

TRIBUNAL OF INQUIRY INTO PROTECTED DISCLOSURES MADE UNDER
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MATTERS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND
SEANAD ÉIREANN ON 16 FEBRUARY 2017

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1921, ON 17 FEBRUARY 2017

SOLE MEMBER: MR. JUSTICE PETER CHARLETON, JUDGE OF THE
SUPREME COURT

HELD IN DUBLIN CASTLE
ON TUESDAY, 18TH JULY 2017 - DAY 11

11

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1 THE HEARING RESUMED ON TUESDAY, 18TH DAY OF JULY, 2017

2 AS FOLLOWS:

3
4 MR. MCGUINNESS: Sir, the first witness this morning is
5 Mr. Paul Williams. 10:00

6
7 MR. PAUL WILLIAMS, HAVING BEEN SWORN, WAS EXAMINED BY

8 MR. MCGUINNESS AS FOLLOWS:

9 1 Q. MR. MCGUINNESS: Mr. Williams, thank you for coming
10 this morning. Could I just ask you, firstly, to 10:01
11 outline your experience and qualifications?

12 A. I have been a journalist, Chairman, for over 30 years.
13 I have been working in the national newspapers for 30
14 years and before that I was in provincial newspapers.

15 2 Q. And perhaps you'd just identify for the record what 10:01
16 papers you have worked for over the years and/or other
17 news organisations?

18 A. I worked mostly for Independent News and Media, with
19 the *Sunday World* for 23 years. I have been working on
20 a freelance basis as a contractor with the *Irish* 10:01
21 *Independent* since 2013. In between that I worked for
22 News International with the *News of the World* for two
23 years. I have also done work for RTE, TV3 and I have
24 written books.

25 3 Q. And what are the nature of the books you have written? 10:02

26 A. They are crime books, Chairman.

27 4 Q. And have you studied as well, have you any
28 qualifications in relation to that?

29 A. I studied criminology on a number of occasions. My

1 recent qualification was a Masters in Criminology.

2 5 Q. And was that through a university in Dublin?

3 A. DIT in Dublin, yes.

4 6 Q. And that is a recent qualification, is it?

5 A. That's correct. 10:02

6 7 Q. Now, you are aware what the Tribunal is investigating
7 in its inquiries, and I think you met with the
8 Tribunal's investigators and you furnished a statement
9 and you answered all the questions that the
10 investigators put to you? 10:02

11 A. That's correct.

12 8 Q. Without reservation?

13 A. Without reservation, yes.

14 9 Q. And in the first instance, could you explain to the
15 Tribunal how it is that you came to interview Ms. D in 10:03
16 early 2014, could you tell the Chairman about that?

17 A. Ms. D, her dad, I recall, originally contacted me, made
18 a phone call, asked me would I come down to talk to him
19 and his wife first and then he wanted me to talk to his
20 daughter, he said his daughter wanted to speak to me. 10:03

21 10 Q. Can you just help us in the first instance, how he got
22 your number?

23 A. I understand now he got my number from Detective
24 Superintendent John O'Reilly. I recall I got a call,
25 it was sometime in early March, I don't remember when. 10:03
26 It may have been late February, I don't know how many
27 days between the first meeting. He rang me to give me
28 the heads-up that a colleague of his had asked for my
29 number and he would be ringing me.

1 11 Q. And did he, Detective Superintendent O'Reilly, have
2 your number?
3 A. Yes, he did.

4 12 Q. And had you given him your number at some point in
5 time? 10:04
6 A. Yes, a good few years beforehand, yes.

7 13 Q. And were you -- did you know him well?
8 A. I knew him on two levels: One, I was a witness in a
9 murder case in Sligo, I gave him a number of
10 statements; and also when I was under -- placed -- I 10:04
11 spent several years under police protection and my
12 family are from the border area and when I would visit,
13 my family, he was liaison officer at one stage.

14 14 Q. Yes.
15 A. And then I -- other times -- through the years then he 10:04
16 was -- he became I think Detective Superintendent, I
17 don't know when, but he was in charge of that general
18 area and I would have had reason to liaise with him
19 because until my mum died there were some security
20 concerns around her. 10:05

21 15 Q. All right. And I think Detective Inspector O'Reilly,
22 as he then was, had been stationed in Sligo at one
23 point, isn't that correct?
24 A. He would have been the -- when I met him first he would
25 have been the inspector in the district where I was -- 10:05
26 where I lived, where my family home is. And it's a bit
27 complicated because where I live is in Leitrim but at
28 that time it was in the Cavan-Monaghan division,
29 because with the local district headquarters,

1 Ballyconnell, and then it was moved into Sligo-Leitrim.

2 16 Q. And you are obviously aware he became a Detective
3 Superintendent stationed in Monaghan then at one point,
4 isn't that correct?

5 A. I don't know when that happened. 10:05

6 17 Q. Okay. But he had your number, and he was ringing you
7 to see would you be prepared to speak to a colleague of
8 his, is that right?

9 A. He said Mr. D wanted to speak to me.

10 18 Q. Well, did he identify Mr. D or what -- 10:06

11 A. He did at that time.

12 19 Q. -- the matter of the conversation might be?

13 A. He said -- it was a very brief conversation. People
14 contacted me that way all the time, through third
15 parties, asking for a number. And he just said that 10:06
16 Mr. D wanted to speak to me, that his daughter was very
17 upset what was going on at the moment in relation to
18 Maurice McCabe. He didn't really give me any other
19 details. He didn't seem to want to be involved or want
20 to know about it. 10:06

21 20 Q. Well, had you up to that point been interesting
22 yourself in or writing about Maurice McCabe or any of
23 the issues that he had raised?

24 A. No.

25 21 Q. Had you ever been briefed negatively about him by any 10:06
26 member of the Guards?

27 A. No.

28 22 Q. When you spoke to Mr. D on the phone, what was the
29 nature of the conversation?

1 A. I can't recall the exact conversation. He invited me
2 to come down. He was -- basically, between the
3 conversation on the phone and me going down to meet
4 them, what I learned was that they were -- his daughter
5 and himself and his wife -- they were particularly 10:07
6 concerned for their daughter. A number of journalists
7 had called to the house unannounced and uninvited.

8 23 Q. Did they identify those to you?
9 A. They did, yes.

10 24 Q. And can you recollect who they said they were? 10:07
11 A. Eavan Murray and Debbie McCann.

12 25 Q. And did you know them as journalists or had you had any
13 dealings with them yourself?
14 A. I knew Debbie. I didn't know Eavan Murray.

15 26 Q. And you have told the investigators you attended there 10:07
16 at their house on 5th March, is that correct?
17 A. That's correct.

18 27 Q. And were you able to check that date from your diary or
19 from notes you made?
20 A. From a diary. 10:08

21 28 Q. From your diary?
22 A. Yeah.

23 29 Q. And did you meet Ms. D on that occasion?
24 A. No. She was studying down the country.

25 30 Q. Okay. And you say you sat down with Mr. and Mrs. D in 10:08
26 their kitchen for maybe an hour or two?
27 A. Mm-hmm.

28 31 Q. And can you help the Tribunal with the conversation
29 that you had with them?

1 A. They basically said why she wanted to talk to me, that
2 she felt very -- first of all, that she was very
3 concerned that people knew her name and her identity.
4 That she had made an allegation against Sergeant McCabe
5 some years earlier, but now that she was becoming quite 10:08
6 concerned and she was also angry, she felt that she was
7 seeing him -- this had brought it all up to her again,
8 that she was very upset that she was seeing him in the
9 media everywhere. That she wanted to talk to somebody.
10 And I don't know whether it was the media calling to 10:09
11 the door or the pressure she felt under that maybe she
12 decided she wanted to talk, I don't know.

13 32 Q. Now, what impression did you get, if any, of where
14 Mr. D and Mrs. D stood in relation to this; were they
15 seeking to get their daughter to do this or -- 10:09
16 A. Oh, no, they were -- they struck me absolutely as being
17 very concerned for their daughter, very decent people.
18 They didn't -- they were actually complying with her
19 wishes, that was my distinct impression.

20 33 Q. I am going to deal with this directly now and 10:09
21 immediately, Mr. Williams, in relation to your
22 position. Did you consult with any senior member of
23 the Guards before you went down?

24 A. No.

25 34 Q. Were you guided or taking any direction from any senior 10:09
26 member of the Guards, be it from the Commissioner
27 down --

28 A. No.

29 35 Q. -- as to what you were to do here?

1 A. No.

2 36 Q. A suggestion might be made or floated that you were in
3 some way acting as a puppet of the Guards in
4 participating, willingly or otherwise, in a smear
5 campaign relating to Sergeant McCabe? 10:10

6 A. I have read that extensively and that is absolutely
7 false.

8 37 Q. Is there any basis for it at all as far as you are
9 concerned?

10 A. Absolutely not. 10:10

11 38 Q. Thank you. Now, did you speak to Ms. D after this
12 meeting with her parents?

13 A. I can't recall, maybe I spoke to her on the phone, I
14 can't recall. I did go down to see her, I did meet her
15 and interview her on the following Saturday, which I 10:10
16 think was the 9th, I think. I think it was the 9th,
17 yeah. It was the Saturday anyway after that.

18 39 Q. And did she give you an interview in the presence of
19 anyone else or --

20 A. No. Her parents left the room when I spoke to her. 10:11

21 40 Q. Okay. And was it just yourself and Ms. D then on that
22 occasion?

23 A. Yes, and also I got a videographer to record the
24 interview.

25 41 Q. Okay. Was that on that same one day? 10:11

26 A. That was on the Saturday, yes.

27 42 Q. You didn't come back a second time to do that, you
28 brought the video --

29 A. No, that happened all on the same day.

1 43 Q. All on the same day, okay. And in a situation like
2 this, had you -- you were writing for the Independent
3 at that time, I think?

4 A. That's correct, yes.

5 44 Q. And had you consulted your editors or is that something 10:11
6 that you'd do or not or --

7 A. Well, I don't operate from the office. I do my own
8 thing.

9 45 Q. Yeah.

10 A. I can't even recall if I told them about it, I was 10:11
11 going down to check it out for myself.

12 46 Q. Okay. And did you -- did you in fact tell anyone else
13 you were going down there or that you were down there?

14 A. Oh, sorry, of course the Independent, when I got the
15 videographer to come with me, I would have told them 10:12
16 about that, I am going down to do this interview and
17 may have told the news desk.

18 47 Q. Yes. But did you tell them who you were doing the
19 interview with or for what purpose?

20 A. Yes, I would, I would have said all that I knew. I 10:12
21 didn't know anything about -- I didn't know the text of
22 or the substance of Ms. D's allegations until I went
23 down on the Saturday, because I didn't really go into
24 them with the parents.

25 48 Q. Okay. 10:12

26 A. So I said it was to do with this lady who had made an
27 allegation against Maurice McCabe and she wanted to
28 speak to me.

29 49 Q. All right. That's what I was going to come to next,

1 you have brought it up yourself. Did you know anything
2 of any allegation made against Sergeant McCabe at that
3 point?

4 A. There were vague rumours going around that -- various
5 rumours that Maurice McCabe, the reason he was involved 10:12
6 in the dispute with the Gardaí and exposing the penalty
7 points and other issues was that, and malpractice
8 issues, was because of a grievance that began several
9 years beforehand during an investigation, there was --
10 they were very vague rumours. 10:13

11 50 Q. Now, central to this module, you may be aware, is an
12 allegation of digital penetration that found its way
13 into a referral to Tusla, and in the period after this
14 in a Garda notification to Bailieboro. Were you aware
15 at that time of any such allegation having been made 10:13
16 against Sergeant McCabe?

17 A. No. The allegation Ms. D made was as in accordance
18 with the allegations we have heard coming from this
19 Tribunal.

20 51 Q. Okay. And when did you first learn of that completely 10:13
21 false, erroneous allegation of digital penetration?

22 A. This year.

23 52 Q. This year. And by what means?

24 A. When it was reported in the media.

25 53 Q. In the media. Was that following the 'Prime Time' 10:14
26 programme?

27 A. I was out of the country when the 'Prime Time'
28 programme appeared, it was February anyway, and I read
29 about it.

1 54 Q. And you certainly hadn't heard it before then?
2 A. No, absolutely not.

3 55 Q. Okay. So you certainly weren't going down then either
4 to elicit any details relating to that or to create a
5 story out of that insofar as it related to Sergeant 10:14
6 McCabe?
7 A. Sorry?

8 56 Q. You weren't going down to interview Ms. D about that or
9 to create a story on Sergeant McCabe about that?

10 A. No. I went down, like I would do with anybody else, 10:14
11 she wanted to talk to me and I wanted to go down and
12 find out what she had to say and interview her.

13 57 Q. I am not in any way criticising your work practice,
14 Mr. Williams, but why would you videotape this
15 interview or do you routinely do that with persons you 10:15
16 are interviewing?
17 A. Well, sometimes you would do that, yeah. You would do
18 it because if it's something quite controversial you
19 would like to have a proper record of it.

20 58 Q. Yes. Is it to enable there to be a perfect record, 10:15
21 undisputable as to what was said?
22 A. I would say so, yes.

23 59 Q. But is that why you did it, I mean, just to be clear?
24 A. I would say -- yeah, to get a proper record of it,
25 yeah. 10:15

26 60 Q. Okay. Now, I think we have been provided with a
27 transcript of the interview. Just, I noted one of the
28 matters you asked Ms. D about was circumstances where
29 she is said to have confronted Sergeant McCabe on the

1 streets of Bailieboro --

2 A. Mm-hmm.

3 61 Q. -- sometime after the alleged incident?

4 A. Yeah.

5 62 Q. Had you heard about that previously? 10:16

6 A. She had told me about that.

7 63 Q. She told you about that?

8 A. Yeah, yeah.

9 64 Q. Okay. Was that the first time you had heard about
10 that? 10:16

11 A. Yes.

12 65 Q. All right. And I think she gave you an account in
13 answer to your question about that of having confronted
14 him and in a sense, followed him or chased him back to
15 the station and into the station? 10:16

16 A. That's correct.

17 66 Q. That's what she was telling you had happened on one
18 occasion?

19 A. Yes.

20 67 Q. Now, you mentioned Inspector Cunningham in your 10:16
21 statement. Had she identified Inspector Cunningham as
22 having been the investigating officer?

23 A. Yes, she had.

24 68 Q. And had she discussed or raised with you the issue as
25 to whether the incident had been put on PULSE? 10:17

26 A. No, that came up subsequently to the interview. The
27 time-line moves on then from that interview with her.
28 That came up subsequently. I think her dad told me
29 about it, brought it up to my attention and I checked

1 A. It would have been probably the following week. It was
2 about five weeks before anything was published.

3 73 Q. And did you speak to him personally or over the phone?
4 A. Only over the phone.

5 74 Q. And did he confirm any of the matters you had raised 10:18
6 or --

7 A. He came back to me and confirmed that the investigation
8 had taken place, a file has been sent to the DPP and
9 there were no charges.

10 75 Q. And did he say anything negative about Sergeant McCabe 10:19
11 to you?

12 A. No.

13 76 Q. But had you published your story or your interview in
14 relation to Ms. D by the time you had spoken to
15 Superintendent Taylor? 10:19

16 A. No. I spoke to superintendent Taylor in the -- in the
17 immediate aftermath of doing the interview. I didn't
18 run the actual interview then at all.

19 77 Q. Well, obviously you did write a number of articles
20 which were published subsequently -- 10:19

21 A. In April.

22 78 Q. -- relating -- and that was presumably based upon the
23 interview?

24 A. Yeah. But it dealt with the fact that she wanted her
25 case investigated with other malpractice cases that 10:19
26 were being looked at by the Gardaí.

27 79 Q. I am not saying anything critical of you or Ms. D at
28 all at this point, but were you helping her or
29 facilitating in doing that, or were you simply trying

1 to understand what her grievance was?

2 A. I was trying to understand what her grievance was.

3 80 Q. And would you perhaps explain your understanding of it?

4 A. She was very, very angry and upset. She was absolutely
5 convinced that this assault had blighted her life. 10:20

6 81 Q. But were her concerns, as retold to you, related almost
7 exclusively to the investigation into the matter?

8 A. Yeah. I dealt only with the investigation in the
9 public domain, because I didn't go near the other
10 things that are on the tape, that I gave the Tribunal. 10:20

11 82 Q. Yeah. And the first mention of GSOC, did you bring
12 GSOC into the picture or --

13 A. No.

14 83 Q. And is it your recollection that she first raised the
15 issue of GSOC or discussed GSOC with her father? 10:21

16 A. The transcript of the interview I looked at it
17 yesterday, if you give it to me, a copy of it, I can
18 find it for you.

19 84 Q. Yeah. I mean, there is a question about it, obviously.
20 You say: 10:21

21

22 *"would this involve GSOC or the Guards themselves or*
23 *who would you like to investigate this? what body are*
24 *you going to complain to?"*

25 A. Yes, that's correct. That was the question, yeah. 10:21

26 85 Q. But had there been discussion prior to videoing it --
27 because you essentially did the interview twice, had
28 there been discussion prior to videoing it about GSOC?

29 A. No.

1 86 Q. Okay. Can I ask you then, what was your role or what
2 role did you see yourself having then in putting her in
3 contact with other persons, Micheál Martin, now, for
4 instance?
5 A. She asked me to make contact with Micheál Martin's 10:22
6 office.
7 87 Q. She says in her statement to the GSOC investigator,
8 certainly in the notes of it, that you said that her
9 case was known to a lot of senior Gardaí and government
10 people? 10:22
11 A. That, that comment came from the fact, I would have
12 been talking to -- when after I interviewed her I
13 contacted Dave Taylor, told him what I was looking at,
14 asked him questions. He made a throwaway remark that
15 it was known in the Park, as in the Phoenix Park, and 10:22
16 he suggested it was known in government. But it was --
17 it was a passing comment, and I actually reported that
18 back to her, I told her what he told me.
19 88 Q. So that is the only basis for that remark as --
20 A. That is the only time I made that remark. 10:23
21 89 Q. And had you asked Superintendent Taylor any more about
22 that?
23 A. No.
24 90 Q. I mean, one possible interpretation of your actions is
25 that you were, as it were, getting involved in, perhaps 10:23
26 it might be described as, a campaign to allow her or
27 help her agitate the issue in these actions that you
28 took?
29 A. No, she -- she asked me would I contact Micheál

1 Martin's office, that she wanted to talk to him, that
2 she felt she had something she wanted to impart to him.
3 Because at that stage it was very public that
4 Mr. Martin had a dossier of malpractice cases from
5 around the country, I think was the impression was 10:23
6 given, and she said she wanted to speak to him. So I
7 contacted his office. I just said that this lady,
8 Ms. D, wanted to speak to Mr. Martin and that that was
9 it.

10 91 Q. And did you speak to Mr. Martin yourself? 10:24
11 A. No.

12 92 Q. And do you recollect who you spoke to in his office?
13 A. No, it was just to somebody in his office.

14 93 Q. Okay.
15 A. Just that was it. I was asked to make the initial 10:24
16 contact. I have been asked to do that many times
17 before.

18 94 Q. Okay. Well, did you leave your number then with
19 somebody in Mr. Martin's office?
20 A. I can't recall, I probably did. 10:24

21 95 Q. But did you leave any message as to what it was in
22 connection with?
23 A. No. I said it was that she wanted to speak to him in
24 relation to his -- to Garda malpractice cases. And
25 that is what she said she wanted to speak to him about 10:24
26 and that is what I facilitated for her.

27 96 Q. Did you mention Sergeant McCabe's name or his case?
28 A. No, I specifically didn't.

29 97 Q. Did you mention any area of the country that this issue

1 arose from?

2 A. I can't recall the specifics of it like that.

3 98 Q. Okay. Well, were you contacted then by Mr. Martin's
4 office to set up the meeting?

5 A. I think I may have given him her number as well. I 10:25
6 can't recall the details what actually went on. I
7 don't know -- I can't remember what happened. I would
8 presume that it was left to her and Micheál Martin's
9 people then to deal with that.

10 99 Q. And you, as I understand it, according to your 10:25
11 statement, you picked her up from the train when she
12 got the train to Dublin for that purpose?

13 A. That's correct, yes.

14 100 Q. And was that prearranged as well?

15 A. She rang me and told me when she was meeting Mr. Martin 10:25
16 and I picked her up from the train, dropped her there
17 and dropped her back.

18 101 Q. And did you have any discussion with her about what she
19 was going to do or what she was going to say?

20 A. No, she is a very -- she knows exactly herself -- or 10:25
21 knew exactly herself what she wanted to say. I had
22 nothing to do with it. She is a very wilful and
23 determined individual. She wanted somebody -- she
24 wanted to be heard, as she said herself. Where that
25 went is a different issue. 10:26

26 102 Q. And I think you confirmed to the investigators that the
27 meeting with Mr. Martin took place on -- was it on 17th
28 of June?

29 A. No, I think it was the beginning of May.

1 103 Q. You think it was the end of May?
2 A. End of May, end of April or beginning of May. I can't
3 recall the date.
4 104 Q. Sorry, 30th of May 2014.
5 A. 30th of May? 10:26
6 105 Q. 30th. 30th of April, is that correct?
7 A. That would be correct, yeah.
8 106 Q. You brought her back to the station then after the
9 meeting, is that correct?
10 A. That's correct. 10:27
11 107 Q. Did you speak with anyone in Mr. Martin's office or
12 Mr. Martin?
13 A. No, there was no -- that was purely a matter for her
14 and Mr. Martin to discuss. It had nothing more to do
15 with me. I was purely -- she asked me would I set it 10:27
16 up, and I did.
17 108 Q. You also contacted Mr. Shatter's office then, is that
18 right?
19 A. Subsequent to that, I think in June Ms. D asked me
20 would I get in touch with Mr. Shatter. At this stage 10:27
21 he was gone from justice, he had resigned.
22 109 Q. And what did you see as your purpose in, again,
23 involving yourself in getting her to meet Mr. Shatter?
24 A. Because she asked me.
25 110 Q. Okay. would it not have been simpler to say, look, 10:27
26 just ring his Dáil office yourself, you will get him
27 there because he is a diligent TD and he will be in and
28 around Leinster House?
29 A. No, I helped her out. I have done that for several

1 people, I have been involved -- who have been involved
2 in stories I was writing or investigations I was doing
3 before.

4 111 Q. And did you meet her on the day that she went to see
5 Mr. Shatter? 10:28

6 A. Yes, I did, yes.

7 112 Q. Okay. And again, what was your conversation with her
8 about?

9 A. I didn't have any conversation with her about it, that
10 I can recall. She said that she wanted to meet Alan 10:28
11 Shatter because she wanted to talk to him because he
12 had lost his job, or whatever.

13 113 Q. Now, you had pursued inquiries with Superintendent
14 Taylor --

15 A. Mm-hmm. 10:28

16 114 Q. -- at which you got answers to all of your questions,
17 is that correct?

18 A. Yes.

19 115 Q. And was that the extent and the full extent of your
20 knowledge then about the original investigation or the 10:29
21 original allegation?

22 A. That was the full extent, yes.

23 116 Q. Now, I do want to give you an opportunity to refute a
24 matter that has been referred to by -- in a submission
25 to the Tribunal and referred to in the opening of the 10:29
26 Tribunal; any suggestion that you had access to the
27 Garda investigation file, can you just state your
28 position in relation to that?

29 A. I am aware of that allegation that's been made and it's

1 completely and absolutely without truth. It's
2 completely baseless.

3 117 Q. And you have obviously, therefore, never seen any part
4 of the investigation file nor were given access to it
5 at any time? 10:29

6 A. My only knowledge of this really came from when I got
7 the phone call in March of 2014.

8 118 Q. And having got the confirmation of different matters
9 from Superintendent Taylor, did you interest yourself
10 in the story after that in any way? 10:30

11 A. No.

12 119 Q. And apart from facilitating Ms. D in this personal way
13 in arranging the meetings, did you have any other
14 involvement in any issue relating to Sergeant McCabe?

15 A. No. 10:30

16 120 Q. Did you write anything about him thereafter?

17 A. Probably last year when the report came out, there was
18 some general reportage about the O'Higgins Report, that
19 would be about it.

20 121 Q. And after you had interviewed Ms. D, did you discuss 10:30
21 her interviews with any member of the Guards --

22 A. No.

23 122 Q. -- or brief anyone in any senior position about them?

24 A. No.

25 123 Q. Did you go back to Detective Superintendent O'Reilly 10:31
26 and discuss what had happened or what you had gleaned
27 or what she had said or --

28 A. No. Because, as I said, when Detective Superintendent
29 O'Reilly contacted me it was very clear he didn't

1 want -- he didn't want to know, he didn't want to be
2 involved.

3 124 Q. Okay. well, do you know whether he and she had spoken
4 about the matter at all?

5 A. No. 10:31

6 125 Q. You did obviously say, Mr. Williams, that you had heard
7 sort of vague rumours about Sergeant McCabe. Can you
8 tell the Tribunal where you heard them from or when you
9 heard them?

10 A. No, I can't. 10:32

11 126 Q. And is that because you don't recall?

12 A. I don't recall. They were just there, you are just
13 aware of them. I don't know where, nobody briefed --
14 one of the things that has come up in relation to this
15 is that people were briefed. I was never briefed by 10:32
16 Dave Taylor or Nóirín O'Sullivan or Martin Callinan or
17 any of them. It's not the way it would happen with me.

18 127 Q. well, are you saying that you heard this, these rumours
19 then from other journalists or from people who weren't
20 guards or -- 10:32

21 A. I can't recall because it was out there. It was a
22 vague rumour that there was a grievance, that this was
23 not just out of the blue, that there was a history to
24 it. There was a lot of bad blood apparently in
25 Bailieboro between Gardaí. 10:33

26 128 Q. Just in terms of assisting the Chairman, did you hear
27 these in 2007 or subsequent years or --

28 A. I think it was only around the time of 2014 when it
29 became -- you know, it started being talked about.

1 **MR. MCGUINNESS:** Thank you, Mr. Williams. Would you
2 answer any questions that anyone else may have?

3

4 **MR. WILLIAMS WAS CROSS-EXAMINED BY MR. MCDOWELL AS**
5 **FOLLOWS:**

10:33

6 129 Q. **MR. MCDOWELL:** Good morning, Mr. Williams. Michael
7 McDowell is my name, I think you know me already.
8 Could I ask you, do I understand from your evidence
9 that your first involvement in all of this, apart from
10 hearing vague rumours, was when Mr. D contacted you, is 10:33
11 that right?

12 A. That's right.

13 130 Q. And was that before or after you had spoken to
14 Detective Superintendent O'Reilly?

15 A. Superintendent O'Reilly rang me to tell me that I 10:34
16 was -- that he passed on my number, would I take a call
17 from a colleague of his, who was Mr. D, who he
18 identified as Mr. D, and that was the first.

19 131 Q. And did Superintendent O'Reilly inform you in any way
20 why he was passing on your phone number? 10:34

21 A. He said because the parents and the daughter wanted to
22 speak to me.

23 132 Q. I see. And did he identify who the parents were and
24 who the daughter was at that time?

25 A. Yes. 10:34

26 133 Q. And did their names mean anything to you?

27 A. I didn't know their names before that, no.

28 134 Q. I see. So he identified Mr. D, Mrs. D and Ms. D?

29 A. Yeah. He said it was the connection with the Maurice

1 McCabe.

2 135 Q. I see. So, you knew that it was in relation to Maurice
3 McCabe that they were contacting you, is that right?

4 A. That's right.

5 136 Q. And as a result of that, as I understand your evidence, 10:35
6 you say you went and spoke to Mr. and Mrs. D, is that
7 right?

8 A. That's right.

9 137 Q. And you spoke to them in their home?

10 A. That's correct. 10:35

11 138 Q. You are telling the Tribunal that they were very wary
12 about any involvement by their daughter with the media,
13 is that right?

14 A. They said that the reason she had decided to speak was
15 because a number of journalists had arrived at their 10:35
16 home uninvited and unannounced and she felt very under
17 pressure as a result of that.

18 139 Q. I see. And that she wanted to speak to you about these
19 matters?

20 A. That's correct. 10:35

21 140 Q. And did you go into detail about the background with
22 them?

23 A. I didn't go into the detail of the allegations at the
24 time. This was the meeting I had on the Wednesday
25 night you are on about? 10:36

26 141 Q. Yeah. So when you went down on -- well, I mean, let's
27 be clear about this. Did you understand from your
28 conversation with them that there was an allegation of
29 sexual abuse against Sergeant McCabe?

1 A. Yes.

2 142 Q. I see. So they did tell you that?

3 A. Yes, but they didn't go into the details of what the
4 allegation was.

5 143 Q. I see. So am I to take it then that when you went down 10:36
6 on the occasion that she was back home, you knew that
7 you were going to conduct an interview with her in
8 relation to an allegation of sexual abuse against
9 Sergeant McCabe?

10 A. That's correct. 10:37

11 144 Q. And you obtained the service of a videographer, is that
12 right?

13 A. That's correct.

14 145 Q. And he was or she was an INM person, isn't that right?

15 A. That's correct. 10:37

16 146 Q. And did you tell -- who was your editor at the time?

17 A. I think it was Claire Grady.

18 147 Q. Was editor of the newspaper. Did you tell her what you
19 were going to do?

20 A. I can't recall if I did. I probably would have more 10:37
21 than likely told the news editor.

22 148 Q. Who was the news editor at the time?

23 A. I think it might have been -- 2014 -- probably Kevin
24 Doyle, maybe.

25 149 Q. I see. And I take it that you had to justify bringing 10:37
26 down a videographer to an interview and that you would
27 have told them that you were going to conduct an
28 interview with Ms. D in relation to an allegation of
29 sexual abuse against Sergeant McCabe?

1 A. Having a videographer is the same as having a
2 photographer, much the same. And I was going down to
3 interview this woman, there was no more great detail
4 about it than that, because I work from home, I do my
5 own thing. 10:38

6 150 Q. Well, I asked you, and maybe you would confirm, did you
7 tell either your news editor or your editor that you
8 were proposing to conduct an interview with Ms. D in
9 relation to an allegation of sexual abuse against
10 Sergeant McCabe? 10:38

11 A. I probably told the news editor, yeah. I can't recall.

12 151 Q. I see. So when you travelled down either on the 8th or
13 9th of March -- I think it's 8th is what you said in
14 your statement, is that right? It doesn't matter.

15 A. It's a Saturday, I think. 10:39

16 152 Q. Of 2014. You again met Ms. D's parents?

17 A. Yes.

18 153 Q. And then you interviewed her alone, is that right?

19 A. Yes.

20 154 Q. Did you -- I think you told the Tribunal that you had
21 an interview without the video camera operating, is
22 that right? 10:39

23 A. Basically, I talked to her initially because she told
24 me -- I didn't -- if you watched the video, you will
25 notice that the actual allegation she made against
26 Sergeant McCabe are not included in that. She told me
27 what the nature of her complaint was, that was
28 basically it. 10:39

29 155 Q. I see. And that was done, did you take notes of that?

1 A. I did, yes.

2 156 Q. I see. And did you produce those notes to the
3 Tribunal?

4 A. No.

5 157 Q. Was there any particular reason why you didn't? 10:40

6 A. I wasn't asked.

7 158 Q. I see. So, you say that you then conducted an
8 interview on camera with her?

9 A. That's correct.

10 159 Q. Is that right? Was there any particular reason why the 10:40
11 detail of the sexual abuse allegation wasn't recorded
12 on camera?

13 A. I don't think there was any particular reason. I asked
14 her -- I wanted her to -- if you look at the tape, I
15 asked her why was she deciding to speak out about this, 10:40
16 what were her concerns about the investigation.

17 160 Q. Well, we have what you asked her on transcript, but I'm
18 asking you was she reluctant to deal with the detail on
19 camera --

20 A. No. 10:41

21 161 Q. -- or were you reluctant deal with that detail?

22 A. No, it was just purely the way -- the questions I asked
23 her, I just asked her, we ran through it: Tell me why
24 you are coming out -- you can see the way the interview
25 runs, it's an organic development, it just runs 10:41
26 through.

27 162 Q. Well, it's not the case that you avoided that issue on
28 camera deliberately?

29 A. No.

1 163 Q. And you don't think she did either?
2 A. No.
3 164 Q. I see. Now, we have the transcript of what she told
4 you on camera. Have you read it through yourself?
5 A. I read it very briefly there about last week sometime. 10:41
6 165 Q. I think your solicitors prepared it, isn't that right?
7 A. Yes.
8 166 Q. On that subject, your solicitor is Mr. Kelly, is that
9 right?
10 A. That's correct. 10:42
11 167 Q. Can you tell the Tribunal how it is that you and the D
12 family are represented by the same solicitor? Did you
13 suggest Mr. Kelly to them?
14 A. Yes, I did, in February of this year.
15 168 Q. Yes. And you say that, having concluded the video 10:42
16 interview, you returned to Dublin with the
17 videographer, is that right?
18 A. That's correct.
19 169 Q. And what were the next steps that you took in relation
20 to this story? 10:42
21 A. I contacted Superintendent Taylor in the Garda Press
22 Office.
23 170 Q. When did that happen?
24 A. Oh, I don't have a record of when it happened but it
25 would probably have been the subsequent week. 10:43
26 171 Q. I see.
27 A. I don't recall.
28 172 Q. And you said in your statement to the Tribunal that you
29 had a list of questions?

1 A. That's correct.

2 173 Q. Did you send him that list of questions by text or
3 email?

4 A. No, I rang him.

5 174 Q. I see. So you had your own -- you had a list in front 10:43
6 of you, is that right, of questions?

7 A. Well, they were very straightforward questions in my
8 head, yeah.

9 175 Q. And Superintendent Taylor wasn't given advance notice
10 of them? 10:43

11 A. No.

12 176 Q. I see. And do I take it that he was able to respond as
13 best he could to the questions you put to him in the
14 telephone call?

15 A. He would have come back to me sometime later, I don't 10:44
16 know how long.

17 177 Q. Well, which was it?

18 A. Pardon?

19 178 Q. Which was it?

20 A. Which was what? 10:44

21 179 Q. Was he in a position to answer your questions or did he
22 say, look, I will have to check all this out?

23 A. No, it was subsequent, he came back to me, he took the
24 questions, which was the normal procedure, and he went
25 away and obviously did research or whatever. 10:44

26 180 Q. And came back to you?

27 A. Yeah.

28 181 Q. And did you have any discussion with him about whether
29 he would be able to answer your questions?

1 A. I told him what the questions were and I gave them to
2 him and that's -- there was no discussion whether he
3 could or couldn't answer them. He said he'd come back
4 to me. That is the standard procedure with these
5 things. 10:44

6 182 Q. Now, can we stop there and consider in the abstract?
7 If an allegation were made against you or me that some
8 20 years ago we had abused a child and a colleague
9 reporter of yours rang up the press office of An Garda
10 Síochána to inquire whether such an allegation was 10:45
11 made, whether there was a prosecution, whether the DPP
12 gave directions, and it turned out that the matter was
13 the subject of a ruling by the Director of Public
14 Prosecutions that there was no case to answer, do you
15 consider that a colleague of yours would be told that 10:46
16 as a matter of course by the Garda Press Office?

17 A. I would presume so. I don't know. This is one
18 specific case. I asked the questions, they are the
19 answers I got.

20 183 Q. Did it not strike you that this was highly confidential 10:46
21 information that you were asking for?

22 A. I asked the questions, which is the normal procedure.
23 I asked the Garda press officer if he could have come
24 back and he said he couldn't comment.

25 184 Q. I was putting to you, did it not strike you that this 10:46
26 was highly confidential information that you were
27 asking Inspector or Superintendent Taylor to give you?

28 A. would be confidential information, I would be asking
29 questions like that every day of the week.

1 185 Q. Well, do you believe it was confidential information?
2 If you or I were the subject of an accusation of that
3 kind and the DPP said there was no case to answer, do
4 you believe that any press reporter can ring up 20
5 years later and get chapter and verse in relation to 10:47
6 what happened to such an accusation and confirmation
7 that such an accusation was made, investigated and
8 ruled against?

9 A. I asked a question, was there an investigation, was
10 there -- what did the DPP decide, who was involved, 10:47
11 because it was pertaining to an allegation of
12 malpractice by the original complainant.

13 186 Q. I see. Now, I am asking you again, for the third time,
14 do you believe it was confidential information that you
15 were seeking? 10:47

16 A. It was confidential information at that stage, yeah.
17 The complainant, Ms. D's information was confidential
18 and she had imparted that information to me, and had
19 claimed that there was a case of malpractice.

20 187 Q. Now, I am trying to understand in relation to 10:48
21 Superintendent Taylor, do you believe that he was free
22 to give out that information to you on the phone
23 without any question of confidentiality arising?

24 A. That is a matter entirely for Superintendent Taylor.

25 188 Q. Well, did it surprise you that he confirmed that an 10:48
26 accusation had been made against Sergeant McCabe some
27 ten years previously?

28 A. No. Because he confirmed that the Director of Public
29 Prosecutions --

1 189 Q. Let's be accurate, some seven years previously.
2 A. He confirmed that the Director of Public Prosecutions
3 ruled that there was no case to answer.
4 190 Q. Did it surprise you that he was in a position to tell
5 you that? 10:49
6 A. I didn't think about it.
7 191 Q. Well, put yourself in the position of somebody against
8 whom a complaint was made. Would you expect that I or
9 any journalist could ring up the press officer of An
10 Garda Síochána and ask is it true that Paul Williams 10:49
11 was the subject of a sexual abuse allegation seven
12 years ago? Do you think I would get an answer?
13 A. You could certainly ask it.
14 192 Q. Do you think I'd get an answer, is the question?
15 A. I don't know, I presume you would. 10:49
16 193 Q. You consider that the Gardaí will confirm to any member
17 of the press, any allegation of sexual abuse that was
18 made against a member of the public in circumstances
19 where it was determined that there was no case to
20 answer by the DPP? 10:50
21 A. That is an issue you would have to ask David Taylor.
22 194 Q. No. I am asking you about your attitude to the matter.
23 Superintendent Taylor --
24 A. Journalists ask questions every day of the week.
25 195 Q. Yes. 10:50
26 A. And we will keep asking them until we get answers and
27 sometimes you don't get answers.
28 **MR. FANNING:** Chairman, before Mr. McDowell persists
29 with this line of inquiry, he has twice received an

1 answer from the witness that it's really a matter for
2 Superintendent Taylor, and I am not sure why it's
3 appropriate for Mr. McDowell to continue to badger the
4 witness on questions that are more appropriately
5 answered by Superintendent Taylor or others in An Garda 10:50
6 Síochána. The witness is not answerable for their
7 actions in imparting information to journalists.
8 **CHAIRMAN:** Well, Mr. Fanning, I don't for a start
9 believe that Mr. Williams is being badgered by
10 Mr. McDowell and I don't think Mr. Williams believes 10:50
11 that either. But secondly, there is a legitimate
12 question here being pursued and where it goes I don't
13 know, but I'm sure it will all continue very calmly, as
14 it has.

15 196 Q. **MR. MCDOWELL:** Now, you see, I am suggesting to you 10:51
16 that this plainly was confidential information, and it
17 would be confidential in the scenario painted by
18 yourself or myself; that nobody is entitled to ring up
19 the Guards and ask them was an allegation made seven
20 years ago of sexual abuse against a named individual 10:51
21 and have it confirmed.

22 A. As I say, I ask questions for a living and if people
23 wish to answer them, they will answer them. If they
24 don't want to answer them, they don't answer them.

25 197 Q. Yes. Well, put it this way: Did it surprise you that 10:51
26 you did get answers of the kind you did?

27 A. I don't think I was surprised with anything. I just
28 got the answer. The answer was that it confirmed that
29 the investigation had taken place, who had been

1 involved in it and that the DPP had ruled there was no
2 case to answer.

3 198 Q. Well, what were you told about the DPP's direction?
4 A. I was told there was insufficient evidence.

5 199 Q. Well, it wasn't no case to answer, isn't that right? 10:52
6 A. Well, that is insufficient evidence. No case to
7 answer.

8 200 Q. I see. It's the same thing, is it?
9 **CHAIRMAN:** Well, I am not sure it is the same thing.
10 Insufficient evidence may be that, if you go to court 10:52
11 you are highly likely to lose. No case to answer may
12 be that there was no offence committed. Like, for
13 instance, stealing your own umbrella, that is no case
14 to answer. But that's perhaps splitting hairs.

15 201 Q. **MR. MCDOWELL:** I think you told the Tribunal's 10:52
16 investigators that you pressed Superintendent Taylor on
17 the DPP's directions.

18 A. I did, yeah. I asked a few -- I asked a number of
19 times what was the basis for which this case wasn't
20 going ahead, or which was -- there was no charges. 10:53

21 202 Q. And he had gone off to research it, is that right?
22 A. I think he did, yes.

23 203 Q. And did he come back to you and say that the
24 allegations didn't constitute a sexual assault or
25 indeed an assault at all? 10:53
26 A. No.

27 204 Q. Perhaps you would look at page 1 of the documents. You
28 asked Superintendent Taylor to give you an account of
29 what the Director of Public Prosecutions had directed

1 in this case?

2 A. Yes.

3 205 Q. You weren't told that the terms of that direction, is
4 that right?

5 A. That's right.

10:54

6 206 Q. Can you -- have you seen that now in front of you?

7 A. I have, yes.

8 207 Q. Were you misled about the nature of the DPP's
9 directions?

10 A. I was told that the DPP said there was to be no charges
11 preferred. That is the first time I have seen that
12 letter there.

10:54

13 208 Q. I see. Now --

14 **CHAIRMAN:** Maybe you would just be so kind as to
15 identify that, because you know what page 1 is,
16 Mr. McDowell, I know do as well.

10:54

17 **MR. MCDOWELL:** Sorry, yes, this is a letter, just for
18 the record, from the Liz Howlin, a professional officer
19 in the DPP's Office to the State Solicitor for County
20 Cavan dated 5th April 2007. And it reads:

10:55

21

22 *"Dear Sir*

23 *I acknowledge receipt of your letter dated 1st March*
24 *2007 together with copy investigation file.*

25 *I agree with you and the Guards that the evidence does*
26 *not warrant a prosecution. There are no admissions,*
27 *the incident as described by the injured party is*
28 *vague. It appears that it was only when she was*
29 *eleven/twelve that she decided that whatever occurred*

10:55

1 *was sexual in nature. Even if there wasn't a doubt*
2 *over her credibility, the incident that she describes*
3 *does not constitute a sexual assault or indeed an*
4 *assault.*

5 *Further, the account given to her cousin [blank]* 10:55
6 *differs in a number of respects to that given to her*
7 *parents and the Guards.*
8 *There is no basis for a prosecution."*

9

10 Now, did Superintendent Taylor give you any hint that 10:55
11 that was the force and substance of the DPP's
12 direction?

13 A. No.

14 209 Q. He had gone off to research the matter and came back to
15 you, isn't that right? 10:56

16 A. That's correct.

17 210 Q. If he had told you that that was the gravamen of the
18 DPP's direction, would it have affected you in any way?

19 A. You would certainly take a different view of it, yes.

20 211 Q. Mmm? 10:56

21 A. You would certainly take a different view.

22 212 Q. A different view of it, yes. So you asked him on the
23 phone to give you the DPP's direction and he left you
24 with a very different impression, didn't he?

25 A. That's correct. 10:56

26 213 Q. Now, in your statement you said:

27

28 *"I decided that we wouldn't run the story Ms. D had*
29 *given us because it would have been that Maurice McCabe*

1 218 Q. I see.

2 A. As I said, I wasn't going down that road.

3 219 Q. And can I ask you, did you seek legal advice in respect
4 of the story? You needn't tell us what the legal
5 advice is, but did you seek legal advice in respect of 10:59
6 the story that was published, or did your editors?

7 A. Any story that is going to be published will be
8 legalised.

9 220 Q. And when you published the stories you published, did
10 you understand yourself that a lot of people would 10:59
11 infer that it was Sergeant McCabe that was being
12 written about, in view of the rumours that you said you
13 had heard yourself?

14 A. No. The story was deliberately heavily anonymised.

15 221 Q. At what point did Superintendent Taylor tell you that 11:00
16 this matter was known to senior Gardaí in the Park and
17 to members of the government?

18 A. It would have been in one of the phone calls that I
19 made to him over and back in the period subsequent to
20 me meeting Ms. D. 11:00

21 222 Q. And in what context did he make that statement to you?

22 A. It was a throwaway remark.

23 223 Q. That your story was known to members of the government?

24 A. No, not my story, that this case was known. This was
25 before anything was written, anywhere. 11:00

26 224 Q. Well, what did you understand he was telling you was
27 known to members of the government and to senior
28 members of An Garda Síochána in Phoenix Park?

29 A. That there had been an investigation at some stage in

1 the past. As I say, it was throwaway remark, it was
2 very vague.

3 225 Q. Into what?
4 A. Pardon?

5 226 Q. Into an allegation of sexual assault against Sergeant 11:01
6 McCabe?
7 A. Yes.

8 227 Q. And you say that that was a throwaway remark made by
9 Superintendent Taylor to you?
10 A. Yes. 11:01

11 228 Q. Now, you published a story on the 12th of April, is
12 that right?
13 A. That's correct.

14 229 Q. And the headline was "GIRL WANTS NEW PROBE INTO ALLEGED
15 SEX ASSAULT BY GARDA". 11:01
16 **CHAIRMAN:** Mr. McDowell, if you wouldn't mind, if we
17 are referring to it, if you wouldn't mind giving me a
18 page.
19 **MR. MCDOWELL:** It's page 748, Judge, in the book.

20 **CHAIRMAN:** And you can get that out then on the screen 11:02
21 in front of you, Mr. Williams.

22 230 Q. **MR. MCDOWELL:** You have that story in front of you, is
23 that right?
24 A. That's correct.

25 231 Q. And it says at one stage: 11:02
26
27 *"The woman has demanded that her investigation be*
28 *reopened in the wake of allegations by the Garda*
29 *whistleblowers that a dossier of cases, including rape*

1 *and assault offences, was not properly investigated."*

2 A. That's correct.

3 232 Q. *"She wants her case looked at again in a similar*
4 *fashion to those being reviewed by Seán Guerin, senior*
5 *counsel, on foot of a dossier of alleged systemic Garda* 11:03
6 *malpractice compiled by whistleblowers, Maurice McCabe*
7 *and John Wilson."*

8 A. That's correct.

9 233 Q. And then you say: *"The woman is also seeking a meeting*
10 *with Fianna Fail leader Micheál Martin who brought the* 11:03
11 *whistleblowers' file to the Taoiseach's attention last*
12 *month."*

13 A. Correct.

14 234 Q. So you were in fact signalling to members of the public
15 that although a meeting of that kind had not yet been 11:03
16 arranged, she was seeking to have that meeting?

17 A. That's correct.

18 235 Q. You would expect that Micheál Martin would have seen
19 that reference to him in the media, isn't that right?

20 A. I am sure he did. 11:04

21 236 Q. And known what was coming when you brought her to meet
22 him?

23 A. Yes.

24 237 Q. Now, you quote her saying: *"I don't think the people*
25 *who were involved in the investigation were impartial.* 11:04
26 *I honestly think it was brushed under the carpet, which*
27 *is why the incident was not even recorded on the PULSE*
28 *system. The investigation was a farce."*

29 A. That is what she claimed.

1 238 Q. And you attribute those words and quotes to her?
2 A. Yeah.

3 239 Q. So they don't appear in the -- on the video transcript,
4 so you had noted that down in the interview yourself,
5 is that right? 11:04

6 A. This was, the issue about PULSE was raised subsequent
7 over the previous three/four weeks, the subsequent
8 three or four weeks after the interview, original
9 interview.

10 240 Q. And then you write towards the end of the article: 11:04
11 *"The whistleblowers' controversy brought back to me the*
12 *whole anger about what happened to me and reinforced*
13 *the reason that I hadn't originally come forward*
14 *because I was afraid of not being believed."*

15 A. That's correct. 11:05

16 241 Q. Wasn't that a very clear coat-trailing exercise, to
17 link the matter to Sergeant McCabe?

18 A. No, it wasn't.

19 242 Q. I have got to suggest to you it was, and that it was
20 deliberate? 11:05

21 A. No, it wasn't.

22 243 Q. And then you say: *"Last night a Garda spokesman said*
23 *he could not comment."*

24

25 That was a complete invention, wasn't it? Because a 11:05
26 Garda spokesman had confirmed a whole series of matters
27 to you before you wrote that article.

28 A. He was not making an official comment.

29 244 Q. So what Superintendent Taylor told you was not for

1 attribution and off the record, was that it? why
2 didn't you say "The Gardaí have confirmed the girl's
3 story"?

4 **CHAIRMAN:** Where is that?

5 **MR. MCDOWELL:** It's at the very end, Judge, of page 11:06
6 753.

7 **CHAIRMAN:** We are on a different page now.

8 **MR. MCDOWELL:** 753, Judge.

9 **CHAIRMAN:** That is the second article, I think.

10 **MR. MCDOWELL:** Oh, sorry. No, sorry it's at the end of 11:06
11 749 as well, Judge.

12 245 Q. So are we to take it --

13 **CHAIRMAN:** I am sorry, I can't find it, I beg your
14 pardon. Just give me the sentence before it.

15 **MR. MCDOWELL:** *"Last night a Garda spokesman said he 11:06
16 could not comment."*

17 **CHAIRMAN:** Then it says in my version: *"Irish
18 Independent. Follow at irishindependent.ie."*

19 **MR. MCDOWELL:** Yes, that is the text, Judge.

20 **CHAIRMAN:** Oh, right, okay. 11:07

21 **MR. MCDOWELL:** That is what is in the Tribunal's
22 records.

23 246 Q. But that was published in hard copy, as well, wasn't
24 it, at the time?

25 A. Yes. 11:07

26 247 Q. And I just have to ask you, why did you not say that
27 this story was confirmed, the detail of this story had
28 been confirmed to you by a Garda spokesman?

29 A. Because it's the Ms. D we were focused on. It was

1 Ms. D's allegation.

2 248 Q. But surely if the reader was trying to make anything of
3 this allegation, the fact that the Gardaí had confirmed
4 to you that such an accusation had been made, was of
5 relevance to your reader? 11:08

6 A. Say again.

7 249 Q. Surely it was of relevance to your reader that you had
8 had confirmation of the accusation and of the Director
9 of Public Prosecutions' directions from An Garda
10 Síochána itself? 11:08

11 A. What the superintendent confirmed was what I had been
12 told initially --

13 250 Q. Yes.

14 A. -- by Ms. D. It wasn't any new information.

15 251 Q. I see. Now, you said in your statement to the Tribunal 11:08
16 investigator:
17
18 *"Ms. D wanted her case looked at again. She felt her*
19 *allegations hadn't been taken seriously or investigated*
20 *properly. This guard, Cunningham, who investigated her* 11:09
21 *allegations was the man at the centre of Maurice*
22 *McCabe's allegation and there were widespread claims*
23 *that sexual assault cases had not been investigated*
24 *properly in the Cavan-Monaghan area."*

25 11:09

26 How did you know that?

27 A. Because it was publicised everywhere.

28 252 Q. I see.

29 A. And also, it was in the interview that I conducted with

1 her on tape.

2 253 Q. Now, on the --

3 **CHAIRMAN:** It's in the O'Higgins Report as well. I
4 mean, it doesn't make pleasant reading, the O'Higgins
5 Report. The girl was dragged down the laneway, I mean 11:09
6 what was that about?

7 **MR. MCDOWELL:** But the O'Higgins Report, Judge, hadn't
8 occurred at this stage.

9 **CHAIRMAN:** No, no, I appreciate that, but that was --

10 **MR. MCDOWELL:** Yes. 11:09

11 254 Q. On 15th April 2014 you published another story, is that
12 right?

13 A. I believe so, yes.

14 255 Q. And on this occasion you say: "ALLEGED GARDA SEX
15 VICTIM WANTS TO MEET MARTIN." 11:10

16 A. Mm-hmm.

17 256 Q. Now I take it that at that stage no arrangement had
18 been confirmed to meet Micheál Martin?

19 A. I don't recall.

20 **CHAIRMAN:** So article two is on page 752. 11:10

21 257 Q. **MR. MCDOWELL:** 752 and 753. And you say in that:
22
23 *"The Fianna Fail leader has already brought a dossier
24 of alleged garda malpractice cases to the Taoiseach's
25 attention.*
26
27 *Now the woman wants to meet Mr Martin in order to
28 highlight her own case and outline claims that her
29 allegations of being sexually assaulted by the*

1 *still-serving garda were not properly investigated.*
2
3 *Yesterday, contact was made with Mr. Martin's office in*
4 *order to set up a meeting with him, and she is awaiting*
5 *a response."*
6
7 This is under your own name.
8 A. Mm-hmm.
9 258 Q. But it was you who had made that contact?
10 A. On her behalf, yes. 11:11
11 259 Q. I see. And she was awaiting a response?
12 A. That's correct.
13 260 Q. So on 12th you'd said that she would be seeking a
14 meeting and on the 15th you publish another article
15 increasing the pressure on Mr. Martin, isn't that 11:11
16 right, by saying that yesterday contact was made with
17 his office and that she was awaiting a response? Do
18 you think that is normal journalistic activity?
19 A. It was reporting what was going on at the time.
20 261 Q. It was deceiving the reader into believing that you 11:12
21 were a journalist reporting on events when in fact you
22 were orchestrating events, isn't that right?
23 A. No. I wasn't orchestrating any events. I have done it
24 before and I would do it again for people I have dealt
25 with; to organise meetings with politicians if they 11:12
26 wanted to be heard. She wanted to be heard.
27 262 Q. Yes. And you were putting into the public domain on
28 12th and on 15th of April of that year, that she was
29 seeking these meetings and that contact was being made

1 by -- with Mr. Martin's office, while suppressing the
2 fact that it was you yourself who were trying to
3 arrange these meetings?

4 A. I was asked to get in contact with Micheál Martin's
5 office by this young woman as she wanted to speak to 11:13
6 him. That was all I had to do with it. I wasn't
7 orchestrating anything. I have done the same for
8 Paudie McGahan, I have done the same for the family of
9 Joseph Rafferty, I sat with the SDLP, I sat down with
10 Fine Gael, I sat down with Fianna Fáil. I brought 11:13
11 people in, they asked, in a situation like that and
12 they wanted to speak, then the journalist will help
13 them. She just wanted an audience, she wanted somebody
14 to talk to. Where it went after that was a totally
15 different story. 11:13

16 263 Q. On this occasion, you have a headline headed:

17
18 "FARCE

19 *She told the Irish Independent yesterday: 'The fact*
20 *that the original complaint and the subsequent*
21 *investigation were not recorded on the garda's PULSE*
22 *system, I believe was done in an effort to cover it up,*
23 *and I want this fully investigated.'*

24
25 *It is mandatory for gardaí to record all criminal*
26 *complaints on PULSE. The woman added: 'I honestly*
27 *think that it was just brushed under the carpet which*
28 *is why the incident was not even recorded on the PULSE*
29 *system. The investigation was a farce.'"*

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Now, that is untrue as well, because you'd reported that as having happened three days earlier, isn't that right? So it wasn't a statement that was made to you yesterday.

11:14

A. This was her belief, her contention.

264 Q. No, but you attributed a quote which you had already published as having been repeated to you the previous day. Isn't that an invented quote -- or a repetition, freshened up to make it look as if it's news -- it's fresh news?

11:15

A. No.

265 Q. Well, what is the reference to "*She told the Independent yesterday*"?

A. She was obviously repeating what she had said three days beforehand as well.

11:15

266 Q. Sorry, it's the exact same words. You are rehashing the same thing and claiming it had been repeated to you the previous day, isn't that right? Did you, in the course of your video interview, say to Ms. D "*It would appear from an examination of Maurice McCabe's case so far that it was as a result of this investigation into your allegations of assault that he started compiling, taping conversations, compiling evidence of various wrongdoing or alleged wrongdoing in An Garda Síochána, so it is obvious though at the same time then that he feels, he felt so aggrieved by the allegations you made against him that he felt it necessary to begin taping and compiling evidence against his colleagues to*

11:15

11:16

1 expose."

2 **CHAIRMAN:** well, maybe just give us a page number
3 please.

4 **MR. MCDOWELL:** That is in the transcript, Judge.

5 **CHAIRMAN:** I appreciate it, but I have got to go back 11:16
6 to it, and also it has to come up on the screen. So if
7 we have a page number it would help everybody.

8 **MR. MCDOWELL:** 3193 is the number it's now been given,
9 Judge.

10 **CHAIRMAN:** Have you got that in front of you there, 11:16
11 Mr. Williams?

12 A. Yes.

13 **MR. MCDOWELL:** Sorry it's at 3193 and it's 3199 I think
14 is where this appears.

15 **CHAIRMAN:** 3199? 11:17

16 **MR. MCDOWELL:** Yes.

17 **CHAIRMAN:** Do you see the bit?

18 A. Yes, I see it, Chairman, yes.

19 **CHAIRMAN:** Yes. Effectively what you seem to be saying
20 to the young lady is: This is a case of a garda having 11:17
21 a grievance because an allegation was made against
22 him --

23 A. That's right.

24 **CHAIRMAN:** -- and this is a diversion of some variety,
25 I don't know whether you were making a statement or 11:17
26 asking a question but that is the bit that is focused
27 on.

28 A. I see it.

29 267 Q. **MR. MCDOWELL:** where did you get that idea from?

1 A. After sitting down with the parents, for a start, and
2 hearing what I was told on the two occasions, on that
3 day and the previous time, that this might explain what
4 this was about.

5 268 Q. And you put it to her that it would appear from an 11:18
6 examination of his case so far that that was so.

7 A. That's correct, yes.

8 269 Q. And did you, was that your examination or her
9 examination?

10 A. No, that was -- it was a question I put to her as I was 11:18
11 speaking to her, whatever way it was worded. I think
12 her dad would have said that as well.

13 270 Q. Can we take it that was before you ever spoke to
14 Superintendent Taylor?

15 A. That was before I spoke to Superintendent Taylor, yes. 11:18

16 271 Q. So where were you getting that information from?

17 A. Based on what I have just been told by Ms. D and her
18 family, it would suggest that this may be the reason
19 why he had difficulties with his own authorities, that
20 the way he was treated. 11:19

21 272 Q. I see. Now, I think the Tribunal doesn't have in its
22 documents, but we have downloaded a newspaper article
23 by yourself on Wednesday the 16th April -- have we
24 copies of it?

25 **CHAIRMAN:** 2014, is it? 11:19

26 **MR. MCDOWELL:** 2014, yes.

27 **CHAIRMAN:** I think Mr. Williams should have a copy if
28 we wouldn't mind. It's more important. Thanks. [SAME
29 HANDED]

1 **MR. FANNING:** Perhaps the legal teams could be
2 distributed a copy of the article before the questions
3 are put.

4 **CHAIRMAN:** Yes. I don't know if you can whip this up
5 on the internet in front of you, Mr. Fanning. I think 11:20
6 it's open access for the *Irish Independent* as far as I
7 am aware. And it is, just so as we can make progress,
8 April 16th, 2014, edition 3, national edition.

9 **MR. FANNING:** Perhaps if we could just have the
10 headline. 11:20

11 **MR. MCDOWELL:** *"FF LEADER TO MEET WOMAN AT CENTRE OF*
12 *CLAIMS SHE WAS ABUSED BY GARDA."*

13 **MR. FANNING:** I have it now, thank you very much.

14 **MR. MCDOWELL:** It reads: *"A young woman who claims she*
15 *was sexually assaulted as a child by a serving garda* 11:20
16 *has described how the incident sent her on a "downward*
17 *spiral" that resulted in two suicide attempts."*

18 **MR. DIGNAM:** Chairman, can I just say, the copy of the
19 article we have been provided seems to be a different
20 article. It's in fact dated 3rd of May. 11:21

21 **CHAIRMAN:** It's Wednesday, April 16th.

22 **MR. DIGNAM:** Yes. The article that Mr. McDowell has
23 circulated is in fact dated 3rd May with a different
24 headline.

25 **CHAIRMAN:** It says April 16, 2014, Wednesday edition. 11:21

26 **MR. MCDOWELL:** There is another one on 3rd of May,
27 Judge. But I am dealing with the one on April 16th.

28 **CHAIRMAN:** Well, people are going on about e-courts now
29 all the time, so I think I am going to have to trust

1 people to whip it up on the net.

2 273 Q. **MR. MCDOWELL:** *"A young woman who claims she was*
3 *sexually harassed as a child by a serving garda has*
4 *described how the incident sent her on a "downward*
5 *spiral" that resulted in two suicide attempts."*

11:21

6

7 Now, did you have her authority to publish that?

8 A. I believe so, I did.

9 274 Q. Mmm?

10 A. I believe so.

11:22

11 275 Q. Did you tell her you were going to put that into the
12 newspapers?

13 A. Yes.

14 276 Q. *"The woman claims the assault took place when she was*
15 *six years old in the garda's home during a Christmas*
16 *party in 1998 and the original investigation into her*
17 *complaint was flawed.*

11:22

18

19 *Fianna Fail leader Micheál Martin has agreed to meet*
20 *her next week to discuss the latest disturbing*
21 *allegation of Garda malpractice to be made public.*

11:22

22

23 *Referring to the alleged attack the woman said: 'Our*
24 *two families were friends at the time and we were over*
25 *for a party. He (the garda) was playing hide-and-seek*
26 *with us, including his own children.*

27

28 *He caught me hiding in the sitting room on my own. He*
29 *closed the door and sexually assaulted me for what*

1 *seemed like a long time before anyone else came into*
2 *the room.'"*

3

4 Now, this was the first time that that allegation had
5 ever been made? 11:23

6 A. I don't have the copy of that article in front of me, I
7 don't remember it.

8 277 Q. This was the first time --

9 **CHAIRMAN:** I beg your pardon, Mr. Williams?

10 A. What date was that? 11:23

11 **CHAIRMAN:** Do you have it in front of you?

12 A. No, I have -- this is a different one here.

13 **MR. McDOWELL:** This is April 16th.

14 **CHAIRMAN:** I am sorry. Sorry, Mr. Kavanagh, would you
15 mind giving Mr. Williams that? [SAME HANDED] If you 11:23
16 wouldn't mind going back a wee bit there, Mr. McDowell.
17 Thank you. I think that is what we are referring to
18 now. So --

19 278 Q. **MR. McDOWELL:** *"Referring to the alleged attack, the*
20 *woman said: 'Our two families were friends at the* 11:23
21 *time, and we were over for a party. He (the garda) was*
22 *playing hide-and-seek with us, including his own*
23 *children.*

24

25 *He caught me hiding in the sitting room on my own, he* 11:23
26 *closed the door and sexually assaulted me for what*
27 *seemed a long time before anybody else came into the*
28 *room.'"*

29

1 Now, that is the first time that that allegation had
2 ever been made.

3 A. Yes.

4 279 Q. And is that a quote that she gave you before she gave
5 the video interview? 11:24

6 A. That would be correct, yeah, that was in terms of the
7 actual -- she talked about suicide in the tape but she
8 did speak about in detail, in the handwritten notes,
9 about what she alleged happened.

10 280 Q. *"The woman told the Irish Independent that she buried
11 the memory of what happened but it reemerged when she
12 says she went off the rails as a young teenager."* 11:24

13 A. That's correct.

14 281 Q. And then she goes on to say: *"I was running away from
15 home and self-harming. I tried to commit suicide a
16 couple of times. I felt I was completely on my own.
17 From 13 to 17 my life went into a complete downward
18 spiral. I had no self-worth and I was basically
19 looking to ruin my own life. I was having flashbacks
20 to that night for years."* 11:25

21
22 None of this had ever been published or stated by her
23 before.

24 A. That is what she told me.

25 282 Q. And you say that she gave you authority to publish
26 that, is that right? 11:25

27 A. Yes.

28 **CHAIRMAN:** Mr. McDowell, unless I am mistaken, as I
29 understand it the original allegation did not include

1 an allegation that the door was shut.

2 **MR. MCDOWELL:** Or that it went on for a long time. In
3 fact, quite the reverse.

4 **CHAIRMAN:** Yeah. And the original allegation mentioned
5 footsteps in the corridor as opposed to anybody coming 11:25
6 into the room.

7 **MR. MCDOWELL:** Exactly.

8 283 Q. So you weren't to know that this was quite different
9 from what she had alleged in 2007?

10 A. I didn't know -- I didn't have any access to what she 11:26
11 said in 2007.

12 284 Q. And it goes on: *"She ha doubts over whether the
13 officer concerned was properly questioned."* You didn't
14 know that he had been questioned under caution by the
15 investigating inspector? 11:26

16 A. No.

17 285 Q. And again, there is a repetition: *"The investigation
18 was a farce. I feel that because he was a garda they
19 treated him differently."* Is that right?

20 A. Mm-hmm. 11:26

21 286 Q. And then at the end she says: *"The woman said that the
22 assault claims had left her parents deeply traumatised
23 and in particular "has eaten up" her father who worked
24 with and trusted the garda allegedly involved."*

25 A. That's correct. 11:27

26 287 Q. Tell me, Mr. Williams, did it ever strike you that you
27 should make some efforts to validate the truth of those
28 charges?

29 A. The confirmation that the Director of Public

1 Prosecution wasn't proceeding with any charges was
2 confirmation; the allegations were made and there was
3 no charge to answer.

4 288 Q. I see. For instance, would you agree with me that to
5 take one person, or two people, Maurice and Lorraine 11:28
6 McCabe, they must have known that that article referred
7 to them?

8 A. I don't know.

9 289 Q. You don't know?

10 A. I don't know if he saw the article. 11:28

11 290 Q. Well, he would need to be very stupid indeed not to
12 know what was going on here, isn't that right? Did you
13 care for one minute about getting the other side of the
14 story?

15 A. This was an allegation that her case -- she wanted her 11:28
16 case involved in a group of malpractice inquiries that
17 was heavily anonymised.

18 291 Q. These were allegations which you were putting into the
19 public domain and you were giving the substance of her
20 complaint and you were saying to the Irish public that 11:29
21 this young lady who you had interviewed had been
22 sexually assaulted for what seemed a long time before
23 anybody else came into the room, and that the
24 perpetrator had closed the door and done this to her.
25 Did it ever occur to you to check out the truth of any 11:29
26 of that?

27 A. I had approached the Garda press office, Dave Taylor,
28 to ask him to confirm what had happened from an
29 official point of view and there was no case to answer.

1 292 Q. Did you put any of that to him or to Sergeant McCabe,
2 you knew you were speaking about Sergeant McCabe?
3 A. No.
4 293 Q. When you published it, it was legalised, was it not?
5 A. Yes. 11:29
6 294 Q. Were you asked whether you'd ever put any of this
7 material to the man about whom you were writing?
8 A. No.
9 295 Q. Is that because you and your editors had made the
10 decision that you would describe in detail, new detail, 11:30
11 an alleged sexual assault against a man who you knew
12 you were writing about but because you wouldn't use his
13 name it was safe to proceed without asking him for his
14 side of the story?
15 A. No. 11:30
16 296 Q. Well, why was it then? I take it that you normally do
17 ask for the other side of the story before you print
18 that kind of allegation?
19 A. If somebody is being identified, yes.
20 297 Q. Yes. And where somebody isn't identified you can just 11:30
21 put any old stuff into the paper, is that right,
22 without checking out its truth?
23 A. Ms. D wanted her case looked at again and to do that an
24 examination all of those issues would have been dealt
25 with. 11:31
26 298 Q. But you were publishing this, and I am suggesting to
27 you that many, many people must have known who you were
28 referring to in your article, including not least
29 Maurice and Lorraine McCabe?

1 **CHAIRMAN:** well, accepting that the McCabes would
2 certainly know it, it would surely be limited --

3 299 Q. **MR. MCDOWELL:** Oh, the D family would have known about
4 it, isn't that right? They would have known?

5 A. Yes, mm-hmm. 11:31

6 **CHAIRMAN:** -- and --

7 300 Q. **MR. MCDOWELL:** Gardaí in the area would have known what
8 was going on?

9 A. Perhaps, I don't know.

10 301 Q. Superintendent Taylor would know what was going on? 11:31

11 A. Yes.

12 302 Q. The members of government who were aware of this, as
13 far as you were informed, would have known what was
14 going on; Detective Superintendent O'Reilly would have
15 known who you were talking about; Superintendent McGinn 11:32
16 would have known who you were talking about; the
17 station party in Bailieboro would have known that this
18 was Sergeant McCabe, isn't that right?

19 A. I don't know.

20 303 Q. I take it you have some respect for the intelligence of 11:32
21 Gardaí. Have you any doubt but that the great majority
22 of Gardaí in the Cavan-Monaghan division would have
23 known who you were writing about?

24 A. It was anonymised and I don't know who would have known
25 anything about it. I don't believe anyone did know 11:32
26 much about it. Perhaps people close to it worked it
27 out.

28 304 Q. It was clear it was relating to Cavan-Monaghan, isn't
29 that right?

1 A. It's not right.

2 305 Q. Because your series of articles clearly indicated that
3 it was -- that it was to be investigated in conjunction
4 with the Cavan-Monaghan allegations --

5 A. There were allegations of malpractice coming from all 11:33
6 over the country at that stage.

7 306 Q. No, but Sergeant McCabe wasn't making them.

8 **CHAIRMAN:** Is there a reference in any of the articles,
9 Mr. McDowell - I am sorry, I can't remember - to actual
10 Cavan-Monaghan? I can go back and check it but I am 11:33
11 just interested.

12 A. The issue of malpractice was generally being raised,
13 Chairman, in the Dáil and everywhere, generally in An
14 Garda Síochána.

15 307 Q. **MR. MCDOWELL:** well, you said: *"She wanted her case 11:33
16 looked at again in a similar fashion to those being
17 reviewed by Seán Guerin SC on foot of a dossier of
18 alleged systemic Garda malpractice compiled by
19 whistleblowers, Maurice McCabe and John Wilson."*

20 **CHAIRMAN:** And John Wilson is from what part of the -- 11:34
21 **MR. MCDOWELL:** The same neck of the woods, Judge.

22 **CHAIRMAN:** Same neck of the woods, okay.

23 308 Q. **MR. MCDOWELL:** And it's up to you, are you suggesting
24 to this Tribunal that people would read that in the
25 Cavan-Monaghan Garda force, division, and not know that 11:34
26 you were referring to Sergeant McCabe?

27 A. I hadn't thought about it.

28 309 Q. well, would you think about it now?

29 A. Perhaps some would.

1 310 Q. You see, I have got to suggest to you that what you
2 were doing was going as close as you possibly could to
3 identifying Sergeant McCabe without using his name as
4 the alleged perpetrator of this abuse, and that is what
5 you intended to do? 11:35

6 A. No.

7 311 Q. Mmm?

8 A. No.

9 312 Q. Well, could I ask you then to -- sorry, before we leave
10 that topic. You knew that the Garda Press Office had 11:35
11 informed you that the person about whom you were
12 writing was Sergeant McCabe, isn't that right?

13 A. That's right.

14 313 Q. It confirmed that he was the man involved?

15 A. That's correct. 11:35

16 314 Q. And they'd told you that this allegation was well-known
17 in government circles and in senior Garda circles in
18 the Phoenix Park?

19 A. It was a throwaway remark. He said that it was known
20 in the Park and it was known in government. But it was 11:36
21 a vague and throwaway remark so I didn't write it down,
22 anything at the time, I didn't make -- it was just a
23 Dave Taylor comment.

24 315 Q. But you repeated it to Ms. D because she was able to
25 tell others about it? 11:36

26 A. I reported it back to her, yeah.

27 316 Q. Yes. Now, could I bring you to the report of May the
28 3rd, 2014, with the headline "KENNY TO SET UP PROBE
29 INTO GARDA SEX ABUSE CLAIMS"?

1 **CHAIRMAN:** Again, if you wouldn't mind just giving me a
2 page for that, please, and it will come up on your
3 screen, Mr. Williams. What page is that?
4 **MR. MCDOWELL:** This is not among the Tribunal -- I
5 think you have that there, have you? 11:36
6 A. Yes, I do, yes.
7 **CHAIRMAN:** So the date --
8 **MR. MCDOWELL:** The date of this is May 3rd, 2014.
9 317 Q. And the first two lines of this is: "*Taoiseach Enda*
10 *Kenny is expected to order an investigation into* 11:37
11 *allegations that a young woman was sexually abused by a*
12 *servicing Garda.*"
13 A. That's correct.
14 318 Q. What basis had you for writing that?
15 A. I believe that Micheál Martin told her that he was 11:37
16 going to pass this over to Enda Kenny.
17 319 Q. Yes. But you are informing the readers that "*Taoiseach*
18 *Enda Kenny is expected to order an investigation into*
19 *Ms. D's allegation.*" What basis had you for writing
20 that? 11:37
21 A. Micheál Martin had written to the Taoiseach and I think
22 the Taoiseach had also said at the time publically that
23 he was going to have all these cases -- all cases, the
24 malpractice cases investigated.
25 320 Q. Sorry, had any Taoiseach spokesman or any person told 11:38
26 you that he was going to carry out an investigation
27 into Ms. D's -- or an investigation into Ms. D's
28 allegation?
29 A. Ms. D was convinced from Mr. Martin's response that

1 Enda Kenny would order an investigation into her
2 allegations.

3 321 Q. But this is on the 3rd of May. So you are saying that
4 it was Ms. D who expected him to do so, on the basis of
5 a discussion with Micheál Martin, is that right? 11:38

6 A. I spoke to someone in Mr. Martin's office, according to
7 this, I can't recall whom, and they confirmed that the
8 allegation she had made would be passed on.

9 322 Q. Yes. But you are saying something different here,
10 Mr. Williams, you are engaging in what I am suggesting 11:39
11 to you is utterly unfounded, speculative journalism to
12 create a headline that the Taoiseach was expected to
13 accede to a suggestion that Ms. D's allegations against
14 Sergeant McCabe would be investigated?

15 A. Mr. Kenny's office acknowledged receipt of the 11:39
16 information from the Fianna Fail leader at the time.

17 323 Q. I see. Now, on the 25th February 2014, Mr. Guerin,
18 senior counsel, had been appointed, isn't that right?

19 A. I believe so, yeah.

20 324 Q. And I think his report resulted, am I right, in the 11:40
21 resignation of Mr. Shatter, rightly or wrongly?

22 A. That's correct.

23 325 Q. And Mr. Shatter, when did he resign?

24 A. I can't recall. It was May.

25 326 Q. I think it was after you wrote this article. So I am 11:40
26 just asking you, on what basis could you have said that
27 it was expected that "*Taoiseach Enda Kenny is expected*
28 *to order an investigation into Ms. D's allegations*"?

29 A. Because they confirmed that they got a report from

1 Micheál Martin and they also -- Micheál Martin was of
2 the belief that they were going to be included in
3 whatever inquiry was going to take place.

4 327 Q. You say further down in that article:

11:41

5
6 *"It is understood that she is also due to meet with*
7 *investigators from the Garda Síochána Ombudsman*
8 *Commission and with a solicitor with a view to*
9 *commencing a civil action against the garda concerned."*

10 A. That's correct.

11:41

11 **CHAIRMAN:** As a matter of chronology: 29th of April
12 2014 was when the GSOC allegation was made by Ms. D.

13 **MR. MCDOWELL:** Yes.

14 **CHAIRMAN:** The 29th of April. Yes.

15 328 Q. **MR. MCDOWELL:** And just going back to that, you were
16 leading the readers to believe that she was about to
17 meet with a solicitor to commence a civil action
18 against the garda concerned.

11:41

19 A. That is what Ms. D and her family had said they were
20 doing, yes.

11:42

21 329 Q. A civil action which never took place. Mr. Williams,
22 can you tell the Tribunal exactly what Superintendent
23 Taylor told you in relation to this matter?

24 A. There would have been a number of conversations with
25 him over that period of four or five weeks. He
26 confirmed the details.

11:42

27 330 Q. Well, just, when you say he confirmed the details,
28 exactly what did he tell you?

29 A. I can't recall exactly what he told me. It was post my

1 meeting with --

2 331 Q. Did he tell you that Ms. D had made an accusation of
3 sexual assault in 2007 against Sergeant McCabe?

4 A. He confirmed what I asked about, based on the interview
5 I had done with Ms. D. 11:43

6 332 Q. Well, you said that you pressed him for the DPP's
7 reasons for not prosecuting?

8 A. Yeah, mm-hmm.

9 333 Q. What did he tell you?

10 A. I can't recall. I think it was -- that there was -- 11:43
11 basically, that there was no -- that the DPP had come
12 back and said there were no charges, they might --
13 there was something about whether there was a
14 discrepancy in her statement between something she said
15 to a cousin, I think. I am not 100 percent sure on 11:43
16 this, I can't recall.

17 334 Q. You have just read that off a letter. Did that refresh
18 your memory that the Superintendent Taylor told you
19 that way back?

20 A. I don't recall, I can't recall the details. 11:44

21 335 Q. You see, a while back you expressed some surprise that
22 Superintendent Taylor didn't give you the detail of
23 that letter from Ms. Howlin, and now you are saying
24 that he may have done.

25 A. No. You are asking me when I pressed him what 11:44
26 information did he give me for the DPP's decision --

27 336 Q. Yes.

28 A. -- and I am trying to remember. And I can't recollect.

29 337 Q. You then say that he might have mentioned something

1 about discrepancies in accounts given to a cousin?
2 A. Mm-hmm. That line in that letter did -- does ring a
3 bell, yeah.
4 338 Q. Or is it just ringing a convenient bell now?
5 A. No, it is not. 11:44
6 339 Q. Well, now, see if you can look at the letter again,
7 it's on page 1, and tell us, does any of the rest of it
8 ring any bells with you?
9 A. No.
10 340 Q. I mean, would you agree with me that if Superintendent 11:45
11 Taylor told you about discrepancies in respect of an
12 account given to a cousin, that he must have had access
13 to that letter because he wouldn't know these things?
14 A. I could be completely wrong but that, it's that line
15 there that -- 11:45
16 341 Q. Would you just answer the question?
17 A. I don't know.
18 342 Q. Would you answer the question I put to you? Would you
19 agree that if he did mention discrepancies in the
20 account -- 11:45
21 A. Yeah, but my recollection, it's not accurate enough to
22 be absolutely sure of any of that.
23 343 Q. Well, you see, the point is if he did it at all, if
24 it's even remotely possible he must have been reading
25 that letter before he gave you a briefing? 11:46
26 **CHAIRMAN:** Or the garda file.
27 344 Q. **MR. MCDOWELL:** Or the garda file, one or the other?
28 **CHAIRMAN:** Or the letter from Inspector Cunningham to
29 the state solicitor.

1 345 Q. **MR. MCDOWELL:** Do you believe that he went off and
2 consulted the Garda file before he replied to you?
3 A. I don't know what he did.

4 346 Q. And aren't I right that you told us earlier that you
5 wouldn't have written it in the way you did or written 11:46
6 the article at all if you had seen that, the DPP's
7 direction?
8 A. That's correct.

9 347 Q. So which is it, Mr. Williams? Did he mention the
10 discrepancy with the cousin's account or didn't he? 11:46
11 A. I can't recall if -- I didn't see that letter, I don't
12 know -- it's the line about -- no.
13 **CHAIRMAN:** You are not sure one way or the other?
14 A. I am not sure, Judge, no.
15 **CHAIRMAN:** Yes. 11:47

16 348 Q. **MR. MCDOWELL:** And tell me, as I asked you earlier,
17 reflecting now, do you think you should have asked
18 Sergeant McCabe for his version before you wrote any of
19 these articles?
20 A. Because it was so anonymised I felt there was no need. 11:47

21 349 Q. You felt totally free to write material in a newspaper
22 which you knew would be understood by a good number of
23 people to refer to Sergeant McCabe, without checking
24 out any of it with him?
25 A. As I say, he wasn't identifiable and he was anonymised. 11:48
26 It was purely from the point of view that this -- Ms. D
27 was making allegations that her case had not been
28 handled correctly. The Director of Public Prosecutions
29 had said there was no charge to answer.

1 350 Q. You didn't tell the public that, that there was no
2 offence and no charge to answer.

3 A. A file was sent to the DPP, who decided the officer did
4 not have a case to answer.

5 351 Q. You didn't write that? 11:48

6 A. It's here on May 3rd: *"A file was sent to the DPP who
7 decided the officer did not have a case to answer."*

8 352 Q. All right. You did write that on May 3rd, then.
9 **CHAIRMAN:** You seem to think, Mr. Williams, that what
10 you were told by Superintendent David Taylor was 11:48
11 something about insufficient evidence?

12 A. Insufficient evidence, yes.

13 **CHAIRMAN:** which is a kind of a fairly standard
14 response.

15 A. Yeah, but it's -- it can be interpreted in a number of 11:49
16 different ways, Chairman. You know, no case to answer,
17 absolutely no case to answer, no -- I don't know, that
18 was just insufficient evidence, no case to answer, that
19 is what I wrote here on May 3rd. Did not have a case
20 to answer. 11:49

21 **MR. MCDOWELL:** I don't know, Chairman, is this witness
22 going to be called back on any other occasion, so there
23 is one or two matters I have to deal with now, if I
24 may, on the assumption that you won't be back and
25 giving evidence, Mr. Williams. 11:49

26 **CHAIRMAN:** I think it's fair to assume, Mr. McDowell,
27 we try and let witnesses go.

28 353 Q. **MR. MCDOWELL:** I just want to ask you in relation to
29 evidence you gave here this morning about a

1 photographer who worked with you. Is that a gentleman
2 related to the Commissioner of An Garda Síochána, the
3 present Commissioner?

4 A. Sorry, who?

5 354 Q. Mr. Kieran McGowan, is that person related to the 11:50
6 Commissioner?

7 A. That's correct, yeah. worked with me in the past.

8 355 Q. How long did you work with Mr. McGowan as your
9 photographer?

10 A. He worked with -- he worked as a freelance with the 11:50
11 *Sunday world* for a number of years.

12 **CHAIRMAN:** Mr. McDowell, I just want to be very careful
13 here. I'm -- no, just hear me out, if you don't mind.
14 I am aware of that. Photographers take photographs and
15 I am sure they do it very well, but I think we have to 11:51
16 be careful in saying that no one is saying anything bad
17 against Mr. McGowan.

18 **MR. MCDOWELL:** I am not impugning the photographer at
19 all.

20 **CHAIRMAN:** Yeah. what relationship he is as an in-law, 11:51
21 or whatever, I have no idea. Somebody told me, I
22 think, on one occasion but I am not remembering now.
23 But if you wouldn't mind making that clear, that you
24 are not saying anything against --

25 **MR. MCDOWELL:** I am making it very, very clear, I am 11:51
26 making no imputation against Mr. McGowan at all.

27 356 Q. But I think that he was with you on the *Sunday world*,
28 isn't that right?

29 A. He worked for a number of years on the *Sunday world*

1 freelance, yes.

2 357 Q. And he came with you to the *News of the world*, is that
3 right?

4 A. No, he didn't. I moved to the *News of the world* in
5 2010, I think he started working with them as a 11:51
6 freelance sometime -- about three months before it
7 closed.

8 358 Q. I think as well, he was -- it would be fair to say that
9 you are well-known to the Commissioner, aren't you?

10 A. I'm sure I was well-known to all of the Commissioners. 11:52
11 I have been around for 30 years.

12 359 Q. Yes. I will leave it at that, Judge.

13 **CHAIRMAN:** There is just one matter, Mr. McDowell. I
14 think yesterday we circulated certainly to Mr. Williams
15 the transcript of the private session we had with a 11:52
16 view to sorting out what was the terms of reference and
17 how they fitted in, in relation to the Ms. D
18 allegation, and I think a response is expected from
19 people in relation to whether that should be published
20 or not. But on that occasion you did go a wee bit 11:53
21 further in relation to Mr. Williams and I don't know
22 whether you would like to clear that or not or perhaps
23 put the question so he has a chance to deny it now.

24 **MR. McDOWELL:** Sorry, Judge, because the transcript
25 hasn't been circulated -- 11:53

26 **CHAIRMAN:** No, no, it was circulated, it was circulated
27 to everyone who was there.

28 **MR. McDOWELL:** Oh, I see. Sorry, I haven't seen it
29 yet.

1 **CHAIRMAN:** In effect, the allegation, Mr. McDowell, was
2 to the following effect: That Mr. Williams was too
3 close to the Gardaí, that he depended on them for his
4 stories and therefore was subject to perhaps --

5 **MR. MCDOWELL:** Oh sorry, this is the original private 11:53
6 session?

7 **CHAIRMAN:** Yes. -- to perhaps making a professional
8 errors of judgement in favour of the Gardaí because of
9 that closeness, I think it's fair to summarise. And I
10 think, Mr. Williams, you have read that transcript 11:54
11 because it was sent to you last night.

12 A. That was brought to my attention by my lawyer, yes,
13 Judge. Absolutely not, is my answer.

14 **MR. MCDOWELL:** Well, Judge, sorry, I would have to
15 think -- I would have to try to remember the exact 11:54
16 context in which I mentioned Mr. Williams.

17 **CHAIRMAN:** Well, the context, Mr. McDowell, was it's --

18 **MR. MCDOWELL:** Oh, that he had gone to interview Ms. D.

19 **CHAIRMAN:** Well, the context was, in the interview with
20 Ms. D a matter of perhaps private, let's just use the 11:54
21 word, concern in relation to Sergeant McCabe; did it go
22 wider, was it inspired by Garda headquarters and was
23 the fact that there was a superintendent involved in
24 the matter an indication of a concern perhaps at the
25 higher level of the Gardaí or by headquarters, and that 11:54
26 the person chosen was Mr. Williams, who was a
27 well-known crime correspondent, but who perhaps was too
28 close to his sources and therefore was not sufficiently
29 objective in terms of his approach. It's fair to put

1 it in that way, Mr. Williams.

2 **MR. MCDOWELL:** As I understand the witness's evidence,
3 Judge, he is saying that he only had a vague background
4 knowledge of this matter. He is saying that he was not
5 prompted by anyone in Garda headquarters --

11:55

6 A. That's correct.

7 **MR. MCDOWELL:** -- to carry out this interview. And I
8 haven't cross-examined him on that, Judge, because an
9 alternative explanation has been offered here since
10 that private session when I had no papers at all,
11 Judge.

11:55

12 **CHAIRMAN:** No, and I appreciate that. I appreciate
13 that, Mr. McDowell, and obviously we are all trying to
14 sort matters out. But insofar as that allegation was
15 made, and there is a request by the Tribunal that
16 people who were parties to it would respond by 1:00
17 today, so that we can consider publishing it on the
18 website, I think it's only fair to Mr. Williams that he
19 have an opportunity to deal with that now that he is
20 here.

11:55

11:56

21 **MR. MCDOWELL:** I think he has refuted -- he was invited
22 to refute it and he did.

23 **CHAIRMAN:** well, I think I have put the substance of
24 the allegation to you, Mr. Williams, which is that you
25 are too close to Garda headquarters, you depend on them
26 for stories and thus you lacked objectivity and you
27 effectively allowed yourself to be used as a puppet of
28 the Garda headquarters.

11:56

29 A. Mr. Chairman, I am glad you asked me that, because I am

1 absolutely not, and have been not been and am not. And
2 anyone who would understand public discourse in recent
3 years, the last four or five years, between myself and
4 the Garda Siochana would certainly know that.

5 360 Q. **MR. MCDOWELL:** well, in fairness to you, you have been 11:56
6 quite critical of Garda headquarters, isn't that right,
7 in a lot of your commentary?

8 A. Around the time that this story appeared I was very
9 critical of Garda headquarters in relation to a murder
10 case in Leitrim. 11:56

11 361 Q. I am suggesting to you that crime correspondents
12 generally are dependent on Garda sources for an awful
13 lot of their work?

14 A. I am not dependent on them and was not dependent on
15 them at that stage in my life. 30 years in the 11:57
16 business, I don't need to depend on them.

17 362 Q. I see.

18 A. Because they have their own agendas.

19 363 Q. I see. Can I put it to you, Mr. Williams, that in this
20 particular case, just so that we be absolutely clear 11:57
21 about this, that it now transpires, although it wasn't
22 known to me at the time of the private session, we are
23 dealing with, that you were in a position to inquire
24 into the Garda treatment of Ms. D's allegations seven
25 years previously with Superintendent Taylor? 11:57

26 A. That's correct.

27 364 Q. And that he never at any point made the -- told you
28 that there was any, anything stopping him from
29 divulging this information to you as a crime

1 correspondent?

2 A. No.

3 365 Q. And you didn't think it was strange that he would do
4 so?

5 A. No, if -- if you ask a question, it's up to the person 11:58
6 whether they want to answer it or not. I can't change
7 that.

8 366 Q. Yes, but presumably Superintendent Taylor operates
9 under the general instruction of the Commissioner of An
10 Garda Síochána? 11:58

11 A. The Garda press officer is the eyes and ears of the
12 presiding Commissioner, yes, that's correct.

13 367 Q. And if you asked him to go and find out this
14 information for you, I take it that you would expect
15 him to notify his superiors that you had made this 11:58
16 inquiry and that he proposed divulging information
17 about Sergeant McCabe to you?

18 A. I have no idea what he did when he put the phone down.

19 368 Q. Well, the question is: was it a solo run or do you
20 think it was something that he had authority to do? 11:59

21 A. I don't know.

22 369 Q. Well, going back to the question that I put to you a
23 long time ago, and I presume it's too long time ago
24 now, and I will finish on this, Chairman: If an
25 accusation was made against you or me, forget about 11:59
26 Sergeant McCabe, and it was fully investigated and the
27 DPP said that there was no assault and no sexual
28 assault, do you believe that a member of the press
29 would be facilitated, seven years later, by being given

1 an account of that investigation for the asking? If it
2 was a prominent senior counsel or prominent newspaper
3 editor or crime journalist, whoever it is --

4 A. Yes.

5 370 Q. -- do you believe that if a press reporter said 'was 12:00
6 Michael McDowell investigated seven years ago in
7 respect of a sexual abuse allegation and was there a
8 file prepared and did it go to the DPP and did the DPP
9 direct no prosecution?', do you believe that a
10 journalist would be given that information about me, 12:00
11 for instance?

12 A. I believe if they wanted to clarify something, yes,
13 that that information would be available, I presume,
14 because it's a question about a criminal investigation,
15 whether it was conducted correctly or not, and what the 12:00
16 DPP decided.

17 371 Q. Are you serious about that?

18 A. I am answering your question.

19 **CHAIRMAN:** Your experience would indicate that is what
20 you seem to be saying, Mr. Williams? 12:01

21 A. Mr. McDowell has asked me in relation to this specific
22 incident and I have answered it. I would presume --

23 372 Q. I am asking you about the hypothetical, take any person
24 who might be a public interest --

25 **CHAIRMAN:** Take a parish priest, which is a good 12:01
26 example, supposing there had been an investigation into
27 a parish priest because a parishioner had said
28 something, but the DPP had, let us say, decided that
29 what was involved was not an assault, not a sexual

1 assault, and that was the end of the matter, there was
2 going to be no prosecution, would the Garda Press
3 Office kind of fill you in on the detail - yes, there
4 was an investigation; yes, it was about so-and-so; yes,
5 the DPP directed no prosecution? And then I suppose 12:01
6 the bigger question, and it is a secondary question,
7 is, would they fill you in and say no, the DPP said
8 that it was not a sexual assault, that was not even an
9 assault?

10 A. I haven't really dealt with any other issues like that 12:01
11 before apart from this.

12 373 Q. **MR. MCDOWELL:** And you do not see that such information
13 is inherently confidential to the guards?

14 A. I can ask -- I ask questions for a living. I try to
15 get answers. Sometimes you don't, a lot of times you 12:02
16 don't. Sometimes you do.

17 374 Q. well, put it this way: In the case that the Chairman
18 has just put to you, a woman claims that her parish
19 priest sexually assaulted her and it transpires that a
20 file was sent to the DPP and the DPP said no case to 12:02
21 answer, do you believe that An Garda Síochána are free
22 to impart that information to anybody who asks?

23 A. Probably not, but if you went and approached them and
24 asked them was there malpractice in the case, that
25 somebody was alleging that there was malpractice in the 12:03
26 case and were very concerned about it at a time and in
27 the context of the time that a lot of these allegations
28 were going around about malpractice and
29 unprofessionalism, then yes.

1 375 Q. So am I to draw the conclusion from that that because
2 it was Sergeant McCabe who was making these
3 allegations, it was all right to impart that
4 information, but it wouldn't be against your
5 run-of-the-mill parish priest or senior counsel, or 12:03
6 whoever, who wasn't making such allegations?

7 A. There would be no need for to make an inquiry like that
8 if they weren't allegations of malpractice.

9 376 Q. So the reason that it was confirmed in your case was
10 that it was Sergeant McCabe who was in your 12:03
11 cross-wires?

12 **CHAIRMAN:** well, I am not sure he is saying that,
13 Mr. McDowell. It may be you would like him to say
14 that --

15 377 Q. **MR. MCDOWELL:** well, I am putting it to you that you 12:04
16 are saying that because these allegations had been made
17 and because Sergeant McCabe was the person who was
18 making them, that was a special context in which it was
19 all right to divulge to you details of an investigation
20 leading to a direction from the DPP of no prosecution 12:04
21 because there was no case to answer?

22 A. This was an allegation of malpractice in a Garda
23 investigation.

24 **CHAIRMAN:** I think the point Mr. Williams is making, I
25 am taking it up in this way, that there was a great 12:04
26 deal of talk at the time about what a mess the Gardaí
27 were making of investigations. Here was an
28 investigation, so had it followed, I suppose, standard
29 lines and channels or was it yet another mess. That is

1 384 Q. -- that you sought this information?
2 A. That's correct.

3 385 Q. Yes. And did you seek -- did you seek confirmation
4 that then-inspector, now Superintendent Cunningham, was
5 the investigating officer? 12:07

6 A. Yes.

7 386 Q. And that Maurice McCabe was the person against -- in
8 respect of whom the allegation had been made?

9 A. Yes.

10 387 Q. And you are saying that, ordinarily, that would be 12:07
11 confidential information, but because Ms. D was saying
12 that the guards had engaged in an inadequate
13 investigation, it was appropriate for the guards, for
14 the Garda Press Office, to confirm that information to
15 you? 12:07

16 A. Well, what is appropriate and otherwise for the Garda
17 Press Office is a matter for the Garda Press Office.
18 It's not a matter for the journalist who is asking the
19 questions.

20 388 Q. Of course. I mean, I don't think any of us are naïve; 12:07
21 journalists ask questions and paper doesn't refuse ink,
22 and very many times journalists will ask people who
23 have confidential information to impart it to them.
24 But in this particular case, if it is confidential
25 information, the guards are not permitted to impart it, 12:08
26 isn't that right?

27 A. There is the 2005 Garda Síochána Act. I am not
28 familiar with it, I haven't looked at it in a long
29 time.

1 389 Q. Section 62 says if it's confidential it may not be
2 divulged, isn't that right?

3 A. If you say so, because I don't recall the Act.

4 390 Q. It's a criminal offence to divulge confidential
5 information under Section 62. It's not just Official 12:08
6 Secrets Act; it's an indictable criminal offence to do
7 so.

8 **CHAIRMAN:** But it's an indictable criminal offence if
9 you add on the bit, Mr. McDowell, that the consequence
10 is that an investigation is rendered more difficult or 12:08
11 that a witness is --

12 **MR. MCDOWELL:** Or it is of harmful effect.

13 **CHAIRMAN:** How do you prove a harmful effect in that, I
14 mean? And I suppose you also have to be intentional or
15 reckless in relation to whether a harmful 12:09
16 effect ensued.

17 **MR. MCDOWELL:** There is a presumption of that as well.
18 I am well-acquainted with the section, as Mr. Williams
19 knows.

20 **CHAIRMAN:** well, I am well-acquainted with presumptions 12:09
21 as well, Mr. McDowell, but they don't tend to do a
22 great deal in criminal cases -- rebuttable --

23 391 Q. **MR. MCDOWELL:** I am suggesting to you that a serving
24 member of An Garda Síochána or a parish priest or a
25 senior counsel or a journalist or a newspaper editor 12:09
26 would, in normal circumstances, be perfectly entitled
27 to assume that the Gardaí would treat the outcome of
28 these matters as confidential and not a matter to be
29 confirmed to the public at the asking?

1 **CHAIRMAN:** Do you see the point Mr. McDowell is making
2 there? That --

3 A. I lost him there, Chairman. Sorry.

4 **CHAIRMAN:** Let's suppose anybody in the room had the
5 misfortune to have an allegation of sexual assault made 12:10
6 against them and the Gardaí investigated it, would you
7 assume that that was a confidential matter between the
8 person who makes the allegation, the person who is
9 investigated, the Gardaí investigating it and the DPP
10 and that, therefore, the Garda Press Office would say, 12:10
11 sorry, we can't make any comment about that.

12 **MR. MCDOWELL:** That is the point.

13 **CHAIRMAN:** That is, I think, the point that
14 Mr. McDowell is making to you.

15 A. I think that is a matter for the Garda Press Office, 12:10
16 but I ask questions, and you ask questions about all
17 kinds of things, whether they are confidential or
18 otherwise, and you try to get answers to them. That is
19 what we do for a living.

20 **MR. MCDOWELL:** I have no further questions. 12:10

21 **CHAIRMAN:** Mr. Fanning, did you have any questions?

22 **MR. FANNING:** I propose to go last. I saw Mr. Dignam
23 reaching for his microphone. If there are questions
24 from other counsel, perhaps I could follow them.

25 **MR. DIGNAM:** Chairman, I have a few questions for 12:11
26 Mr. Williams on behalf of An Garda Síochána.

27 **CHAIRMAN:** Yes. Mr. Ó Muircheartaigh, you have no
28 questions?

29 **MR. Ó MUIRCHEARTAIGH:** No.

1 **CHAIRMAN:** Or Mr. McDermott?

2 **MR. MCDERMOTT:** No.

3

4 **MR. WILLIAMS WAS CROSS-EXAMINED BY MR. DIGNAM:**

5

12:11

6 392 Q. **MR. DIGNAM:** Mr. Williams, my name is Conor Dignam and
7 I appear on behalf of An Garda Síochána. I just have
8 two areas that I wanted to explore with you. The first
9 is, my understanding of your evidence in relation to
10 the stories that you ran after your interview with 12:11
11 Ms. D is that you decided not to run a story about
12 allegations against Sergeant McCabe because it would
13 simply be a story about allegations against Sergeant
14 McCabe, but that you then decided to run a story based
15 on Ms. D's concerns that her complaint hadn't been 12:12
16 properly investigated. Does that summarise your
17 evidence correctly?

18 A. That's correct.

19 393 Q. And, in fact, there were two stories contained in the
20 Tribunal documents, and now Mr. McDowell has presented 12:12
21 two other stories that you wrote in late April and
22 early May, and is it fair to say from your perspective,
23 Mr. Williams, that they are focused on the suggestion
24 or the complaint by Ms. D that there had been a
25 cover-up of her complaint against Sergeant McCabe and 12:12
26 there hadn't been a proper investigation?

27 A. It was all predicated on Ms. D's testimony, her
28 information.

29 394 Q. Yes. And that became the focus of your -- of your

1 stories?

2 A. That's correct.

3 395 Q. And that, according to your evidence today, and indeed
4 I think your statement, that is why you helped her meet
5 Mr. Micheál Martin, the leader of the Opposition at the 12:12
6 time?

7 A. Correct.

8 396 Q. So that she could discuss with him having an
9 investigation in relation to the inadequacy of the
10 investigation back in 2006/2007? 12:13

11 A. That's correct.

12 397 Q. I think you said in your evidence, Mr. Williams, that
13 you then lost track of the story or didn't keep a close
14 eye on the story as it unfolded over the period of
15 time. Do I take it from that that, or perhaps you are 12:13
16 aware, that GSOC, in fact, reported in May 2015, and in
17 the summary on page 157, the summary said that:
18
19 "*GSOC established that Inspector Cunningham carried out*
20 *appropriate inquiries*" -- this is the investigating 12:13
21 officer back in 2006 -- "*carried out appropriate*
22 *inquiries and uncovered no evidence of any criminality*
23 *on the part of him in the investigation or any other*
24 *Gardaí and how the investigation was conducted.*"

25 A. I only discovered that recently. 12:13

26 398 Q. Yes. So that was on --

27 A. That's correct.

28 399 Q. That was on foot of the complaint to GSOC by Ms. D --

29 A. That's correct.

1 400 Q. -- on 29th April, shortly before your final article,
2 and in fact GSOC had concluded that there was an
3 appropriate investigation in 2006 and 2007. If I could
4 then ask you, Mr. Williams, you were asked a question
5 by Mr. McGuinness on behalf of the Tribunal about 12:14
6 whether you were in possession of the Garda file, and
7 you were emphatic in your answer to him that you didn't
8 have access and that you never saw the Garda file?
9 A. Those allegations were completely baseless and false.
10 401 Q. And I think the person who made that allegation has 12:14
11 also alleged, I think at least in substance, that you
12 were very close to the Gardaí, and the suggestion
13 running through her submission to the Tribunal is that
14 you were essentially acting at the behest of the
15 Gardaí. 12:14
16 A. Yeah.
17 402 Q. And one of the instances she gives, I think, to show
18 how close you were to the Gardaí, and in particular to
19 Commissioner O'Sullivan, is that Commissioner
20 O'Sullivan is alleged to have launched a book of yours 12:14
21 in November 2014?
22 A. Never happened.
23 403 Q. Yes. And I think that, and correct me if I am wrong,
24 Mr. Williams, that was your book, 'Murder Inc.', and
25 that was launched on 12th November 2014, is that 12:15
26 correct?
27 A. That's correct.
28 404 Q. And was that -- is it correct to say that that was
29 launched, in fact, by your editor-in-chief, Stephen

1 Rae?
2 A. That's correct.
3 405 Q. Do you accept that Commissioner O'Sullivan did, in
4 fact, attend that book launch?
5 A. Yes. 12:15
6 406 Q. And was that on foot of an invitation by your
7 publisher, I think Penguin?
8 A. It was the publishers. That was protocol in relation
9 to books like that. All the time, they are invited.
10 407 Q. Was she there as a friend of yours? 12:15
11 A. She was there as the Garda Commissioner.
12 **MR. DIGNAM:** Thank you.
13 **CHAIRMAN:** Did she buy a copy of the book?
14 A. They are notorious for trying to get out of that,
15 Chairman. 12:15
16 408 Q. **MR. DIGNAM:** Mr. Williams, just to conclude that, I
17 think the allegation or the example of you launching
18 the book is at page 2974 of the -- of the booklet, and
19 that is contained in a statement by Ms. Gemma
20 O'Doherty, who I think is a fellow journalist, is that 12:16
21 right?
22 A. Pardon?
23 409 Q. 2974. It's a statement of Gemma O'Doherty; I think she
24 is a fellow journalist, a reporter?
25 A. If she is a journalist, I don't know her. I never 12:16
26 worked with her.
27 410 Q. Yes. Do you have any understanding of how she has a
28 view that you are close to the Gardaí and instanced
29 Commissioner O'Sullivan attending your book launch as

1 an example of how close you were to the Commissioner?
2 A. I don't know where she got her allegations, I don't
3 know what her motivation was. As I say, I don't know
4 her, I never worked with her. She may have an axe to
5 grind with Independent News & Media, that is the only 12:16
6 thing I can think of. In terms of the wider picture
7 and allegation, a narrative started about ten years ago
8 in this business between certain politicians,
9 criminals, subversives, there was a whole group of
10 them, not all together in unison but all separately, 12:16
11 where a narrative was created that all crime
12 journalists in this town are in the pockets of the
13 guards. That is not true. Two of my colleagues have
14 been shot dead for doing their jobs.
15 **MR. DIGNAM:** Thank you, Mr. Williams. 12:17
16 **CHAIRMAN:** Mr. Fanning, do you have any questions?
17 **MR. FANNING:** Mr. Ferry wants to go first.
18 **MR. FERRY:** Yes, Chairman.
19
20 **MR. WILLIAMS WAS CROSS-EXAMINED BY MR. FERRY:** 12:17
21
22 411 Q. **MR. FERRY:** Mr. Williams, I am John Ferry, counsel for
23 Superintendent Taylor. And just in reply to your
24 evidence, I just have a couple of matters to clarify.
25 In relation to your evidence, you say that subsequent 12:17
26 to having conducted your interview with Ms. D, that you
27 contacted Superintendent Taylor, is that correct?
28 A. That's correct, yes.
29 412 Q. And I think your evidence is that it was sometime after

1 the interview took place?

2 A. Pardon?

3 413 Q. Are you saying it was sometime after the interview took
4 place in relation to --

5 A. I don't know exactly. There would have been a number 12:18
6 of interactions.

7 414 Q. Well, my instructions are that the communication with
8 Superintendent Taylor, that he received a phone call on
9 a Saturday in February -- or, sorry, a Saturday in
10 March and that the content of the phone call was that 12:18
11 you were present at Ms. D's house and had just
12 concluded the interview, so, in other words, he is
13 saying that he was contacted very shortly after you had
14 spoken to Ms. D and you were still present or giving
15 the impression that you were still in the vicinity of 12:18
16 Ms. D -- in Ms. D's house?

17 A. I don't believe I called Mr. Taylor until the following
18 week.

19 415 Q. And in relation to the questions that you say you put
20 to Mr. Taylor, I take it you are saying they were put 12:18
21 verbally over the phone, is that correct?

22 A. That's correct.

23 416 Q. And in relation to putting specific questions to him,
24 Mr. Taylor, his instructions to me are that the only
25 issue that may have been suggested to him was whether 12:19
26 or not there had been any recommendation from the DPP's
27 Office but that he didn't make any reference or give
28 any information in the PULSE having any record. I
29 think you say that was one of the questions, that

1 whether or not it was recorded on PULSE?

2 A. That was a question I put to him about the PULSE, that
3 Ms. D brought to my attention or her father did, and I
4 put that question to him about the PULSE entry.

5 417 Q. And also, I think am I correct in saying that in the 12:19
6 course of your evidence today, I took it to understand
7 that you were saying that in your correspondence or
8 your talking to Superintendent Taylor, that the
9 information in relation to the letter from Ms. Howlin
10 that you recalled reference to had been a discrepancy 12:20
11 in relation to the description given and that formed
12 part of the DPP's decision?

13 A. Pardon, sorry?

14 418 Q. I understood that you said in the course of your
15 evidence today that there was a reference to a 12:20
16 different story by the cousin, there was a discrepancy
17 in relation to the letter Mr. McDowell referred to you
18 at page 1?

19 A. No, I didn't -- he never mentioned or never -- there
20 was no discussion of any letter. 12:20

21 419 Q. No, I know that, but were you saying in your evidence
22 today that Superintendent Taylor, that he made some
23 reference to the DPP's directions, including a
24 reference to there being a difference --

25 A. I said I can't recollect, I am very unclear of it. 12:20
26 Just when I read that line there, I thought that maybe
27 there could have been a problem in the -- I can't
28 recall.

29 420 Q. But are you saying that was from your conversation with

1 Superintendent Taylor that you recollect that?
2 A. Yes, with Superintendent Taylor, yes.
3 421 Q. Yes. Well --
4 **CHAIRMAN:** But, Mr. Ferry, it had been indicated one
5 way or the other that Mr. Williams can't be sure -- 12:21
6 A. I am not sure.
7 **CHAIRMAN:** -- about that. He thought maybe a bell rang
8 but he couldn't --
9 A. I could be mixing up. There has been a lot of
10 publicity and a lot of stuff stated publically about 12:21
11 this case. Getting mixed up, just sitting up here.
12 **MR. FERRY:** Just for the record, my instructions are
13 that Superintendent Taylor never saw that letter that
14 is now being referred to, that is page 1, the letter in
15 relation to the DPP's directions, that Superintendent 12:21
16 Taylor never saw that letter. Just I don't know --
17 that is not --
18 A. I didn't state that.
19 422 Q. Very well, Mr. Williams. Just for the record in
20 relation to Mr. Taylor's knowledge. Now, you also -- 12:21
21 there is also reference to a newspaper article that you
22 referred to, and you say that -- I think the article
23 was the 2nd April 2014, and I think Mr. McDowell
24 referred you to the last line of it, or thereabouts,
25 where it said a Garda spokesman said there was no 12:22
26 comment -- or "*last night, a Garda spokesman made no*
27 *comment.*" I think that was the way the article was
28 ended. Are you saying that that was Superintendent
29 Taylor you were talking to that made no comment in

1 relation to the article on the 2nd of April?

2 A. Yes, yes.

3 423 Q. Well, again, my instructions are that Commissioner
4 Callinan had resigned on 25th March 2014 and, from that
5 point on, David Taylor had no role in the Press Office? 12:22

6 A. Well, he was still in the Press Office well into May if
7 I can --

8 424 Q. Or should I say had a lesser role but that he was not
9 dealing with those claims and he never spoke to you in
10 relation to that article. 12:22

11 A. No, he certainly did.

12 **MR. FERRY:** Thanks, Mr. Williams.

13 **CHAIRMAN:** Could I just clarify, Mr. Ferry, if you
14 don't mind, please, because I am trying to, and it can
15 be like catching water, I don't mean that against you 12:23
16 but in relation to all parties before any tribunal,
17 because there are no, if you like, charges or
18 pleadings. Is Superintendent Taylor making the case
19 that he spoke only once or several times? I suppose
20 that is the first thing. And then the second thing is, 12:23
21 does Superintendent Taylor accept that Mr. Williams
22 asked the questions and that he gave the answers that
23 Mr. Williams says he gave, including that the matter
24 was not pursued because of insufficient evidence? If
25 you want to reserve that until after lunch - I am sorry 12:23
26 to discommode you, Mr. Williams - in order to get
27 instructions from Superintendent Taylor, who, after
28 all, is not very far away, you might like to do so.

29 **MR. FERRY:** Mr. Chairman, if it's okay, I might just

1 take further instructions and clarify that over the
2 lunch break.

3 **CHAIRMAN:** Yes, because some important points have been
4 raised in relation to Superintendent Taylor, yes. So
5 that's fine. So, Mr. Fanning, do you want to -- 12:24

6 **MR. FANNING:** Thank you, Chairman.

7

8 **MR. WILLIAMS WAS EXAMINED BY MR. FANNING:**

9

10 425 Q. **MR. FANNING:** Mr. Williams, a few minutes ago 12:24
11 Mr. Dignam, on behalf of the Garda Commissioner, asked
12 you a couple of questions about a journalist called
13 Gemma O'Doherty and the information that she provided
14 to the Tribunal. You recall that exchange that you had
15 with Mr. Dignam a few moments ago? 12:24

16 A. Yes.

17 426 Q. And he inquired into Ms. O'Doherty's motivation to make
18 allegations to the Tribunal, firstly that you'd access
19 to the Garda file in respect of Sergeant McCabe, and
20 secondly, that you'd some sort of special or privileged 12:24
21 relationship with Commissioner O'Sullivan. Now, you
22 have already denied both of those allegations, isn't
23 that correct?

24 A. That's correct.

25 427 Q. And you suggested in your answer to Mr. Dignam a few 12:25
26 minutes ago that Ms. Doherty may have an axe to grind
27 with Independent Newspapers. Do you want to elaborate
28 on what you mean by that to the Tribunal?

29 **CHAIRMAN:** I would honestly rather not go there. Can I

1 tell you why. I appreciate you have an entitlement to
2 ask questions in relation to credit, but I also have a
3 duty to inquire into what I am to inquire into. I
4 regard everyone appearing before the Tribunal as being
5 a person who is worthwhile and certainly worthy of 12:25
6 respect. And I don't want to pursue that matter
7 because then I am going to have to go back and perhaps
8 investigate it. I don't want to be pushed into that.
9 I can appreciate, however, Mr. Fanning, if I may say
10 so, that sometimes people don't get along, and that is 12:25
11 about as far as I'd be prepared to go.

12 **MR. FANNING:** well, in response to that, Chairman, I
13 will accept the Tribunal's ruling, obviously, if it's a
14 definitive ruling, but Ms. O'Doherty hasn't provided a
15 statement to investigators for the Tribunal that we 12:26
16 have been referred to, she has provided a letter to the
17 Tribunal which was quoted in the opening statement, and
18 unfortunately, an allegation that she made against
19 Mr. Williams, that he had possession of the Garda file,
20 made its way into the currency of public discourse. It 12:26
21 was covered extensively in a Sunday newspaper, to his
22 professional embarrassment, when he absolutely rejects
23 it. In those circumstances --

24 **CHAIRMAN:** Yes, I am glad you have had the opportunity
25 to clear that up, Mr. Fanning. But as regards what 12:26
26 might be on Ms. O'Doherty's mind --

27 **MR. FANNING:** well, I will press on from that. There
28 is a historic record of her engagement with Independent
29 Newspapers.

1 428 Q. Can I ask you a few questions, Mr. Williams, just in
2 relation to the methodology that you employed in this
3 case and your conduct as a journalist in this case,
4 because that was a broad focus of Mr. McDowell's
5 questioning of you. Obviously, you have told the 12:26
6 Tribunal at the outset that you are a very experienced
7 journalist, with some 30 years' experience. I presume
8 the Tribunal can also take it that you are experienced
9 at conducting interviews?

10 A. That's correct. 12:27

11 429 Q. And in this case, the Tribunal is aware that you caused
12 a videotaped interview to be recorded and preserved of
13 your interview with Ms. D, isn't that so?

14 A. That's correct.

15 430 Q. And in general terms, can I ask you, do you stand over 12:27
16 the professionalism of the interview that you conducted
17 with Ms. D and your prior and subsequent interaction
18 with her?

19 A. Yes, I do.

20 431 Q. May I ask you this: Did you see yourself as ever 12:27
21 having any role in any of the articles that you wrote
22 or the other actions that you took, and we will come to
23 those, in adjudicating or taking a position on the
24 veracity or the truthfulness of her underlying
25 allegation against Sergeant McCabe? 12:27

26 A. No.

27 432 Q. Now, Mr. McDowell has inquired of you as to whether or
28 not your conduct with Ms. D and your interaction with
29 her and the approaches that you made, in particular to

1 Mr. Martin on her behalf, constituted normal
2 journalistic behaviour. You will recall him asking you
3 that?

4 A. Yes.

5 433 Q. And in response to that, you referenced two other 12:28
6 cases, and you named two people called Paudie McGahon
7 and Joseph Rafferty, and I think your evidence to the
8 Tribunal was that you'd played an intermediary role in
9 setting up meetings with politicians, having written
10 about those cases also, is that correct? 12:28

11 A. That's correct.

12 434 Q. And can you just tell the Tribunal briefly what you did
13 on those occasions, just to put your actions in this
14 case into context.

15 A. Well, in terms of Joseph Rafferty, he was shot dead by 12:28
16 a suspected member of the Provisional IRA back in 2005.
17 I think Mr. McDowell will be well aware of that
18 particular case. And they started a campaign for
19 justice and they asked for help, and one of the things
20 they wanted to do was to try and get speaking to 12:29
21 certain people, and I attended meetings with them, the
22 SDLP, Fine Gael, Labour, City Council. Paudie McGahon
23 wanted to be heard. I contacted Micheál Martin's
24 office in exactly the same way. I have done it for
25 others. I attended meetings with Steve Collins, who is 12:29
26 the father of Roy Collins, in Limerick, at his request,
27 as a friend and advisor when they were trying to get
28 certain things clarified with political people. It's
29 something that I have done before and it's something

1 that I would do again.

2 435 Q. And do you believe, Mr. Williams, that in any way that
3 you are unique amongst journalists in taking a
4 proactive position in arranging meetings for a
5 complainant or a person making allegations, with a 12:30
6 politician?

7 A. I don't believe so. If the person you are talking to
8 and dealing with asks you to do that, can you do it,
9 then you will do it.

10 436 Q. And would you have thought, Mr. Williams, in this case, 12:30
11 early in 2014, that Ms. D's family or you would have
12 been better placed to put in a call to arrange a
13 meeting with a politician?

14 A. I reckon that I would have been in a better place to
15 put in the call for them. 12:30

16 437 Q. Yes. Now, in respect of the articles that you wrote
17 arising out of your engagement with Ms. D and arising
18 out of her meetings with Mr. Martin, I think we are
19 agreed that none of them actually name Ms. D or
20 reference Sergeant McCabe as the object of her 12:30
21 allegations, isn't that correct?

22 A. That's correct.

23 438 Q. And that was a decision presumably that was taken to
24 anonymise the articles and not to refer to the actual
25 protagonists? 12:30

26 A. That's correct.

27 439 Q. And presumably you'd agree that it's obvious that the
28 articles would have been much more explosive and would
29 have been better copied from a newspaper's point of

1 view if they actually identified the complainants?
2 A. That's correct.
3 440 Q. Nor did the articles, I want to suggest to you,
4 reference the region in the country where the incident
5 was said to be sourced from? 12:31
6 A. We didn't identify the region.
7 441 Q. Now, Mr. McDowell put it to you that, notwithstanding
8 this, that persons who were aware of the allegations
9 against Sergeant McCabe would have read into the
10 articles who they must have been about, but I want to 12:31
11 suggest to you that the converse must equally be true:
12 that nobody who was not already aware of the
13 allegations made by Ms. D against Sergeant McCabe would
14 have been able to infer who those articles were about;
15 would you agree or disagree with that? 12:31
16 A. I'd agree.
17 442 Q. Had you written very different articles identifying
18 Sergeant McCabe, do you believe that in those
19 circumstances you would have seen fit to contact him
20 for a response? 12:32
21 A. Absolutely, I would have contacted him.
22 443 Q. Yes. Mr. McDowell, in his questioning of you, posed
23 some questions about the line at the end of the first
24 article, if that could be put up on the screen, that is
25 at page 749 of the Tribunal's reference, and the line 12:32
26 at the end of the first article is:
27 "*Last night, a Garda spokesman said that he could not*
28 *comment.*"
29 You will recall Mr. McDowell asking you some questions

1 about that?

2 A. Yes.

3 444 Q. Mr. Ferry has also just touched upon that issue also on
4 behalf of Superintendent Taylor?

5 A. Yes, that's correct. 12:32

6 445 Q. Is your recollection that you made a contact with
7 Superintendent Taylor and asked for a comment on the
8 record and that this line was in response to a
9 declinature to provide a comment on the record, is that
10 what I am to understand? 12:33

11 A. That's correct.

12 446 Q. Mr. McDowell has spent some time pursuing the question
13 of the appropriateness on the part of An Garda Síochána
14 of providing you with information off the record.
15 Ms. D had raised an issue of Garda malpractice; she had 12:33
16 complained that her allegations were insufficiently
17 investigated, isn't that right?

18 A. That's correct.

19 447 Q. And just viewed objectively from An Garda Síochána's
20 point of view, wasn't it a defence for An Garda 12:33
21 Síochána against a complaint of malpractice to let the
22 world know that a file had been sent to the DPP and
23 that the DPP had directed that no prosecution should
24 ensue?

25 A. Pardon, sorry? The acoustics are very poor. 12:33

26 448 Q. I beg your pardon. Ms. D was complaining that her case
27 wasn't properly investigated?

28 A. That's correct.

29 449 Q. An Garda Síochána's official position, presumably, in

1 respect of Ms. D, if it had to account for what had
2 occurred, was that an investigation had been conducted,
3 a file had been sent to the DPP, and that the DPP had
4 directed no prosecution?

5 A. That's correct. 12:34

6 450 Q. And that exonerates An Garda Síochána from a criticism
7 of malpractice?

8 A. That's correct.

9 451 Q. So are you surprised or do you find it unsurprising
10 that, in those circumstances, that sort of information 12:34
11 might be conveyed by Superintendent Taylor?

12 A. It was correct.

13 452 Q. And in your articles on the 12th April, it's clearly
14 recorded that there was insufficient evidence to
15 warrant a prosecution, and in the article that 12:34
16 Mr. McDowell handed in of the 3rd May, you informed
17 readers that the DPP had decided that the officer had
18 no case to answer, isn't that so?

19 A. That's correct.

20 453 Q. So anybody who was following this line of journalism in 12:35
21 the *Irish Independent* would have known from reading
22 your articles that the DPP had investigated or
23 considered the matter and had elected not to prosecute?

24 A. That's correct.

25 454 Q. Mr. McDowell raised a query with you around Section 62 12:35
26 of the Garda Síochána Act and he referenced that that
27 renders certain conduct a criminal offence. I think
28 just for the benefit of anybody who is not familiar
29 with Section 62, but you probably are, Mr. Williams,

1 that section is directed only to members of An Garda
2 Síochána or persons otherwise employed by An Garda
3 Síochána; it doesn't render any conduct on the part of
4 journalists a criminal offence. I presume you are
5 aware of that? 12:35

6 A. That's correct.

7 455 Q. So insofar as anybody wrongly took from Mr. McDowell's
8 question, which in fairness to him I don't think he
9 sought to convey --

10 **CHAIRMAN:** I think we would all be hearing about it 12:36
11 very loudly for several years, just as we are hearing
12 about blasphemy and things like that.

13 **MR. FANNING:** Yes. I am just clarifying for the record
14 that there was no implicit suggestion made by
15 Mr. McDowell, which I don't accuse him of, that 12:36
16 Mr. Williams clearly isn't even a potential object of
17 Section 62.

18 **CHAIRMAN:** Could you not be an accessory, though, to
19 Section --

20 **MR. MCDOWELL:** Maybe Mr. Fanning, from his extensive 12:36
21 criminal practice, would be aware of the status of
22 aiders and abettors and accessories.

23 **CHAIRMAN:** I was just wondering about that.

24 **MR. FANNING:** I presume that is a whimsical comment and
25 he isn't making a charge. If he wants to make a 12:36
26 charge --

27 **CHAIRMAN:** well, it could be seriously looked into.

28 456 Q. **MR. FANNING:** Finally, just a couple of final
29 questions, if I may put them. Insofar as this Tribunal

1 is investigating whether there was a smear campaign
2 against Sergeant McCabe, would you say your actions
3 were any part of a smear campaign against him?

4 A. I don't believe so, no.

5 457 Q. And were you motivated by any animus against Sergeant 12:36
6 McCabe?

7 A. I certainly was not.

8 **MR. FANNING:** Thank you.

9 **CHAIRMAN:** We will break, I am afraid you are going to
10 have to come back, so it's 12:38, so we will take an 12:37
11 hour. Just the three questions that you might clarify
12 through instructions, Mr. Ferry, from Superintendent
13 David Taylor: how many calls and when, what did David
14 Taylor actually say, and why did he say it? So, thank
15 you. 12:37

16

17 **THE HEARING ADJOURNED FOR LUNCH.**

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1 **THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:**

2
3 **MR. MCGUINNESS:** I don't see Mr. Williams, Chairman,
4 just at the moment.

5 **CHAIRMAN:** I don't think there is any point in me
6 sitting here.

13:40

7
8 **THE HEARING ADJOURNED BRIEFLY AND RESUMED AS FOLLOWS:**

9
10 **MR. FERRY:** Chairman, before the break you had some
11 questions in relation to Mr. Taylor, and, in answer to
12 your query, we have taken our client's instructions and
13 confirm to the Tribunal as follows:

13:41

14
15 It is our instructions that, to the best of our
16 client's recollection, there was only one phone call,
17 which occurred on the Saturday Mr. Williams attended at
18 Ms. D's house. Mr. Williams telephoned our client and
19 told him that he was at Ms. D's house and had
20 interviewed her, that Maurice McCabe had destroyed this
21 person and that he was going to write an article that
22 was going to be very damaging to Maurice McCabe.

13:41

13:41

23 **CHAIRMAN:** Now, I think you should maybe put those
24 points to Mr. Williams. He is entitled to respond.

25 **MR. FERRY:** Very well.

13:42

26
27 **MR. WILLIAMS WAS FURTHER CROSS-EXAMINED BY MR. FERRY:**

28
29 458 Q. **MR. FERRY:** Mr. Williams, I put it to you that

1 Superintendent Taylor instructs us that there was only
2 the one phone call, which occurred on the Saturday that
3 you were at Ms. D's house?

4 A. That's not true.

5 459 Q. And he also instructs that you telephoned him and told 13:42
6 him that you were at Ms. D's house and had interviewed
7 her, that Maurice McCabe had destroyed this person and
8 that you were going to write an article that was going
9 to be very damaging to Maurice McCabe?

10 A. That's completely untrue. 13:42

11 460 Q. It's also Superintendent Taylor's instructions that --
12 **CHAIRMAN:** well, can I just stop you, I'm sorry,
13 Mr. Ferry, but was there any discussion at all about
14 Sergeant McCabe destroying anybody's life?

15 A. No. 13:42

16 **CHAIRMAN:** Or anything like that --

17 A. No.

18 **CHAIRMAN:** -- that you can remember?

19 A. No, no, there was not, Chairman.

20 **CHAIRMAN:** Or anything similar to that, or in that 13:42
21 ballpark?

22 A. No.

23 461 Q. **MR. FERRY:** And he also instructs us that the nature of
24 the call was that you were informing him of what had
25 just happened and that you did not ask 13:43
26 Superintendent Taylor to confirm anything specific or
27 confirm or deny any facts in that call.

28 A. That's totally untrue.

29 462 Q. And basically that the nature of the call was, you were

1 telling him what you had just done, in that you had
2 interviewed her, and what you were going to do, that
3 you were going to write an article?

4 A. Untrue.

5 **CHAIRMAN:** So the instructions are, 13:43
6 Superintendent Taylor didn't say anything to him?

7 **MR. FERRY:** well, that Superintendent Taylor will say
8 that he took note of what you had told him and that he
9 passed on to his superior, who was then-Commissioner
10 Martin Callinan, and also Deputy Commissioner 13:44
11 O'sullivan, by way of text message.

12 **CHAIRMAN:** But as for any reference to whether there
13 was an investigation involving Sergeant Maurice McCabe,
14 whether there had been a file sent to the DPP, what the
15 DPP had said, which is now said to be no prosecution 13:44
16 for insufficient evidence, was any of that said? what
17 are your instructions on that?

18 **MR. FERRY:** No. Our instructions are simply that
19 Mr. Williams notified Superintendent Taylor that he had
20 been at the house, that he had interviewed her and 13:44
21 that -- in relation to Maurice McCabe and that he would
22 be writing an article that would be damaging to Maurice
23 McCabe.

24 **CHAIRMAN:** And was there any instructions from
25 Superintendent Taylor as to what the point of such a 13:45
26 phone call might be, if it's merely Mr. Williams
27 telling Superintendent Taylor information as opposed to
28 the Garda Press Office giving information or confirming
29 information?

1 **MR. FERRY:** The instructions are that he was providing
2 information and that information was relayed on to a
3 superior.

4 **CHAIRMAN:** Thank you for that clarification, Mr. Ferry.
5 Do you want to say anything about that, that you were 13:45
6 simply ringing up to tell him you were out to destroy
7 Maurice McCabe or words to that effect?

8 A. Number one, I didn't ring him on the day he says I rang
9 him. I had regular conversations with him after that
10 when I started making inquiries. He suggests there 13:45
11 that I rang him up and made a declaration or a
12 statement to him that Maurice McCabe allegedly
13 destroyed somebody's life. I don't see any logic in
14 saying that to anybody, especially a press officer. I
15 rang him to clarify details with him, and that's it. 13:46

16 **CHAIRMAN:** So it's fair that we have the case put,
17 unless you want to ask any other questions, Mr. Ferry?

18 463 Q. **MR. FERRY:** The only other matter is that he instructs
19 that he didn't receive any further telephone call prior
20 to the publication of the article on, I think, 2nd 13:46
21 April or 3rd April.

22 A. Sorry, can you repeat that again?

23 464 Q. Superintendent Taylor instructs that he didn't receive
24 any further telephone call from you, Mr. Williams,
25 prior to the publication of the article in early April, 13:46
26 2nd or 3rd April?

27 A. He got no more phone calls from me in relation to this
28 matter until the 12th --

29 465 Q. In relation to this matter?

1 A. Up to 12th April?
2 466 Q. I think it was 2nd or 3rd April was the article.
3 A. That is untrue, Chairman.
4 MR. FERRY: Thank you.
5
6 MR. WILLIAMS WAS RE-EXAMINED BY MR. MCGUINNESS:
7
8 467 Q. MR. MCGUINNESS: Mr. Williams, just two or three small
9 matters. Firstly, did you make any note or retain any
10 note of the questions you put to Superintendent Taylor. 13:47
11 A. No.
12 468 Q. Did you make any note or, if you made any note, did you
13 retain any note of any answer he gave you, in any way,
14 shape or form?
15 A. I can't -- I don't know where they are. 13:47
16 469 Q. So IS the answer yes?
17 A. I don't know, I don't know. I didn't look for them. I
18 haven't been asked for them before, so I don't know.
19 470 Q. All right. Well, would you give an undertaking to
20 search for any such note -- 13:47
21 A. Of course, yeah.
22 471 Q. -- of any either question or response --
23 A. Mm-hmm.
24 472 Q. -- or anything which might relate to the existence of
25 any answer? 13:47
26 A. Yes.
27 473 Q. Thank you. And just finally, obviously from your
28 perspective you were seeking confirmation of a number
29 of important issues relating to the investigation?

1 A. That's correct.

2 474 Q. And you were seeking them from, as we know,
3 Superintendent Taylor. And you had no difficulty
4 disclosing the source of the confirmations to the
5 Tribunal when you -- after you got the source and when 13:48
6 you were asked to make your statement?

7 A. Mr. Taylor came forward and said he been briefing
8 journalists in relation to superintendent -- or
9 Sergeant McCabe.

10 475 Q. Yes. 13:48

11 A. And he waived his right to privilege and anonymity. So
12 that is why I have spoken to and gave a statement to
13 the Tribunal.

14 **MR. MCGUINNESS:** Thank you.

15 13:48

16 **MR. WILLIAMS WAS THEN QUESTIONED BY THE CHAIRMAN:**

17

18 476 Q. **CHAIRMAN:** Mr. Williams, I just have a couple of
19 questions. Did you find the criminology study
20 worthwhile? 13:48

21 A. I think I did, yes.

22 477 Q. **CHAIRMAN:** Did it put things together for you in
23 relation to what you had been writing about?

24 A. Pardon?

25 478 Q. **CHAIRMAN:** Did it put things together into a 13:48
26 theoretical perspective?

27 A. It certainly did. I studied -- I specialised in police
28 culture, and that was an eye-opener.

29 479 Q. **CHAIRMAN:** The Garda Press Office then, as such,

1 because that would be the source of, I suppose, a lot
2 of information for journalists in this area, are you
3 aware of any guidelines they're supposed to abide by?
4 Now, clearly the Garda would give me that information,
5 but from your dealings with them over the years, are 13:49
6 you aware of what they will answer and not answer?

7 A. You take it on a case-by-case basis. A lot of the time
8 they don't -- but it depends. Sometimes they'll tell
9 you, sometimes they won't. Sometimes they just leave
10 it up in the air. 13:49

11 480 Q. **CHAIRMAN:** Is it ever the case that the Garda Press
12 Office, as such, would make a comment off the record?

13 A. Yes.

14 481 Q. **CHAIRMAN:** How could that happen?

15 A. They would say -- 13:49

16 482 Q. **CHAIRMAN:** And obviously I'm not going to ask you --

17 A. It would be officially unofficial. Like, when you go
18 and ask the Press Officer, look, I'm looking into this,
19 what is happening with A, B or C, and they'd say,
20 look -- they'd give you steer on it, but then they say, 13:50
21 well, look, we're not making any official comment on
22 it. It's like spokespersons all over, in any business,
23 whether it is Gardaí, HSEs, whatever public
24 departments, political parties, press offices, that's
25 the way they all operate. 13:50

26 483 Q. **CHAIRMAN:** Forgive what perhaps might be naivety on my
27 part, but I would have thought that if there is an
28 official body, namely the Garda Press Office, whose job
29 it is to brief the media in relation to investigations,

1 the progress of prosecutions, other things as well,
2 given that it's an official body, would they -- would
3 the Garda Press Officer ever be in a position to say, I
4 am now telling you something in confidence? And I'm
5 not going to inquire into what may have been said 13:50
6 but --

7 A. Yes, they would. They might not want to be seen to
8 have commented about it at all.

9 484 Q. **CHAIRMAN:** So are they there --

10 A. They are an official comment and an unofficial comment. 13:51

11 485 Q. **CHAIRMAN:** So is the Garda Press Office there to give
12 surreptitious comments behind the scenes to journalists
13 or is it supposed to be an open process for the benefit
14 of the public?

15 A. Well, sometimes you will put questions to them and you 13:51
16 say you want an answer to this and they will say --
17 sometimes they will go off record and they will say,
18 look, this is giving you a steer on this, it's not what
19 you think it is, whatever. It's a sort of a -- it's a
20 grey world. 13:51

21 486 Q. **CHAIRMAN:** Does the Garda Press Office operate in that
22 way?

23 A. The whole way the Gardaí operate in terms of
24 communications is a very grey world, Chairman.

25 487 Q. **CHAIRMAN:** And you will recall what Mr. McDowell 13:51
26 mentioned, Section 62 of the Garda Síochána Act 2005,
27 which, no doubt, was part of your studies?

28 A. No, I don't know about that part of the Act. I
29 don't -- I'm not intimate with the Act.

1 488 Q. **CHAIRMAN:** Okay. But did the Garda Press Office ever,
2 in the course of your dealings over 30 years, mention
3 to you, look -- well, obviously the Act goes back 12
4 years -- did the Garda Press Office ever say to you,
5 look, I'm sorry, I can't make a comment because of a 13:52
6 particular section of an act or because of --
7 A. Sometimes they just say they're not commenting at all.
8 489 Q. **CHAIRMAN:** Pardon?
9 A. Sometimes they just say they're not commenting at all.
10 490 Q. **CHAIRMAN:** That's it? 13:52
11 A. Yeah. Sometimes they might not even return your call.
12 491 Q. **CHAIRMAN:** And then just the last matter I wanted to
13 ask you was: Obviously, I will think about what you
14 are saying and what it seems Superintendent Taylor will
15 say, but not leaping to conclusions, is it the case 13:52
16 that you get read out to you ever over the phone what
17 the DPP has decided --
18 A. No.
19 492 Q. **CHAIRMAN:** -- in relation to a case?
20 A. No, because my dealings with the Press Office would be 13:53
21 sporadic through the years. In 2014, I was doing some
22 stories for the 'Indo'. I'd normally fill in for Tom
23 Brady, who is away or whatever, and there were some
24 murders going on. You know, you would be in touch in
25 and out of that, because I wasn't involved in 13:53
26 day-to-day blue-light chasing, so to speak.
27 **CHAIRMAN:** I see. Thank you for your help,
28 Mr. Williams.
29 **MR. MCGUINNESS:** Thank you, Mr. Williams.

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THE WITNESS THEN WITHDREW.

MS. LEADER: The next witness, sir, is Detective Superintendent John O'Reilly.

13:53

1 DETECTIVE SUPERINTENDENT JOHN O'REILLY, HAVING BEEN
2 SWORN, WAS DIRECTLY EXAMINED BY MS. LEADER:

3
4 MS. LEADER: Detective Superintendent O'Reilly's
5 statement is in volume 10 of the materials at page 13:54
6 2913.

7 493 Q. Detective Superintendent O'Reilly, you are a member of
8 the Garda Síochána. In what division are you presently
9 attached to?

10 A. I am attached to the Northern Region. It covers four 13:54
11 divisions.

12 494 Q. And if you wouldn't mind telling us a little bit about
13 your career in the guards to date, please.

14 A. I have 33 years service, Chairman. I joined in 1984,
15 spent ten years in Pearse Street, in this general area. 13:55

16 Then I went to Cavan-Monaghan on promotion, to Cavan,
17 Ballyconnell, and then to Bailieboro in 1995. I was
18 there until 2004 as sergeant in charge, and at that
19 point I was promoted and transferred to Glenties as a
20 uniform inspector, back to Clondalkin in Dublin for a 13:55
21 time and then to Ballyconnell in Cavan as a uniform
22 inspector. In 2007 I was appointed to detective
23 inspector in Sligo-Leitrim division, where I remained
24 until 2012. At that point I was promoted to detective
25 superintendent and I was assigned to the Northern 13:55
26 Region, where I still serve.

27 495 Q. Now, the Tribunal heard yesterday that you know the D
28 family and are a friend of Mr. D's, is that correct?

29 A. Correct. I know Mr. D for about 20 years, maybe a

1 little more. Mrs. D for probably over 30 years. She
2 would have travelled to school with me a long time ago.

3 496 Q. And you continue a close acquaintance with them?
4 A. Yes, the friendship would still be there, Chairman, and
5 has been there for over all those years, on a personal 13:56
6 level and a family level as well.

7 497 Q. And would you meet with them regularly over the years?
8 A. Yes, Chairman. Both of us are the same age, there's
9 two days between our birthdays; ironically, it's an
10 annual event, where we meet up for a couple of drinks. 13:56
11 Our meetings wouldn't necessarily be confined to once a
12 year. If we were close to each other's houses, we
13 would call in for a short time or whatever. But we
14 would meet, I won't say frequently, we would meet on a
15 reasonable -- 13:57

16 498 Q. In relation to Ms. D, do you know her?
17 A. Yes, I do.

18 499 Q. Were you aware in 2006 that she made a complaint in
19 relation to Sergeant McCabe?
20 A. No, Chairman, I wasn't. It was in later years that I 13:57
21 was made aware of it.

22 500 Q. Do you think you know when you became aware of that
23 matter?
24 A. As far as I can recall, Chairman, it was 2009, '10 or
25 '11, in around that approximate time. Obviously, there 13:57
26 was material in the papers, in the newspapers, but
27 Mr. D briefly made reference to it on one occasion we
28 met where he claimed that Ms. D had made an allegation
29 against Maurice McCabe and that the DPP had directed no

1 prosecution. It wasn't a topic we discussed. He said
2 it in passing. I was somewhat taken aback. And he
3 said that it was over and they were moving on with
4 their lives. And it was as brief as that. It wasn't a
5 topic that was discussed in the normal course of our 13:58
6 engagements.

7 501 Q. Okay. And insofar as you're a member of An Garda
8 Síochána, did you hear that discussed more widely
9 within the guards at any stage?

10 A. Chairman, in 2007, as I said, I left and went to 13:58
11 Sligo-Leitrim. I would have had little or no dealings
12 with Cavan-Monaghan. To hear -- or to answer the
13 question that I have been asked, it wasn't a subject
14 that was certainly discussed in Sligo-Leitrim, it
15 wasn't a subject I inquired about or asked about or was 13:58
16 told about, because I knew both families and I had
17 absolutely no intention of becoming involved in it.

18 502 Q. Do you know the former Commissioner Martin Callinan?

19 A. Yes. He was obviously the Commissioner of the Garda 13:59
20 organisation. In the past, he was a sergeant of mine
21 when I was in Pearse Street here, probably in the late
22 '80s, very early '90s for a very short period of time.

23 503 Q. And did you ever at any stage discuss any matters
24 relating to Sergeant McCabe with the former
25 Commissioner Callinan? 13:59

26 A. Absolutely not, Chairman.

27 504 Q. Are you certain of that?

28 A. I am absolutely certain. I have had no cause to -- as
29 a matter of fact, I could count on one hand the number

1 of times I have even met or discussed anything with the
2 former Commissioner, and certainly Maurice McCabe was
3 never one of them.

4 505 Q. If I could then turn to the current Commissioner,
5 Commissioner O'Sullivan. Do you know Commissioner 13:59
6 O'Sullivan to speak to?

7 A. Yes, for the same reason, that she is the Commissioner
8 of the Garda organisation, and yes, I would speak to
9 her on a casual basis, but that's it, basically,
10 Chairman. 14:00

11 506 Q. Did you ever at any time discuss Sergeant McCabe or the
12 Ds with Commissioner O'Sullivan?

13 A. Absolutely not, Chairman.

14 507 Q. Okay. And if I could turn to Superintendent David
15 Taylor. Do you know Superintendent Taylor to speak to? 14:00

16 A. My first -- the first time really I ever had any
17 dealings with Superintendent Taylor while he was the
18 Press Officer, he would have contacted me from time to
19 time around investigations that I would have been
20 involved in or running, and that was it, and I have 14:00
21 never ever spoken to him regarding Maurice McCabe or
22 the D family.

23 508 Q. Now, in relation to Mr. Williams, the last witness, how
24 do you know Mr. Williams?

25 A. I would have initially met Mr. Williams some years ago. 14:00
26 I interviewed him in relation to a murder investigation
27 I was in charge of in Sligo in 2007. Before that, I
28 had infrequent contact when he was visiting his home in
29 County Leitrim. At that time, there was a level of

1 protection, Garda protection, around him relative to a
2 threat that was made against him, or threats.

3 509 Q. Okay. And we now know you had his phone number. Can
4 you remember how it came about that you have his phone
5 number, Superintendent? 14:01

6 A. I would have had it going back to those times past,
7 Chairman. And it was in my phone. And I would have
8 obviously made contact with him in 2007 when I had to
9 go to his home and take a statement from him, or
10 possibly two statements, certainly at least one, in 14:01
11 relation to a murder investigation I was in charge of
12 at that time.

13 510 Q. Okay. Now, the Tribunal knows that you met Mr. D at
14 the beginning of 2014. Can you remember how that
15 meeting came about? 14:02

16 A. Yes, Chairman. When I was asked initially, I couldn't
17 remember, but I would have estimated three, maybe
18 three-and-a-half years ago. I now know the date from
19 proceedings here, that what would be around the time I
20 would have met Mr. D. I honestly can't remember if it 14:02
21 was at their home or if it was in a social setting.
22 There was just general chat. And at that time there
23 was quite a lot of newspaper articles around Sergeant
24 McCabe, and in the course of conversation I asked Mr. D
25 how Ms. D was, and he described how she was not in good 14:02
26 shape, and then he went on to outline that a number of
27 journalists had called to their home, I don't know who
28 they were, Chairman, he never said, I didn't ask, and
29 we had a conversation around that. He then asked me

1 did I know Paul Williams -- no, sorry, Chairman, he
2 said that Ms. D wanted to give her account but she
3 didn't want to go public. And I -- it was kind of --
4 it was a bit of contradictory statement of sorts, I
5 thought, but he said that they were talking about Paul 14:03
6 Williams, and then he said to me, do you know him? And
7 I said, I do. He said, what do you think of him? I
8 said, any dealings that I had with him, I found him
9 okay. He then asked me did I have a contact number for
10 him. I checked the phone and obviously I did. He 14:03
11 says, can I take it from you? And I gave him the
12 number. And what he said to me at that point was that
13 he was going to talk to -- again to Ms. D to see if she
14 wanted to talk to him, and that, if she did, would I
15 make contact with Mr. Williams to see would he take a 14:04
16 call from either Mr. D or Ms. D. I didn't know who was
17 going to make the phone call. I can't remember if it
18 was that evening, the next day or two days later, I
19 don't remember, but I did get a call from Mr. D asking
20 me to ring Paul Williams to see would he take a phone 14:04
21 call from him, which I did.

22 511 Q. What was Mr. Williams' reaction when you phoned him up?

23 A. Obviously he knew who I was from our previous
24 engagements. I explained to him that a friend of mine,
25 and I identified Mr. D by name, that he had asked me to 14:04
26 make contact with him to see could he talk to him. As
27 far as I can recall, Mr. Williams may have said to me,
28 well, who is he? And then my reply, I think, Chairman,
29 and again I can't be certain, it's over three years ago

1 and I'd completely forgotten about it until very
2 recently, I would have imagined -- I imagine I would
3 have said, he is the father of Ms. D, who made the
4 allegations against Sergeant McCabe. Now, I had little
5 or no knowledge around the allegations and I certainly 14:05
6 didn't elaborate any further because I wouldn't have
7 had much knowledge. He said, fair enough, tell him to
8 ring me. And that was it. It was a very brief
9 conversation, Chairman.

10 512 Q. Did you have any subsequent conversations with 14:05
11 Mr. Williams after that in relation to Mr. D and
12 Sergeant McCabe?

13 A. Chairman, I have a vague recollection of, a number of
14 days later, and I can't -- and I think it's a number of
15 days later, I'd imagine it probably was, where 14:06
16 Mr. Williams rang me and asked me for directions to the
17 D household. I gave them to him. And I have never
18 spoken to either him or Mr. D about anything that was
19 discussed since that time.

20 513 Q. Did you read the newspaper articles? Do you remember 14:06
21 seeing them?

22 A. Chairman, there were so many articles that I stopped
23 reading a lot of them. Actually, some of them that
24 came up here today, I'd have no recollection of them
25 ever being -- of ever reading them. So I would have 14:06
26 read some, but I honestly couldn't see exactly which
27 ones.

28 514 Q. Okay. If I could show you a note that was recorded
29 by -- you're aware Ms. D made a complaint to GSOC in

1 relation to the handling -- you may not be aware of
2 that?

3 A. Well, I am now. 14:07

4 515 Q. Are you aware?

5 A. I am now. 14:07

6 516 Q. In relation to the handling of her -- the investigation
7 into the allegations made against Sergeant McCabe?

8 A. Yes, Chairman.

9 517 Q. When did you become aware of that?

10 A. Yesterday. 14:07

11 518 Q. Had you discussed the matter with Mr. D --

12 A. No.

13 519 Q. -- in any way beforehand?

14 A. No. Chairman, it wouldn't have been a topic of
15 conversation any time we met. We just didn't go there. 14:07
16 He had his privacy. I didn't just explore it, for
17 obvious reasons.

18 520 Q. And maybe if page 108 could be brought up on the screen
19 in front of you. These are notes taken by a GSOC
20 investigator -- 14:07

21 A. Yes.

22 521 Q. -- during the course of an interview with Ms. D. And
23 there is a substantial redacted portion in the middle
24 of the --

25 A. Yes. 14:08

26 522 Q. And just underneath that --

27 A. Correct.

28 523 Q. -- it records that "*Inspector John Reilly*," who we take
29 it is you, "*told her father*," that is Mr. D, "*MMCC*

1 *would go to the local secondary school and watch the*
2 *young ones coming out of the school."*

3 A. Judge --

4 524 Q. *"Peter O'Sullivan, a garda, saw what was happening and*
5 *tried to calm the situation down."* 14:08

6 That seems to be just directly underneath that. Now,
7 did you at any time speak to Mr. D in relation to
8 Sergeant McCabe?

9 A. Chairman, the first time I was aware of this was
10 yesterday evening, and I was absolutely flabbergasted. 14:08
11 I neither said it nor have any knowledge about it, on a
12 personal or any other level. I have no reason to have
13 ever said that, because as far as I'm concerned that is
14 not true.

15 525 Q. Okay. If you turn to the following page, page 109, 14:08
16 which should come up on the screen, you will see that
17 possible witnesses are listed by the person from
18 GSOC --

19 A. Yes, at the bottom.

20 526 Q. -- who took that statement. And you appear as one of 14:09
21 those witnesses?

22 A. Yes.

23 527 Q. Were you at any time contacted by any member of GSOC in
24 relation to their reinvestigation?

25 A. Chairman, never. The first time, as I said, I was made 14:09
26 aware of this, was yesterday evening.

27 528 Q. Have you spoken to any of the Ds about it since then?

28 A. This, no.

29 529 Q. Just insofar as that would seem to appear on a GSOC

1 document, have you any idea where that information
2 could have come from?

3 A. Chairman, I have absolutely no idea, no knowledge, good
4 bad or indifferent, around the content there. I might
5 also add that the GSOC statement, I was also provided 14:10
6 with yesterday evening, and that's at variance with the
7 content of the notes, where Ms. D makes reference to
8 rumours but there is no reference to me or that alleged
9 comment that was made. I never made it. I had no
10 reasons to make it. 14:10

11 **MS. LEADER:** Thank you very much, Detective
12 Superintendent. If you would answer any questions
13 anybody else might have for you.
14

15 **DETECTIVE SUPERINTENDENT O'REILLY WAS CROSS-EXAMINED BY** 14:10
16 **MR. MCDOWELL:**
17

18 530 Q. **MR. MCDOWELL:** well, just briefly Superintendent
19 O'Reilly. It would appear that in the course of an
20 interview Ms. D attributed to you -- attributed you as 14:11
21 the source of information received from her father
22 about Sergeant McCabe going to the local secondary
23 school and watching the young ones coming out of the
24 school. You are saying that that -- if she said that,
25 it was totally untrue? 14:11

26 A. Absolutely. I have absolutely no knowledge of anything
27 of that nature ever taking place, Chairman.

28 531 Q. And you never heard any such rumour or discussion?
29 A. Absolutely not, Chairman.

1 532 Q. And it would also appear that when she was asked at the
2 end of the interview whether there were Gardaí who
3 could be useful witnesses in the inquiry, she named you
4 again. Have you any -- can you throw any light on
5 that? 14:11

6 A. I'm not familiar with that. That's where the possible
7 witnesses are listed?

8 533 Q. Yes.

9 A. I have no idea. I am assuming, Chairman, it goes back
10 to the erroneous comment or entry that's on the earlier 14:11
11 notes.

12 534 Q. I see.

13 A. But I have never been spoken to by GSOC around any of
14 this.

15 535 Q. But when you did have the discussion which led to you 14:12
16 acting as a go-between Mr. D and Paul Williams, did you
17 have a -- what actually transpired between yourself and
18 Mr. D?

19 A. Before I rang Mr. Williams?

20 536 Q. Yeah. What was the drift of the discussion you had? 14:12

21 A. It was a general discussion. Obviously there was a lot
22 of articles in the newspapers at the time. During the
23 course of the conversation, I did ask him how Ms. D
24 was, and he said she's not in good shape with all the
25 stuff that's gone on in the papers. We had a small 14:12
26 amount of conversation around her wellbeing, and then
27 he made reference to the journalists; I think he might
28 have used the term persecuting or plaguing the house or
29 something to that effect. As I said, I don't know who

1 he was referring to. He then made reference -- or he
2 then said that himself -- no, sorry, he said that Ms. D
3 wanted to give her account but she didn't want to go
4 public, and, as I said, that was a bit of a
5 contradictory-type statement. He said they had spoken 14:13
6 about Paul Williams and then asked me did I know him,
7 to which I replied yes, I did.

8 537 Q. So your understanding was -- sorry, the first thing I
9 should ask you: Did Mr. D indicate to you what he
10 indicated here, and that was that he didn't think it 14:13
11 would be a very good idea for her to give any interview
12 to a journalist?

13 A. I don't know what he said in this forum, Chairman.

14 538 Q. Well, you heard his evidence here, didn't you?

15 A. No. 14:14

16 539 Q. You didn't?

17 A. No.

18 540 Q. I see. Well, he led us to believe that he was not in
19 favour of the idea.

20 A. Well, that was a decision for Mr. D and Ms. D. All I 14:14
21 did was give him a telephone number and when he made
22 contact with me to contact Paul Williams to see would
23 he take a call from him, that was the sole involvement
24 I had with him around the issue here.

25 541 Q. And, I mean, you were reasonably friendly with him; I 14:14
26 presume you weren't the closest of friends, but you
27 were reasonably friendly with him?

28 A. Reasonably friendly, yes.

29 542 Q. And did it ever occur to you to say to Mr. D, look,

1 this is not a good idea?

2 A. No, I didn't say that to him, because he said it was a
3 decision -- it was something that both himself and
4 Ms. D had discussed. They had made reference to Paul
5 Williams, and what they did or didn't do after that was 14:15
6 a matter for them. I didn't involve myself in their
7 family business before then or since then. They asked
8 me for a number and to facilitate contact. Nothing
9 more.

10 543 Q. And if either or both of them made statements to the 14:15
11 Tribunal saying that you had come up with the name of
12 Paul Williams, that's wrong, is it?

13 A. I have read that and that is incorrect. I would have
14 no reason to suggest Paul Williams over any other
15 journalist. None. 14:15

16 544 Q. And it never occurred to you to say, look, this is a
17 strange thing to do, she doesn't want her name to get
18 into the public domain, but she does want to give an
19 interview to a journalist. Did you think to yourself,
20 you know, this is a strange thing to want to do? 14:15

21 A. As I have said, I thought it was a somewhat
22 contradiction or a contradictory-type statement. But
23 whatever decision was made was a matter for themselves.

24 545 Q. And as I understand it, when you did speak to Paul
25 Williams you identified Sergeant McCabe as the person 14:16
26 about whom she wanted to make the complaint, is that
27 right?

28 A. I would -- I would imagine I would have made reference
29 to Ms. D as it being the individual who had made the

1 allegation against Sergeant McCabe. I couldn't say
2 that with any level of certainty, but it's quite likely
3 that I did.

4 546 Q. But you were, in effect, teeing up an interview between
5 Ms. D and Paul Williams about Sergeant McCabe? 14:16

6 A. I was teeing up a meeting or a discussion. After that,
7 I had no control, directly or indirectly, about
8 anything that did or didn't happen.

9 547 Q. What did you think she wanted to say to Sergeant
10 McCabe -- or, sorry, to Paul Williams, rather? 14:16

11 A. I don't know, beyond what I've just said, that she
12 wanted to give her account. I didn't ask what the
13 account was. As a matter of fact, I have never spoken
14 to Ms. D around any of this.

15 548 Q. But I take it you knew that it related to an allegation 14:17
16 she had made against Sergeant McCabe in the distant
17 past?

18 A. Yes.

19 549 Q. And you explained that to Mr. Williams?

20 A. No, did not. I didn't know enough detail, I wasn't 14:17
21 getting involved. I made it clear to Paul Williams I
22 wasn't getting involved. I only asked him would he
23 take a phone call from Mr. D or Ms. D in connection
24 with -- he may have asked me who they were.

25 550 Q. Yes. 14:17

26 A. As a matter of fact, I think he may well have. He
27 probably did. And I outlined that Ms. D was the young
28 lady that made the allegation against Sergeant McCabe.
29 And there was nothing further discussed. It was a very

1 brief conversation.

2 551 Q. But you had no doubt in your mind that it was in
3 relation to those allegations that she intended to
4 communicate with Mr. Williams?

5 A. I had no reason to think otherwise. 14:18

6 552 Q. Did it occur to you or did you know that she was making
7 a complaint that the Gardaí had misinvestigated her
8 original complaint?

9 A. No.

10 553 Q. So, as far as you were concerned, it was to re-open the 14:18
11 original complaint, not Garda investigation standards,
12 was it?

13 A. That was my suspicion. It wasn't discussed between
14 myself and Mr. D in any make, shape or form. That was
15 my understanding. I have no idea what was discussed. 14:18

16 554 Q. And you say that at a later stage there was a follow-up
17 contact when Mr. Williams was looking for her address,
18 is that right?

19 A. No.

20 555 Q. Or directions to their house -- 14:19

21 A. Directions to their home. It could have been the next
22 day, it could have been two days later, but it wasn't
23 that terrible long afterwards.

24 556 Q. I see. And did you wonder to yourself what was likely
25 to happen when you gave those directions? 14:19

26 A. Wonder, in what sense?

27 557 Q. Did you think to yourself, I wonder what she's going to
28 tell him and I wonder what he's going to do with it,
29 where this is all going to end up?

1 A. Chairman, as I said, I literally facilitated the
2 contact, nothing more. What I wondered or didn't
3 wonder is irrelevant or was not discussed with the D
4 family.

5 558 Q. I am just asking about your own state of mind, what you 14:19
6 thought you were teeing up?

7 A. It was made clear that she wanted to give her account.
8 I have no control or had no control over what anyone
9 did after that.

10 **MR. MCDOWELL:** I see. Thank you, Superintendent. 14:20
11

12 **DETECTIVE SUPERINTENDENT O'REILLY WAS CROSS-EXAMINED BY**
13 **MR. HOGAN:**
14

15 559 Q. **MR. HOGAN:** Detective Superintendent O'Reilly, Tom 14:20
16 Hogan is my name. I am representing Ms. D and her
17 family, including Mr. D. There is just one point I
18 wanted to clarify with you. You made a statement to
19 the Tribunal investigators, isn't that correct?

20 A. Correct. 14:20

21 560 Q. I think it's perhaps a fair assessment of your
22 statement that you had difficulty recalling the
23 conversation and the meeting that you had with Mr. D,
24 is that fair?

25 A. I had difficulty recalling when that happened, when it 14:20
26 took place, yes.

27 561 Q. You suggest in your statement that when you were
28 talking about the press and that the press were
29 hounding Mr. D and his family, in relation to that

1 conversation, that you can't be sure exactly what was
2 said?

3 A. Yes, that's in my statement.

4 562 Q. You say, "*We had a conversation around that. Exactly*
5 *what, I can't be sure*". 14:21

6 A. Yes, that's my statement.

7 563 Q. And in other parts of your statement you described your
8 recollection as hazy and a distant memory, isn't that
9 correct?

10 A. Yes. 14:21

11 564 Q. Yes. And I want to ask you, Detective Superintendent,
12 the point I want to raise is: who brought up Paul
13 Williams' name first? And Mr. D has given evidence
14 that it was you who mentioned his name in passing in
15 response to Mr. D saying that Ms. D might be interested 14:21
16 in giving an interview.

17 A. Chairman, my recollection is that it was Mr. D made
18 reference to Paul Williams by name as somebody that
19 both himself and Ms. D had spoken about, and the
20 conversation followed from that in the sense that he 14:22
21 asked if I knew him and I have already said how I knew
22 him. But that's my recollection. I had no reason to
23 suggest Paul Williams in any make, shape or form.

24 565 Q. Well, I don't want to fall out with you, Detective
25 Superintendent, but I suppose we can agree to disagree. 14:22
26 Mr. D believes that you are wrong in your recollection
27 about that. I have to suggest that you are wrong; that
28 his recollection is to be preferred.

29 A. No, Chairman. I am right.

1 **MR. HOGAN:** Thank you.

2 **MR. O'HIGGINS:** No questions, Chairman.

3

4 **DETECTIVE SUPERINTENDENT O'REILLY WAS THEN QUESTIONED**

5 **BY THE CHAIRMAN:**

14:22

6

7 566 Q. **CHAIRMAN:** Detective Superintendent, I am just
8 wondering about this thing.

9 A. Yes.

10 567 Q. **CHAIRMAN:** Given that Paul Williams writes about
11 crime --

14:22

12 A. Yes.

13 568 Q. **CHAIRMAN:** -- given that you have been involved in
14 criminal investigation all your life, given that there
15 was an allegation made, by this stage we're aware it
16 was 2006 --

14:23

17 A. Yes.

18 569 Q. **CHAIRMAN:** -- or thereabouts, given that it was a
19 sexual abuse, given that it was in relation to a
20 colleague, namely Sergeant McCabe --

14:23

21 A. Yes.

22 570 Q. **CHAIRMAN:** -- given that by putting the two together,
23 namely Ms. D and Paul Williams, it was, well, beyond
24 reasonable doubt that they would be talking about one
25 thing and one thing only?

14:23

26 A. Yes.

27 571 Q. **CHAIRMAN:** And probably publishing about it?

28 A. Well, my own experience, Chairman, in the past, is that
29 certainly you wouldn't publish matters of a

1 confidential or sensitive nature. I have no reason to
2 believe this was any different. Does that answer the
3 question?

4 572 Q. **CHAIRMAN:** Did you have any kind of feeling in relation
5 to Sergeant McCabe? 14:23

6 A. No. Mr. D had told me that the allegation was made,
7 the DPP directed no prosecution. Em, feelings, no.
8 Em, I would have been friendly with the McCabe family
9 probably for equally as long as the D family. So, no,
10 I had no reason to say good, bad or indifferent. 14:24

11 573 Q. **CHAIRMAN:** Did you have any doubt that the net result
12 of the contact you were facilitating would be that the
13 whole matter as to what had happened was going to be
14 aired publicly again?

15 A. Well, I am open to correction, Chairman, but I think it 14:24
16 had been aired publicly to some degree at that point,
17 but I am open to correction.

18 574 Q. **CHAIRMAN:** I don't believe that is the case. There was
19 certainly rumours going on about it, but this is the
20 first time it had been written about in the press. 14:24

21 A. As I said, I'm open to correction, Chairman. I
22 couldn't say.

23 575 Q. **CHAIRMAN:** How do you feel now about having set up that
24 contact?

25 A. Em. 14:24

26 576 Q. **CHAIRMAN:** Do you feel it was a good idea in retrospect
27 or a bad idea?

28 A. Chairman, a friend asked me for a number and to
29 facilitate a contact. I wasn't his conscience, I

1 wasn't his judge. The same as if anybody else asked me
2 for a number, I would have provided it to them. So do
3 I feel bad about where we are at now? Yes, I do,
4 because friendships have deteriorated and a lot of
5 things have gone on in the public domain which are not 14:25
6 nice, so yes is the answer.

7 577 Q. **CHAIRMAN:** I think, Superintendent, you'd appreciate
8 more than most people that if you say somebody murdered
9 somebody, it's pretty easy to say that didn't happen
10 because there's no body, or the alleged murderer was 14:25
11 not in the country or has an alibi of some kind, but if
12 you say because people have contact with children all
13 the time, they're part of our lives, a great part of
14 our lives, a joyful part of our lives, if somebody
15 spreads a rumour that somebody sexually abused a child, 14:26
16 it's impossible to prove, it's impossible to disprove?

17 A. Yes.

18 578 Q. **CHAIRMAN:** In many of these cases, again you'd know
19 this from your vast experience, it's usually two or
20 three people who are saying, this happened to me, and 14:26
21 unfortunately, if those proclivities exist, people
22 don't seem to stop; would I be right?

23 A. Well, that is certainly evident from all the media
24 coverage over the past number of years.

25 579 Q. **CHAIRMAN:** No, I mean to say it is rare that someone, I 14:26
26 have not come across a case where someone allegedly
27 sexually assaults a child in a mild way first; there's
28 usually grooming, preparation and, quite often, there's
29 several victims?

1 A. Oh, that's true, Chairman, yes.

2 580 Q. **CHAIRMAN:** Did you look at all into the Garda file on
3 this matter as to what exactly was alleged in what
4 circumstances, whether the circumstances were credible,
5 whether the statements made by the alleged victim had 14:27
6 internal consistency?

7 A. Chairman, I have never seen the file. I was not in
8 Cavan-Monaghan division at the time that the complaint
9 was made. I have never had any reason to look at the
10 file. And I certainly was never shown it. So it is a 14:27
11 long way of answering the question you have asked me.

12 581 Q. **CHAIRMAN:** If it was a circumstance where someone was
13 saying to you, I want -- I don't know how to get
14 something harmful to myself, but would you know someone
15 who has something that I want that's harmful to 14:27
16 myself - I am not going to use any dramatic examples -
17 perhaps one might pause and think, is this a good idea?
18 Or perhaps one might say to the person, look,
19 seriously, is this the right way to go? And I am just
20 wondering did that cross your mind? 14:28

21 A. At the time, Chairman, no. Hindsight, probably, yes.

22 582 Q. **CHAIRMAN:** Yes. And I know you would have had a lot of
23 experience with the media, I am sure the vast majority
24 of it was good, but one can have bad experiences too,
25 perhaps? 14:28

26 A. Yes.

27 583 Q. **CHAIRMAN:** Okay. That's all I want to ask. Unless you
28 have any other questions, Ms. Leader?

29 **MS. LEADER:** No.

1 **CHAIRMAN:** Thank you very much, Detective
2 Superintendent.

3
4 **THE WITNESS THEN WITHDREW.**

5
6 **MR. MCGUINNESS:** The next witness, sir, is Ms. Denise
7 Duignan. 14:28

8
9 **MS. DENISE DUGNAN, HAVING BEEN SWORN, WAS DIRECTLY**
10 **EXAMINED BY MR. MCGUINNESS:** 14:28

11
12 584 Q. **MR. MCGUINNESS:** Ms. Duignan, you have a qualification
13 in office information systems?

14 A. I do, yes.

15 585 Q. And I think you took up a position in what was the HSE 14:29
16 at the time, in October 2001, in Cavan, as a clerical
17 officer?

18 A. I did indeed, yes.

19 586 Q. And I think you have remained in that position ever
20 since, is that correct? 14:29

21 A. I have, yes.

22 587 Q. And you're currently working in the duty intake and
23 child protection department?

24 A. I am, yeah.

25 588 Q. Are you on the administration side? 14:29

26 A. I am, yes, yeah.

27 589 Q. And I think you did have some involvement in the 2006
28 referral of Ms. D, is that correct?

29 A. I would have been processing the referral at that time,

1 after the referrals meeting.

2 590 Q. After the referrals meeting?

3 A. At the time, yes.

4 591 Q. Yes. Is that to the CSA team?

5 A. Yeah, it would have been, yeah. 14:30

6 592 Q. All right. And you had no other dealings with it?

7 A. No. Apart from the file and the regular admin duties.

8 **CHAIRMAN:** Is that 2016, Mr. McGuinness?

9 **MR. MCGUINNESS:** 2006. The original time.

10 **CHAIRMAN:** I'm sorry, I mistook. You did say CSA, but 14:30

11 for some reason SART went into my mind. It's wrong.

12 **MR. MCGUINNESS:** Sorry, Chairman.

13 **CHAIRMAN:** No, that is my fault.

14 593 Q. **MR. MCGUINNESS:** And in September 2013 you went on 14:30

15 maternity leave?

16 A. Yes, I did.

17 594 Q. And you clarified one matter for us today as a result

18 of checking records, and in your statement to the

19 investigators you thought you had no involvement in

20 relation to the 2013 file? 14:30

21 A. That's correct, yes.

22 595 Q. And think you have been in a position to review that,

23 and in fact you have did have an involvement?

24 A. I did, indeed, yes.

25 596 Q. And in fact I think you're in a position to confirm on 14:31

26 oath that you, as it were, created the paper file?

27 A. Yes, I would have registered the file, as I registered

28 all files in the office.

29 597 Q. Okay. Now, you weren't and you don't act as duty

1 officer?

2 A. No.

3 598 Q. Duty social worker?

4 A. No, no, no.

5 599 Q. Now, we have heard obviously from Ms. Briege Tinnelly. 14:31
6 You probably weren't here for her evidence?

7 A. I wasn't, no.

8 600 Q. But she took a call from Ms. Brophy --

9 A. Okay.

10 601 Q. -- and filled out an intake form. I think you have 14:31
11 seen that intake form?

12 A. Yes, yeah.

13 602 Q. Perhaps we would just ask you to look at page 2192.
14 This is in the file. It's from the file that the
15 Tribunal were provided with. Is that your handwriting 14:32
16 on the top of that?

17 A. It is, yes.

18 603 Q. Okay. And did you fill out or make any entry on any
19 other part of the form?

20 A. I don't recall that I did, no. 14:32

21 604 Q. Okay. And that word reads "check", is that correct?

22 A. Yes, yeah.

23 605 Q. Now, what would that indicate your involvement was or
24 what were you doing?

25 A. I suppose every time a referral comes in, if it's new, 14:32
26 if it's old, we have to check our index system to see
27 if the case is known to us.

28 606 Q. Sorry, could you just repeat that answer? We are
29 finding it a little difficult to hear you. Perhaps you

1 would just lean a little into the microphone?

2 A. Every time a referral comes into the department,
3 whether it's new or whether it's old, we would have to
4 check our index system. So that is what the word
5 "*check*" would mean there. 14:32

6 607 Q. Okay. Now, is that something that is done as a matter
7 of course --

8 A. It would be, yes.

9 608 Q. -- or would you be instructed to do that?

10 A. No. It would be something that we in admin would do. 14:33
11 If there is an existing file we would pull that from
12 storage, if it is a new file that needs to be created
13 we would create a new file.

14 609 Q. Okay. Can I just ask you to look at page 2194? It's
15 two pages further on. We know at section 12 there 14:33
16 Ms. Tinnelly entered the tick or the cross in the "*No*"
17 box there "*No to Social Work Department*"?

18 A. Yes.

19 610 Q. But there is an entry in Ms. McGlone's handwriting
20 "*Query previously known*"? 14:33

21 A. Yes.

22 611 Q. Did that cause you to do the check?

23 A. It would have been after Ms. McGlone would have put the
24 direction on the very bottom of that sheet there I
25 would have done the check. It would have been after 14:33
26 the referrals meeting.

27 612 Q. Okay. Now, we know that the 9th August was a Friday.
28 The referrals meetings are normally on the Monday for
29 Cavan at that point in time --

1 A. Yes.

2 613 Q. -- is that correct?

3 A. That's correct, yeah.

4 614 Q. And were you at the referrals meeting?

5 A. No. No. No admin people attend. 14:34

6 615 Q. Okay. So how does it work then once the referrals
7 meeting has concluded, what happens next?

8 A. Well, what would have happened at the time would
9 possibly be either Ms. McGlone or the duty social
10 worker would have brought all the referrals that were 14:34
11 discussed that morning back in to the office, left it
12 on my desk for me to process it. As in, create new
13 files, file off, referrals and existing files, or
14 whatever request the team leader had put on various
15 referrals at that meeting. 14:34

16 616 Q. Okay. Do you have any actual memory of receiving this
17 or considering it or dealing with it on the 12th or
18 afterwards?

19 A. I don't. No.

20 617 Q. Okay. Just to be clear, what the notation at the end 14:34
21 of the page, if we scroll down to the bottom of the
22 page, Ms. McGlone has put in "*Duty to garda notify and*
23 *await allocation*", just further down, "*MTP*", is that
24 something you would take notice of?

25 A. That would be for me to put to on to our MTP, which is 14:35
26 our Measuring the Pressure database which the team
27 leader would manage. So it would be for me to record
28 the file, as in create a new file, because it was new,
29 and I would have put it on to the system for her then

1 to allocate, if it needed to be allocated.

2 618 Q. Okay. And I don't want to suggest that you failed to
3 do anything you should have done, but that "*Duty to*
4 *garda notify*" that was no part of your function, was
5 it? 14:35

6 A. No, no. That would have been the function of the duty
7 social worker or the team leader or whoever took up
8 that task. It wouldn't be an admin role.

9 619 Q. Okay. Is it any part of your function to
10 cross-reference a referral like this with another file? 14:35

11 A. Em, there would be cases, yes, where you would be
12 cross-referencing it, yes.

13 620 Q. Okay. Do you recall whether you checked whether there
14 should be a cross-referencing?

15 A. I can't recall specifically that I did in this, but it 14:36
16 would be the norm that we would check.

17 621 Q. Okay. Can I ask you to go back and look at just the
18 inside cover page of the file back at 2190? Is that a
19 familiar document?

20 A. That's my writing, yes. 14:36

21 622 Q. That's your handwriting?

22 A. Yes, yeah.

23 623 Q. Okay. It says the date file opened 15/8, so that is
24 later that week?

25 A. It would have been, yes. We would very rarely ever 14:36
26 have had the chance to do all of the referrals on the
27 day that the meeting was held. Because there's just
28 two of us that worked to the team, so it was quite busy
29 then.

1 624 Q. Okay. So the only document you had, am I correct, is
2 the referrals --
3 A. That Briega Tinnelly would have generated.
4 625 Q. -- intake record?
5 A. Yes, yes. 14:37
6 626 Q. Do you recollect seeing a written referral report from
7 Ms. Brophy coming in on the 12th?
8 A. I can't say that I recall it coming in on the 12th, no.
9 But I'm not saying it didn't.
10 627 Q. All right. I think you were shown that by the 14:37
11 investigators?
12 A. Possibly, yes, yeah.
13 628 Q. And that contained the error that the Tribunal has been
14 obviously concerning itself with?
15 A. Yeah. 14:37
16 629 Q. But if that's addressed to the duty team leader, would
17 that come into admin or would it go to the team leader?
18 A. It would come into admin. We'd date stamp it and we
19 would leave it for the team leader for her to review
20 it. 14:37
21 630 Q. Okay. So would that be left on her desk?
22 A. Well, all the social workers and team leaders, all
23 professionals in the office would have a pigeonhole, is
24 how we would describe it. It's like a tray for their
25 post in and out. So, anything that would come in, in 14:38
26 the post would be date stamped and it would be left in
27 the relevant professional's pigeonhole for them to look
28 at.
29 631 Q. Okay. Could I ask you to look at 2205? I think you

1 637 Q. Is that something that you would have ensured was done;
2 that it was put on both files?
3 A. Usually we would have, yes.
4 638 Q. Okay.
5 A. Yeah. 14:39
6 639 Q. Now Ms. McGlone has told the Tribunal that she hadn't
7 seen Laura Brophy's retrospective Disclosure of Abuse
8 Report at the time she wrote the letter or that week.
9 But could you help me as to where Ms. Brophy's report
10 would have been filed on the file by you? 14:39
11 A. Normally I would have filed Ms. Brophy's record -- or
12 her letter in, right behind the intake that Briege
13 Tinnelly would have taken over the phone.
14 640 Q. Okay. So we have the cover sheet at 2190.
15 A. Yeah. 14:40
16 641 Q. If we just go back to that. Then the next page seems
17 to be a standard form folder?
18 A. Yeah.
19 642 Q. Is that where you would place Ms. Brophy's report?
20 A. Yes. The intake record that Briege Tinnelly would have 14:40
21 generated would go in there and then Ms. Brophy's
22 letter would go behind that.
23 643 Q. Okay. And we know of course it was sent back and
24 received back in Rian at the beginning of July, but to
25 the extent that you can say where it was on the file, 14:40
26 it would have been with the intake record, which is the
27 next document --
28 A. Yes.
29 644 Q. -- either before or after it?

1 A. Yeah.

2 645 Q. Presumably on top of it, if it had come in later?

3 A. Possibly, yes, yeah.

4 646 Q. Right. Could we ask you to look at 2470, which is an
5 extract from what has been referred to by Ms. Tinnelly 14:41
6 as the big blue book for referrals?

7 A. Yeah.

8 647 Q. I'm not sure, can you see that?

9 A. It's kind of blurred but I can generally make it out.

10 648 Q. Is that the entry that you made? 14:41

11 A. No. That would have been the entry that would have
12 been made at the referrals meeting by either the team
13 leader or the duty social worker, whoever was filling
14 in the book at the meeting.

15 649 Q. Okay. So you make the Measuring the Pressure entry 14:41
16 then?

17 A. That would have been on an Excel database, yes.

18 650 Q. On the Excel database?

19 A. Yeah.

20 651 Q. Which is the computerised one? 14:42

21 A. Exactly. That the team leader has responsibility for.

22 652 Q. And we have seen there were different entries made and
23 it was amended at different times, would you have been
24 responsible for that?

25 A. In terms of? 14:42

26 653 Q. In terms of amending the entry, for example, to show it
27 was case allocated or --

28 A. Oh yes, yes, yes. Yeah, yeah.

29 654 Q. -- or duty allocated?

1 A. It would be tracked, yeah, on direction from the team
2 leader.

3 655 Q. Or sent to the retrospective SART team. We know there
4 is an entry --

5 A. Yeah. 14:42

6 656 Q. -- which shows that it was sent on the 5th July 2015?

7 A. Okay.

8 657 Q. Allocated to the retrospective team?

9 A. Yeah.

10 658 Q. Would you have been responsible for -- 14:42

11 A. Either myself or Pamela Armitage, the two admin people
12 in the office, yeah.

13 659 Q. So, either yourself or Pamela --

14 A. We would update, yeah.

15 660 Q. -- did all of that work? 14:42

16 A. We would have, yeah.

17 661 Q. In relation to Ms. McGlone's entry on the intake "*Duty*
18 *to notify*", is that something that in your experience
19 is expected to be done straightaway, to notify the
20 Gardaí? 14:43

21 A. It would usually be done after I had registered the
22 files. Usually it would be within a week. But I mean
23 if the office is very, very busy and I didn't get to
24 register them, it could run into week two, you know.

25 662 Q. Yes. But obviously the file is created, Ms. McGlone 14:43
26 has given this previous direction?

27 A. Yeah.

28 663 Q. Who is to ensure that the duty to garda notify is
29 carried out at that point in time?

1 A. Well, it's a decision that's made at the meeting by the
2 professionals. So the duty social worker would usually
3 carry out that function. But it would be my
4 responsibility to have the file passed to the duty
5 social worker when it's registered. So I suppose 14:43
6 that's -- that can be a delay, if I don't get it done
7 straightaway.

8 664 Q. Yes. And that is, correct me if I am wrong,
9 independent of whether it gets allocated as a case to
10 any particular social worker? 14:44

11 A. Yeah. The duty social worker usually would do pieces
12 on unallocated cases.

13 665 Q. Okay. In relation to Ms. Brophy's report, which is
14 date stamped 12th August, in a light blue stamp --

15 A. Mm-hmm. 14:44

16 666 Q. -- where would that have been now between received in
17 in the post department or the admin department on the
18 12th and the 15th, when you were in fact creating the
19 file in its paper form?

20 A. Well, it could be in a number of two places. It might 14:44
21 have gone directly to the duty social worker's office,
22 it could have been in Keara McGlone's tray, it might
23 have been on my desk, I can't specifically recall.

24 667 Q. Okay. But can the Tribunal take it that ordinarily it
25 would be associated with the intake record that 14:44
26 Ms. McGlone had signed off on?

27 A. Yes, it would have been, yeah.

28 668 Q. So, in terms of a likelihood in terms of the practice
29 in the office, is it likely to have been in the office,

1 your admin office between 12th and the 15th?

2 A. Quite possibly.

3 669 Q. Now, we're asking all of the relevant witnesses this:
4 You didn't discuss anything to do with this file or
5 this case with any member of the Gardaí, did you? 14:45

6 A. No, I did not.

7 670 Q. Did you note whether in any way this was a name on the
8 form that was familiar to you, as a member of the
9 Gardaí or someone in the news?

10 A. I can't say that I definitely did. I suppose now the 14:45
11 name would mean more.

12 671 Q. Yes. But do you recollect any talk around the office,
13 either the admin office --

14 A. No.

15 672 Q. -- or the canteen at lunchtime about 'This file has 14:45
16 come in about a policeman'?

17 A. No.

18 673 Q. Based on your practice and now knowing, as we do,
19 albeit just today, that you in fact created the file,
20 where would the file have been then after that? 14:46

21 A. Most likely if -- as the duty social worker probably
22 would have taken it back to do the garda notification
23 or, as we have learned, Keara McGlone sent the letter
24 to the inspector, so I may have filed it, I may have
25 left it in her tray. I can't specifically recall what 14:46
26 I did with it when it was registered.

27 674 Q. Okay. Have you any recollection of being informed of
28 any error in the report that Ms. Brophy had sent in at
29 any stage?

1 A. No.

2 675 Q. Did you receive any instructions from anyone, whether
3 it be Mr. Lowry, Mr. Deeney, Ms. McLoughlin, to remove
4 any documents from the file --

5 A. No. 14:46

6 676 Q. -- or to screen it for any inaccurate information?

7 A. No.

8 677 Q. I think you have attended Garda liaison meetings?

9 A. Yes.

10 678 Q. And have you any recollection of meeting Sergeant 14:47
11 McCabe at any or hearing any reference to his name at
12 any?

13 A. No.

14 679 Q. I think you started going when Rhona Murphy was the
15 team leader in 2010 or '11, is that correct? 14:47

16 A. Something like that, yes.

17 680 Q. And are such meetings necessitated by the service of
18 Garda notifications to Tusla --

19 A. Yes.

20 681 Q. -- and vice versa, the other way round? 14:47

21 A. Yes.

22 682 Q. And do any cases of concern remain on the agenda for
23 those joint liaison meetings and in what circumstances?

24 A. Cases that are usually open to the Gardaí would remain
25 open to the meeting. 14:48

26 683 Q. And any such open cases, that is ones that the Gardaí
27 are actively pursuing in some way, form or fashion,
28 remain on that agenda?

29 A. Yes. They would follow over to the next meeting.

1 684 Q. And I think the practice is -- and there's a joint
2 Garda liaison contact sheet signed off on at these
3 meetings?
4 A. A record sheet, yeah.
5 685 Q. A record sheet of joint action signed by both parties? 14:48
6 A. Yes.
7 686 Q. And they are, I think, normally filed in a specific
8 folder for that purpose?
9 A. Yes.
10 687 Q. And can you assist the Tribunal, was there any record 14:48
11 at any time of Sergeant McCabe's case and file being
12 put on the agenda for a liaison meeting?
13 A. No.
14 688 Q. Or raised in any official way at any point in time?
15 A. Apart from what Ms. McLoughlin said in her statement. 14:49
16 689 Q. Now can I just ask you about that? Because you were
17 spoken to by the investigators and what's your memory
18 of it, your own memory of it?
19 A. It wasn't on the agenda that day. The meeting had
20 concluded. I was putting away all the 14:49
21 relevant documentation into the relevant folders and
22 Kay had referenced it to Sergeant Byrne.
23 690 Q. And where was this meeting being held, can you
24 remember?
25 A. In the station in Bailieboro. 14:49
26 691 Q. In Bailieboro station?
27 A. Yeah.
28 692 Q. And when you say she referenced it, can you remember
29 any words or phrases she used or --

1 A. I can't -- well, like, I can't say for definite the
2 exact wording but something to do with referencing
3 Maurice McCabe's name.

4 693 Q. Had she discussed that with you at any stage?
5 A. No, no. 14:50

6 694 Q. Had she ever asked you to retrieve the file, to bring
7 it to a meeting or to consult with in advance of a
8 meeting?
9 A. No.

10 695 Q. And do you recall whether you heard anything that 14:50
11 Sergeant Byrne might have said in response?
12 A. Apart from what Sergeant Byrne said, that he wasn't in
13 the station at the time and he knew nothing about it.

14 696 Q. Okay. You've a clear memory, have you --
15 A. Yeah, I do. 14:50

16 697 Q. -- of him saying that?
17 A. Yeah, I do.

18 698 Q. Right. The issue of intake records for the McCabe
19 children, did you have any part in the creation or
20 filing of those or dealing with them in any way? 14:50
21 A. No, I was on maternity leave at that time.

22 699 Q. So you were out until --
23 A. September of 2014.

24 700 Q. -- September 2014. Okay. Do you recall any query
25 arising in relation to those intake records? 14:51
26 A. When I came back to work?

27 701 Q. Yes.
28 A. I don't specifically recall anything, no.

29 702 Q. Okay. Do you recall hearing of any discussion about

1 the fact that the intake record for the children had
2 been created?

3 A. No.

4 703 Q. Have you any other recollection of dealing with the
5 file in any way, shape or form? 14:51

6 A. No.

7 704 Q. Thank you, Ms. Duignan. would you answer any
8 questions?
9

10 **MS. DUGNAN, WAS CROSS-EXAMINED BY MR. MCDOWELL AS** 14:52
11 **FOLLOWS:**

12

13 705 Q. **MR. MCDOWELL:** Just briefly, Ms. Duignan. Could I ask
14 you, we know that Eileen Argue only came to the office
15 in 2014, isn't that right? 14:52

16 A. 2014, I would have been ON maternity leave until the
17 October --

18 706 Q. I see.

19 A. -- or September. I same back late September.

20 707 Q. When did you leave for maternity leave? 14:52

21 A. September 2013.

22 708 Q. I see. And in the ordinary course of events would a
23 Garda notification have been done very quickly with
24 this file?

25 A. If it was requested by the duty social worker it would 14:52
26 really depend on how busy my desk was. But it would
27 have been probably no more than two weeks.

28 709 Q. Yeah.

29 A. You know.

1 710 Q. And can you imagine any reason why nothing was done for
2 nine months with it?
3 A. Well, I went on maternity leave at the end of
4 September, so I wasn't really there for the nine
5 months, but in general terms I suppose it was due to 14:53
6 staff. I don't really know.
7 711 Q. Well, you left in September?
8 A. Yeah.
9 712 Q. So, it was there for the remainder of August --
10 A. Yeah. 14:53
11 713 Q. -- before you left, is that right?
12 A. Yeah.
13 714 Q. And when you were -- I take it somebody took over your
14 function?
15 A. No. 14:53
16 715 Q. Nobody did?
17 A. No.
18 716 Q. Well, if there's anything on your desk did it just sit
19 there?
20 A. Well, Pamela Armitage picked it up. 14:53
21 717 Q. Thank you.
22
23 **MR. DIGNAM:** No questions.
24
25 **MS. DUIGNAN WAS RE-EXAMINED BY MR. MCGUINNESS:** 14:53
26 718 Q. **MR. MCGUINNESS:** Ms. Duignan, just one other matter.
27 Have you seen the files as they were handed to the
28 Tribunal, in the way in which they were then composed?
29 A. No, I didn't view the files at all before I left the

1 offices in Cavan.

2 719 Q. You weren't asked any question about what was on the
3 file at any particular time?

4 A. No.

5 720 Q. Okay. And have you seen the files as they have been, 14:54
6 as it were, divided up by the Tribunal into the
7 different years?

8 A. No, I haven't.

9 721 Q. You haven't. They are, are they not, composed
10 primarily when they are created first in these coloured 14:54
11 folders --

12 A. Yes.

13 722 Q. -- into which documents are meant to be inserted?

14 A. Yes.

15 723 Q. How well kept are they in a general sense, in terms of 14:54
16 filing things in a timely way and in the correct place?

17 A. We would file cases that are unallocated to a specific
18 social worker. Generally if the file is with a social
19 worker they're responsible for the filing of it.

20 724 Q. Okay. So if it's out of the unallocated file with the 14:55
21 social worker it's their duty to --

22 A. It is, yeah.

23 725 Q. -- maintain it in any correct form?

24 A. We would assist the duty social worker in filing
25 records when the duty social worker may be under 14:55
26 pressure or we would be asked to do the letter on
27 behalf of the duty social work service as opposed to
28 specific social worker.

29 726 Q. And have you any function in supervising them to ensure

1 that they keep the files correctly and/or file
2 everything on time?

3 A. No, I don't.

4 727 Q. Thank you.

5

14:55

6

THE WITNESS THEN WITHDREW

7

8 **MR. MCGUINNESS:** Chairman, they are our witnesses for
9 today.

10 **CHAIRMAN:** Yes. We have made progress. The Tribunal
11 is not in a position to sit before one o'clock
12 tomorrow. So it will, I hope, be one o'clock.

14:55

13 **MR. MCGUINNESS:** Thank you.

14

15 **THE HEARING WAS THEN ADJOURNED UNTIL WEDNESDAY, 19TH**
16 **JULY 2017 AT 1:00PM**

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