MEROGIS HOSPITAL THIS AFTERNOON ENCLOSING A COPY  
OF A LETTER FROM MR. CAIRNS' DOCTOR IN BRAY WHICH ASKS FOR MEDICAL  
REPORTS TO BE FORWARDED TO HIM.

UNQUOTE

BND\$' 15,3-7#9

1820 HRS  
HIBERNIA T-450#  
93720G ESTR E1

***END of file***