

Hotelier gets leave to seek answers from English police

MR PHILIP Smyth, who leases Sachs Hotel, Dublin, was granted High Court permission yesterday to apply to the English courts to have two detectives examined about anonymous phone calls.

Mr Smyth, a director of Genport Ltd, claimed the phone calls alleged he was laundering drug money for the IRA through the hotel and that his brother, now a Garda chief superintendent, assisted him.

In the claim by Genport, Mr Smyth alleged the calls were made on telephone lines listed in the names of Tunney Meats and/or Mr Hugh Tunney — from whom he leases the hotel.

Mr Justice McCracken said Genport's allegation, if established by evidence, was extremely serious. If true, the behaviour of Crofter Properties Ltd, of which Mr Tunney is a director, and its officers was quite outrageous and might well constitute criminal offences.

Mr Tunney's company has brought an action claiming Genport failed to pay rent on

Sachs Hotel between August 1993 and November 1995. Genport counter-claimed there were reasons justifying non-payment, including its present claim for damages arising from the alleged phone calls.

It was claimed the calls were made to the South-East Regional Crime Squad of the English police and the Dorchester Hotel, London, between January 1993 and November 1994.

Crofter denied the allegations and claimed if calls were made it was not with the consent or knowledge of the company.

Mr Justice McCracken gave judgment on Genport's application to apply to the English courts to examine two policemen about the phone calls.

The judge said he should not shut out Genport's claim because of its delay in bringing the application, made during the course of the hearing, though he realised its claim might well fail even if the English police evidence was obtained.

He attached terms to his order

which would, as far as possible, prevent hardship to Mr Tunney's firm, Crofter, should it ultimately succeed.

Both parties agreed Crofter was owed £688,605 by Genport for arrears of rent, subject to any relief that might be granted to Genport in the present action.

Because of the delay incurred by the application to the English courts further rent would fall due. The judge said there was ultimately going to be a substantial decree in favour of Crofter.

He said Genport should pay rents in full as they fell due, pending the outcome of the action. Genport should also pay Crofter £100,000 within 28 days and in addition pay £3,900 a month.

These payments, said Mr Justice McCracken, were to be made without prejudice to Genport and not to be taken as any admission on its part. Credit would be given to Genport for these payments on the making of any final decree.

He put the case in for mention next May 23rd.

Judge wants account of Garda response to order

A HIGH Court judge yesterday asked the State to explain why his order to have Dr James Barry brought before the court at midnight last March 6th was not immediately obeyed by gardai.

Dr Barry, from Cork, is at the centre of allegations that he videotaped female patients during medical examinations.

Mr Justice Carney said he had anticipated, when he conducted a special sitting of the High Court in his home at 8.30 p.m. on March 6th, that once his order was communicated to gardai in Cork, who had detained Dr Barry, the doctor would immediately be driven to Dublin.

The judge said he did not envisage that the detention was going to continue up to its natural expiry time, at 10.30 p.m., and then the doctor would be flown to Dublin.

On March 6th Mr Justice Carney heard an application by Dr Barry's solicitor seeking his release from custody at Anglesea Garda station in Cork.

The judge was told Dr Barry had been detained for questioning by gardai since 10.30 a.m. that day. It was alleged Dr Barry was denied access to his solicitor, Mr Denis O'Sullivan.

The judge had been told Dr Barry had been detained until 4.20 p.m. and that his detention was extended until 10.30 p.m.

Dr Barry was brought to Dublin and appeared at a special sitting of the High Court shortly after midnight when Mr Justice Carney was told the detention order had ended.

Yesterday Dr John White SC, for Dr Barry, said they had put in an affidavit dealing with the pre-

cise grounds of the doctor's detention. Late on Monday night the State had given seven affidavits and he had not seen them.

Mr Justice Carney said the only issue before him was the costs of High Court hearings. If there was a conflict he would have to deal with the matter on oral evidence.

Mr Diarmaid McGuinness, for the State, said there was a conflict in relation to some matters. Mr O'Sullivan had made large and wide-ranging allegations against the gardai and these were answered in affidavits.

The Garda gave reasonable access to Dr Barry to take legal advice, and in the circumstances it had been Dr Barry's legal adviser who had behaved unreasonably.

Mr Justice Carney fixed Tuesday, May 21st, for the hearing of the costs issue.

New Hunt Museum director to guide £2.9m project in Limerick

THE curator of Apsley House, the 19th-century home of the Duke of Wellington in London, is now officially director of the Hunt Museum in Limerick.

Mr Jonathan Voak has spent the last eight years managing the Wellington Museum, where visitors number almost 100,000 a year.

He will oversee the transfer of part of the Hunt Collection from the University of Limerick to the city's 18th-century Custom House in a £2.9 million renovation project.

In 1983 Mr Voak became a curator in the metalwork department in the Victoria and Albert Museum in London.

A year later he was appointed curatorial assistant to the V & A director, Sir Roy Strong.

In addition to Apsley House, he

had responsibility for the historic Ham House and Osterley Park House while they were transferred from the V & A to the National Trust.

The Hunt Collection, valued at £50 million and consisting of 2,500 objects, will be on public display at the end of the year, in time for the city's 800th anniversary of receiving its first charter.

Mr Voak (35), from Jersey, said yesterday: "This fine building will provide an appropriate home for a collection of international importance, particularly its medieval collection."

Limerick was a "city with many attractions and it has an arts culture that wouldn't be found in an equivalent city in England," he added.

Alleged garda assault case settled

AN action by a carpenter against the Minister for Justice and the State for alleged assault and

ESB holds off on

restructure



Mr Jonathan Voak, new director of the Hunt Museum at the University of Limerick, holds a figure of a bronze Egyptian hawk dating from the First Dynasty, Old Kingdom, 2700 BC. Photograph: Liam Burke/Press 22

leadership which was not "above the people".

As part of the session the participants were divided up into single-sex groups, and the men were asked to "imagine what it is like to be a woman and excluded".

One man said he would be angry at the judgments made for women about sexuality, morality, and family life by people who had no experience. Another pointed

Mr Oliver Maloney, who conducted a session on the church in the community, said talk about holding a synod on the future of the church was very premature. The church must first consult with the people, particularly the marginalised, the poor, the unemployed and those who had no voice or role in the community. To do this, he said, the church had to go out to those people because they were not going to come to the church.

Warrant for missing witness

The Special Criminal Court yesterday issued a warrant for the arrest of a key prosecution witness who failed to turn up for the trial of a Dundalk man charged with kidnapping him.

The warrant was issued for the arrest of Mr Seamus Cudden (18) after the court heard that he had gone missing from his home on Monday evening.

The trial of Mr Stephen Boyle (26), of Grange Close, Muirhevnamore was adjourned until today. He pleads not guilty to falsely imprisoning Mr Cudden on May 30th, 1995.

Second man on Securicor charge

A second man was in court yesterday in connection with a £1.2 million Securicor robbery in Belfast earlier this month.

Mr Stephen Moore (25), of Finch Grove, Taughmonagh, Belfast, was charged with making a van available to an illegal organisation.

Police believe that loyalist paramilitaries carried out the robbery, the largest cash raid ever in Northern Ireland.

Date for Chinese adoptions set

The Supreme Court yesterday set July 4th next for the hearing of an appeal by the Adoption Board against a High Court decision relating to the adoption of Chinese babies by Irish couples. Earlier this month a number of Irish couples won a High Court challenge to the Adoption Board's refusal to recognise such adoptions.

£20,000 for twins injured in crash

Richard and Robert Greene, twins aged 16, of Curlew Road, Drimnagh, Dublin, have been awarded £20,000 damages for injuries they received in a car crash eight years ago. Mr Pat Butler, counsel for the boys, told the Circuit Court President, Mr Justice Spain, that Robert's injuries had cleared up six months after the accident. Richard's, particularly a breathing problem, had persisted. Richard was awarded £15,000 and Robert £5,000.

Legal argument in cannabis case

The second day of the trial of two Cork businessmen charged with importing 693 kgs of cannabis has been taken up with legal argument without the jury.

Mr Christopher O'Connell (50) with addresses at Merrion Village, Dublin, and The Mews, Montenotte, and Mr John Ryan (52), of Weavers Point, Co Cork, both deny three charges of unlawful importation and unlawful possession.