

TRIBUNAL OF INQUIRY INTO PROTECTED DISCLOSURES MADE UNDER
THE PROTECTED DISCLOSURES ACT 2014 AND CERTAIN OTHER
MATTERS FOLLOWING RESOLUTIONS PASSED BY DÁIL ÉIREANN AND
SEANAD ÉIREANN ON 16 FEBRUARY 2017

ESTABLISHED BY INSTRUMENT MADE BY THE MINISTER FOR JUSTICE
AND EQUALITY UNDER THE TRIBUNALS OF INQUIRY (EVIDENCE) ACT
1921, ON 17 FEBRUARY 2017

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

HELD IN DUBLIN CASTLE
ON FRIDAY, 19TH JANUARY 2018 - DAY 44

44

Gwen Malone Stenography
Services certify the
following to be a
verbatim transcript of
their stenographic notes
in the above-named
action.

GWEN MALONE STENOGRAPHY
SERVICES

APPEARANCES

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

REGISTRAR: MR. PETER KAVANAGH

FOR THE TRIBUNAL: MR. DIARMAID MCGUINNESS SC
MR. PATRICK MARRINAN SC
MS. KATHLEEN LEADER BL
MS. ELIZABETH MULLAN, SOLICITOR

FOR SGT. McCABE: MR. MICHAEL McDOWELL SC
MR. PAUL MCGARRY SC
MR. BREFFNI GORDON BL

INSTRUCTED BY: SEAN COSTELLO & COMPANY
HALIDAY HOUSE
32 ARRAN QUAY
DUBLIN 7

FOR THE COMMISSIONER: MR. MÍCHEÁL P. O'HIGGINS SC
MR. SHANE MURPHY SC
MR. CONOR DIGNAM SC
MR. DONAL MCGUINNESS BL
MR. JOHN FITZGERALD BL

INSTRUCTED BY: MS. KATHY DONALD
CHIEF STATE SOLICITOR'S OFFICE
OSMOND HOUSE
LITTLE SHIP STREET
DUBLIN 8

FOR MR. JOHN BARRETT: MR. JOHN ROGERS SC

INSTRUCTED BY: MR. FELIX MCTIERNAN
NOBLE SOLICITORS
FRANKFORT BUILDING
DUNDRUM ROAD
DUBLIN 14

FOR MR. COLM SMYTH SC
MR. MICHAEL MacNAMEE BL
MR. GARRET BYRNE BL:

MR. PAUL SREENAN SC
MS. ELLEN GLEESON BL
MS. CATHERINE DONNELLY BL

INSTRUCTED BY:

MS. GERALDINE CLARKE
MR. RONAN O'BRIEN
GLEESON MCGRATH BALDWIN
29 ANGLESEA STREET
DUBLIN 2

FOR MS. FRANCES FITZGERALD
MR. MICHAEL FLAHIVE
MR. KEN O'LEARY
MR. NOEL WATERS
MR. CHRISTOPHER QUATTROCIOCCHI
MR. MARTIN POWER:

MR. PATRICK MCCANN SC
MR. GERARD MEEHAN BL

INSTRUCTED BY:

MR. CHARLES WALLACE
CHIEF STATE SOLICITOR'S
OFFICE
OSMOND HOUSE
LITTLE SHIP STREET
DUBLIN 8

INDEX

WITNESS	PAGE
<u>CHIEF SUPERINTENDENT FERGUS HEALY</u>	
DIRECTLY EXAMINED BY MS. LEADER	41
CROSS-EXAMINED BY MR. MCDOWELL	133

1 THE HEARING RESUMED ON FRIDAY, 19TH JANUARY 2018 AS
2 FOLLOWS:

3
4 MR. MCDOWELL: Chairman, before we resume the
5 examination of this witness, and in the hope that it 10:04
6 may shorten things, I want to remind the Tribunal that
7 I was asked, on foot of case law authority, to state
8 what it was that I objected to and what case I was
9 making in relation to the letter and its use and the
10 like, and to outline to the Tribunal the case I was 10:04
11 making. And I did so as best I could. Now -- I did
12 so, I hope so.

13 CHAIRMAN: Well, you might have to refresh my memory,
14 Mr. McDowell.

15 MR. MCDOWELL: As best I could. But I was asked to do 10:04
16 it orally, and I did so as best I could.

17 CHAIRMAN: Yes.

18 MR. MCDOWELL: Now, yesterday the Tribunal received
19 evidence from Ms. Annmarie Ryan, when I asked her did
20 she accept what Mr. Justice O'Higgins had said, that 10:05
21 the aspersions cast on Sergeant McCabe's motives were
22 wrong and unfair. She didn't answer the question, but
23 she did make a slightly more pertinent observation,
24 that the report had been accepted by the Commissioner
25 and by the Government. And this brings me to the point 10:05
26 in relation to the cross-examination, the line of
27 cross-examination of her by Mr. Murphy, who appears,
28 and it's again -- we don't know whether -- we do know
29 that he is appearing for acting Commissioner Ó Cualáin,

1 former Commissioner O'Sullivan and various other
2 personages in An Garda Síochána. But the question that
3 arises is: Is the case now being made that contrary to
4 the findings of Mr. Justice O'Higgins, the aspersions
5 cast on Sergeant McCabe's motives were not wrongly made 10:06
6 and not unfair? In other words, is the case now being
7 made that these were justifiable aspersions on his
8 motivation, integrity and credibility? Because -- and
9 the Tribunal will recall that his evidence was stated
10 to be never other than truthful, and even if prone to 10:06
11 exaggeration on occasions, was the view.

12
13 Now, just to repeat what is in paragraph 3.4, which it
14 was stated that the Commissioner, and that was
15 Ms. O'Sullivan at the time, had accepted that: 10:07

16
17 "...some people wrongly and unfairly cast aspersions on
18 Sergeant McCabe's motives, others were ambivalent about
19 them. Sergeant McCabe acted out of genuine and
20 legitimate concerns and the Commission unreservedly 10:07
21 accepts his bona fides. He has shown courage and acted
22 with a genuine public service at considerable personal
23 cost."

24
25 And so on. Now, the question that has to be asked here 10:07
26 is: Is Mr. Murphy pursuing the line of
27 cross-examination with the last witness and with this
28 witness on the basis that it was legitimate to question
29 Sergeant McCabe's motivation and that it was not unfair

1 and wrong, as was found by the Commission? Because if
2 this is an appeal, in effect, against Mr. Justice
3 O'Higgins's finding that those aspersions were wrong
4 and unfair, that should be stated. If you are going to
5 be asked to draw a different conclusion from 10:08
6 Mr. Justice O'Higgins, as I say it was legitimate to
7 put all the materials in the -- in the 19-paragraph
8 letter and the cross-examination and the subsequent
9 written submission, and that was legitimate, that is
10 one thing, and then I will know what issues I have to 10:08
11 deal with, with this witness when I cross-examine him,
12 but if it is the case that the present Commissioner,
13 Mr. Ó Cualáin, the acting Commissioner, is instructing
14 counsel to say that it was not wrong or unfair to
15 pursue this attack on my client's motivation, I'm 10:08
16 entitled to know that. And if the Tribunal is being
17 asked to draw a different conclusion from Mr. Justice
18 O'Higgins, I'm entitled to know that. Because all, to
19 use a phrase that was used by Mr. Smyth, the witnesses
20 will be gone by the time submissions are made and I 10:08
21 want to know is that the case that is being made. And
22 since the Tribunal cited case law asking me where I
23 stood on various propositions, and rightly so, and I
24 have no complaint about that, I am asking the Tribunal
25 to put to Mr. Murphy does his present client, the 10:09
26 acting Commissioner, accept that finding by Mr. Justice
27 O'Higgins, does his other present client, the former
28 Commissioner, accept that -- Ms. O'Sullivan, accept
29 that the aspersions on Sergeant McCabe's motives were

1 wrong and unfair, and is he now suggesting that
2 Mr. Justice O'Higgins, in dismissing those aspersions
3 and upholding Sergeant McCabe's good faith, was wrong?
4 I just want to know that before I have to cross-examine
5 this witness and later in the day perhaps, before we 10:09
6 get to Ms. O'Sullivan. Because if this matter is being
7 rerun and effectively on a basis that, all right,
8 Mr. Justice O'Higgins may have said that but he was
9 wrong in that respect, well, I am entitled to know
10 that. 10:10
11 CHAIRMAN: All right. Mr. McDowell, do you mind if I
12 try and tease this through with you a wee bit.
13 MR. MCDOWELL: Yes.
14 CHAIRMAN: Yes. The first thing I do is I look at the
15 terms of reference and I always do that, because there 10:10
16 is my jurisdiction, and that is it. So, as was sorted
17 out a week ago, no false allegations of sexual abuse
18 were relied on by Commissioner O'Sullivan. I think we
19 are all agreed with that.
20 MR. MCDOWELL: Sorry, can I make one point about that, 10:10
21 Judge? Of course that is true --
22 CHAIRMAN: By Commissioner O'Sullivan.
23 MR. MCDOWELL: Yeah, of course that is true. But the
24 letter of the 18th May proposed to put all of that
25 material, not to prove that it was true but that it was 10:10
26 a background factor in relation to motivation.
27 CHAIRMAN: Yes. I know, but the point of that is, and
28 I have to -- I have all this in front of me and I look
29 at it, the point of all of that is --

1 MR. MCDOWELL: Perhaps, Chairman, I can shorten this by
2 saying I fully accept that no attempt was made to ask
3 -- or to suggest to Sergeant McCabe that he had abused
4 Ms. D.

5 CHAIRMAN: Yes. No, that is right. And on first blush 10:11
6 looking at this, that seemed to be what this is all
7 about, well, it's not any more, so we know that, that's
8 great. And then we have to say, of course these
9 paragraphs are phrased in a very formalistic way but if
10 I can do a Hewston exercise, by which way I mean 10:11
11 Professor RVF Hewston and pick out the correct words,
12 so I am trying to investigate whether unjustified
13 grounds were inappropriately relied on by Commissioner
14 O'Sullivan to discredit Sergeant McCabe. Now, that is
15 a historic thing. I am looking back and seeing at the 10:12
16 time was any issue in relation to motivation correct or
17 incorrect. That is what I am looking at then.

18 MR. MCDOWELL: Yes.

19 CHAIRMAN: So, I think under no circumstances can this
20 be an appeal from Mr. Justice O'Higgins, but the 10:12
21 question is: In the light of, I suppose, what
22 Commissioner O'Sullivan knew at the time were there
23 grounds which could appropriately be relied on to
24 discredit Sergeant Maurice McCabe at the Commission?
25 That is the question: Was there, at the time the 10:12
26 Commission going on, grounds which could be
27 appropriately relied on to discredit Sergeant Maurice
28 McCabe? In other words, to lessen his credit. I think
29 the use of the word discredit is perhaps unfortunate

1 because if they -- indeed, I got out a book on evidence
2 this morning just to be absolutely certain where I am
3 standing on this, but, in other words, if it had said
4 to challenge the credibility of Sergeant McCabe, and
5 that is how I am reading it. 10:13

6 MR. MCDOWELL: Yes.

7 CHAIRMAN: So, were there at the time grounds on which
8 you could legitimately challenge the credibility of
9 Sergeant Maurice McCabe at the Commission of

10 Investigation; that is, it seems to me, what I am 10:13
11 actually looking into. That being the case, I go back
12 to the instance that I put to Ms. Ryan, if you say to
13 somebody you weren't wearing your glasses, could you
14 see properly? That is not challenging somebody's
15 credit, it's just testing the witness and the weight 10:13

16 that may be attached in the light of all the
17 circumstances. If you go to a situation then where two
18 people say completely different things about what was
19 said in a room or what they witnessed and you put to
20 them, look, consciously or unconsciously you are biased 10:14
21 against the person you are giving evidence against

22 because of something that happened in the past,
23 unrelated to this, the example I have given so far is
24 you slept with your best friend's girlfriend, that came
25 up in a particular case, it was part of the Gilligan 10:14
26 litigation in relation to one particular witness, that
27 can be done. Now, it may be that you are, for
28 instance, misinstructed in relation to whether that
29 happened or not, it may never have happened, and that's

1 why the rule is that cross-examination as to credit is
2 final. You can't call the girlfriend, the boyfriend,
3 you can't call evidence from a hotel that they were
4 once there.

5 MR. MCDOWELL: Yes. 10:14

6 CHAIRMAN: So, as I see it, this is not an appeal
7 against what Mr. Justice O'Higgins found and I don't
8 think that Ms. Ryan was being equivocal in what she
9 said. I think what she said was, very clearly, that
10 that is the report, I work for the Government, it's 10:15
11 accepted by the Government, it's a very good report.

12 MR. MCDOWELL: And by the Commissioner.

13 CHAIRMAN: Yes. And by the Commissioner. Well, the
14 people she works for. So, that's grand. I take that
15 into account. But historically, was there a basis 10:15
16 legitimately upon which the creditworthiness of
17 Sergeant McCabe could have been challenged at that
18 time? That seems to me to be the issue.

19 MR. MCDOWELL: Well, Judge, if I might just say it goes
20 further than just simply that. It goes to what 10:15
21 Mr. Justice O'Higgins said at page 973 in book --
22 Volume 2A.

23 CHAIRMAN: Oh, sorry, I thought you were referring to
24 his report now.

25 MR. MCDOWELL: No, no. 10:15

26 CHAIRMAN: If we can put it on the screen.

27 MR. MCDOWELL: On the screen. At line 4, Mr. Justice
28 O'Higgins said, in relation to what was being done to
29 Sergeant McCabe he said:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

"Certainly there is no doubt that the integrity of the witness is being impugned in no uncertain terms. Secondly, in relation to the inquiry it seems to me that the case is being made that I cannot accept the evidence of your client. This is the case is being made."

10:16

CHAIRMAN: Yes.

MR. MCDOWELL: So you know, Judge, to slide back from all of this and say oh, there was questions about credibility and reliability, that is not what this case was --

10:16

CHAIRMAN: No, I'm sticking with -- forget about reliability, that happens to everybody.

MR. MCDOWELL: Yes.

10:16

CHAIRMAN: It's the background fact that makes the person less reliable; in other words, less worthy of credit. And I think, you know, lots of people don't read their evidence books and actually don't know that distinction. I think I do.

10:16

MR. MCDOWELL: I fully accept that. And I think I do too, Judge. And I think I made the point to Mr. Justice O'Higgins at length on the day about difference between credibility and reliability.

CHAIRMAN: Yes, I think you were right. And frankly I think his ruling on the matter indicates that he actually knew where he was standing as well.

10:17

MR. MCDOWELL: Yes, exactly.

CHAIRMAN: He wasn't floundering around.

1 MR. MCDOWELL: He wasn't at all. And therefore, his
2 statement that he understood what was happening before
3 him, was that Sergeant McCabe's integrity is being
4 impugned in no uncertain terms, and in relation to the
5 inquiry it seems to me that the case is being made 10:17
6 "that I cannot accept the evidence of your client",
7 that is the case that was being made. And that was
8 said in front of Mr. Smyth and said in front of every
9 other witness. And Judge, I am saying it goes further
10 than mere reliability; it was that because he was a man 10:17
11 of no integrity or of diminished integrity his evidence
12 could not be relied upon.

13 CHAIRMAN: Yes. Now, Mr. McDowell, just to take this a
14 bit furtherer, I am sorry this is taking so long, but I
15 think the point you have raised is important and I 10:18
16 would like to try and resolve it. If you go a bit
17 further and you say, okay, Sergeant McCabe is a witness
18 to only three things, we have the list of those three
19 things - was the man released early? was another man
20 given station bail by him? was he the one who had 10:18
21 custody of the computer or was it somebody else? -
22 questions as to where you are tipping in those
23 circumstances can bring in creditworthiness.

24 MR. MCDOWELL: Of course they can, Judge.

25 CHAIRMAN: And I think Mr. Justice O'Higgins said that 10:18
26 and said it as clearly as a textbook would say it.
27 Now, whether anyone was listening was another matter.
28 And then the issue that I have to ask is: Okay, if
29 that is so, then what is the issue? Like, is it you

1 slept with your best friend's girlfriend, in other
2 words, the external thing to this which brings in
3 something else? Now, that is why paragraph 19 of the
4 letter, I suppose, became important, because it would
5 be a bad thing, as Ms. Leader said yesterday, to make a 10:19
6 complaint about a person with a view essentially to
7 twisting their arm so that you could get something that
8 you wanted done.

9 MR. MCDOWELL: Yes.

10 CHAIRMAN: But is that all that there is in it? I 10:19
11 mean, is there -- because that is what was actually put
12 to him.

13 MR. MCDOWELL: Yes.

14 CHAIRMAN: Now, on the other hand, having a grudge in
15 consequence of, let us say, a perfectly legitimate and 10:19
16 reasonable point of view by Sergeant McCabe and perhaps
17 the Gardaí simply following the DPP's directions and
18 saying we won't do that, that's what Mr. Justice
19 O'Higgins ruled was in the case, and that, to my mind
20 at the moment, listening to this, would not seem to 10:19
21 raise a difficulty, provided, of course, it's in
22 relation to things where Sergeant McCabe and somebody
23 else have different points of view as to what happened.

24 MR. MCDOWELL: Well, Judge, going back, if I may, to
25 day 1, Mr. Gillane told everybody present a number of 10:20
26 things. He said, firstly, that the core documents had
27 been circulated for private use, they were not a Book
28 of Evidence and they were not a Statement of Claim; in
29 other words, their contents was not being asserted by

1 anybody as being true, and least of all by the
2 Commission.

3 CHAIRMAN: Mm-hmm.

4 MR. MCDOWELL: Secondly, on day 1, Mr. Gillane also set
5 out that if any witness was to criticise any other 10:20
6 witness, and this must surely apply to their counsel as
7 well, that two things had to happen; firstly, they had
8 to seek permission to do that, and secondly, they had
9 to provide all the facts to the person who they were
10 seeking to impugn. 10:21

11 CHAIRMAN: Yes, like a Notice for Particulars, give
12 full and detailed particulars on the facts and
13 circumstances upon which you rely to whatever.

14 MR. MCDOWELL: Exactly. And we know that the following
15 day, in absolute disregard of those two injunctions, 10:21
16 counsel for the Commissioner began his attack on
17 Sergeant McCabe's integrity and credibility and
18 motivation without notice, not only to poor Ms. Ryan,
19 who should have been told about it, but even to Chief
20 Superintendent Rooney, to whom the whole matter came as 10:21
21 a surprise and he didn't know that this matter was
22 going to be raised at all.

23 CHAIRMAN: Yes.

24 MR. MCDOWELL: And, Judge, the third thing that is
25 important about that second day is: In case there was 10:21
26 any doubt whatsoever, on behalf of Sergeant McCabe it
27 was stated at length that he was making no charge
28 against anybody else, that he was not there as an
29 accuser, that he had no intention of criticising

1 anybody else unless he was invited by the Commission to
2 do so, that he was a witness of fact and that that was
3 how he saw himself.

4 CHAIRMAN: Yes. And I suppose the other factor is the
5 terms of reference themselves, Mr. McDowell. 10:22

6 MR. MCDOWELL: Yes.

7 CHAIRMAN: which I constantly look back on, and I mean
8 that is presumably what was in the Commission's mind
9 too.

10 MR. MCDOWELL: So where I am, Judge, is: I appreciate 10:22
11 that what Mr. Murphy is saying -- and it's erecting a
12 man of straws so you can have an argument with him, he
13 is saying, oh, in the core documents there were
14 unfounded things said about senior Gardaí and,
15 therefore, he was entitled to attack Sergeant McCabe's 10:22
16 motivation, integrity and credibility in order to
17 diffuse or discredit or whatever phrase you want to
18 use.

19 CHAIRMAN: Let the air out of the tyre, yes.

20 MR. MCDOWELL: Let the air out of the tyres, in respect 10:23
21 of allegations which Sergeant McCabe was not making,
22 was not called to make and were not within the -- were
23 not within the terms of reference.

24 CHAIRMAN: Sure, I get you, Mr. McDowell, and that was
25 the second thing I wanted to raise with you. The first 10:23
26 is obviously the, you are complaining to Clancy in
27 order to get what you -- sorry, complaining about
28 Superintendent Clancy in order to get what you want as
29 opposed to you are complaining to Clancy for a

1 reasonable reason which a reasonable person might hold.
2 MR. MCDOWELL: Yes.
3 CHAIRMAN: Which is the second thing. But when we go
4 to this document here, which is this document here, and
5 I appreciate what you say about, it's not a Book of 10:23
6 Evidence, etcetera, but the invitation to Ms. Lieder to
7 deploy it hasn't been taken yet, but you never know. I
8 am trying to keep this on --
9 MR. MCDOWELL: It was referred to by Mr. Murphy.
10 CHAIRMAN: I know it was, that is why I would ask your 10:24
11 help for this particular one.
12 MR. MCDOWELL: Elliptically it was referred to by
13 Mr. Murphy presumably as a basis for suggesting that he
14 had grounds to attack Sergeant McCabe.
15 CHAIRMAN: Possibly. 10:24
16 MR. MCDOWELL: But the Tribunal's attention was drawn
17 to various documents which were referred to in a list
18 in that document.
19 CHAIRMAN: Yes.
20 MR. MCDOWELL: Now, the point I'm making is very 10:24
21 simple, and that is: Either the case is being made
22 now --
23 CHAIRMAN: I appreciate that point fully, but just
24 let's deal with this document for a minute, if we
25 might. Because it's been handed in to me and I 10:24
26 actually took the trouble to find out where it was in
27 the papers and I would have come across this before.
28 But this document by Sergeant McCabe, it says "Brief
29 Proven Facts Pertaining to My Complaints". It says he

1 was victimised and it said he was forced to resign his
2 position due to lack of standards and accountability,
3 and it goes on to say that senior officers are
4 supporting corruption to save themselves, etcetera.
5 But just even that, now first of all I suppose I ask 10:25
6 myself was that part of anything that the Commission
7 was looking into? And the second thing is, if it was
8 any part of anything the Commission was looking into,
9 was it a case of Sergeant McCabe knowing himself, in
10 other words being able to give evidence as a prescient 10:25
11 witness, I was there, I saw the following, that the
12 particular incident or state of mind he is comparing
13 about, he has evidence about. So the first thing was:
14 was any of this before the Commission? And the second
15 thing is: Was Sergeant McCabe in a position to give 10:25
16 evidence to say that, for instance, senior officers
17 were in some way corrupt?
18 MR. MCDOWELL: Well, the answer to the first question
19 is: No, it was not before the Commission, and was
20 being dragged in. And it was dragged in, in evidence 10:26
21 by the Commissioner's counsel saying that all of these
22 things are hurtful or unfounded or whatever against
23 Sergeant McCabe. Those points were to be made against
24 him. But Sergeant McCabe was not there to make that
25 case, nor was it the Commission's case that that was 10:26
26 so. So this was, as I say, a straw man put up there
27 outside the terms of reference and Sergeant McCabe --
28 Sergeant McCabe never -- it was made very clear on day
29 2 when this started that he was a witness of fact only,

1 Mr. Gillane said he was a peripheral witness of fact in
2 relation to that module, but it was made clear that he
3 was not going to use the Tribunal to attack anybody
4 else, that he was only there to answer questions of
5 fact from counsel for the Tribunal or anybody else who
6 asked them about it. So, I'm just saying, we now come
7 to the point, Judge, that --

10:27

8 CHAIRMAN: And I am trying to come to that point and I
9 do appreciate where you stand, Mr. McDowell, on this.
10 It is helpful.

10:27

11 MR. MCDOWELL: The point is, if we are to have an
12 extensive debate now about whether it was --
13 notwithstanding all of that, notwithstanding that
14 Mr. Justice O'Higgins has found that these were
15 unwarranted imputations on his motivation,
16 notwithstanding that it was stated that no witness
17 could criticise others without giving advance knowledge
18 and seeking permission to do so, notwithstanding that
19 it was stated on behalf of Sergeant McCabe that he was
20 offering no criticism against others and was solely
21 confining himself to answer questions of fact, the
22 question we now are facing is, whether Mr. Murphy is
23 saying that in the face of all of that, that it was
24 legitimate to question Sergeant McCabe's integrity,
25 his --

10:27

10:27

10:28

26 CHAIRMAN: His motivation.

27 MR. MCDOWELL: -- his motivation and his credibility.
28 And in my respectful submission, if that is the case he
29 is making, it's going to lengthen this Tribunal very

1 substantially because we will have to --
2 CHAIRMAN: Don't tell me that.
3 MR. MCDOWELL: That is what I am saying, Judge. But if
4 on the contrary what Ms. O'Sullivan said immediately
5 after the O'Higgins Commission report was published, 10:28
6 that she accepted it in full, and it says that the
7 attacks on his motivation were unfair and unjust, or
8 whatever it is, I have forgotten the exact --
9 CHAIRMAN: Unwarranted. Anyway, I have marked it.
10 "Some people wrongly and unfairly cast aspersions on 10:29
11 his motives and others were ambivalent." And, "He is a
12 man of integrity who the public can trust." And in
13 fact that comes in part from Assistant Commissioner
14 Byrne, who said that he is a man who is a highly
15 efficient sergeant, competent. Which is -- 10:29
16 MR. MCDOWELL: The question is, Mr. Justice O'Higgins
17 found that the imputations on his motivation were wrong
18 and unfair, and either that's accepted by the
19 Commissioner now, that is Commissioner Ó Cualáin, and
20 Ms. O'Sullivan, the former Commissioner, or it's not 10:29
21 accepted by them.
22 CHAIRMAN: All right.
23 MR. MCDOWELL: That is the point.
24 CHAIRMAN: All right. Let me have a brief dialogue
25 with Mr. Murphy and see where we stand. Mr. Murphy, 10:29
26 can I just ask you the question in the following way:
27 Again, I am looking at paragraph E of the terms of
28 reference and I am saying to myself, I am supposed to
29 investigate whether unjustified grounds were

1 inappropriately relied on by Commissioner O'Sullivan to
2 challenge the credibility of Sergeant McCabe at the
3 Commission. That is really it. And the two things --
4 MR. MURPHY: I agree.

5 CHAIRMAN: -- that it seems to me that could possibly 10:30
6 come into the mix here, here is, firstly, Mr. Justice
7 O'Higgins held that he had a grudge.

8 MR. MCDOWELL: No, he didn't --

9 CHAIRMAN: Hang on. I have to put my mouth into gear
10 as well as my brain. That he may have had a grievance, 10:30
11 real or perceived, in consequence of the failure to
12 circulate the DPP letter. Now, that's one thing, and
13 he said I have heard enough evidence about that, in
14 saying that. Whether there is a distortion of that by
15 effectively claiming that he was blackmailing a senior 10:30
16 officer. And then the second thing, which has been
17 introduced yesterday, is the brief proven facts
18 pertaining to my complaint. Now, Mr. Murphy, given
19 that I'm now on an inquiry as to whether inappropriate
20 grounds were relied on to challenge the credit of 10:31
21 Sergeant McCabe, maybe you'd tell me what the position
22 you feel in relation to this is now.

23 MR. MURPHY: Certainly, Judge. The first point I would
24 like to make, Chairman, is I agree with your assessment
25 of the terms of reference. Secondly, I agree with your 10:31
26 indication that what you have to look at is the
27 position as it applied at the time when the
28 Commissioner gave instructions. Third, I agree that
29 this is not an appeal from the O'Higgins Commission and

1 I have been at pains to rely upon the findings of the
2 Commission, the matters which are fully accepted by my
3 client. Fourth, in terms of the public statement, the
4 opening of Mr. McDowell's address to you was one which
5 was somewhat surprising, given the fact that the 10:31
6 Commissioner's position in relation to the report is in
7 the public domain and is in the public statement of the
8 26th May of 2016, and in the course of which the
9 Commissioner said:

10
11 "As Garda Commissioner --" 10:32

12
13 And I quote.

14
15 "-- having fully accepted the findings of the report it 10:32
16 falls to me to move swiftly to implement its
17 recommendations."

18
19 That is a public matter, known to Mr. McDowell for at
20 least 12 months. 10:32

21
22 Fifth, in relation to the issues as you have indicated
23 quite correctly, Mr. Justice O'Higgins clearly
24 indicated that he would allow cross-examination and he
25 did; secondly, as the proven facts document indicates, 10:32
26 there were a number of different issues which he
27 considered. He considered them because Sergeant McCabe
28 put them forward. Sixth, Sergeant McCabe gave evidence
29 in every single module of the Commission, it is

1 completely fantastical to suggest that he was not a
2 witness. He was the accuser. And all the way through
3 that process he was cross-examined not just by my
4 client, but my other persons and also by the
5 Commission, by Mr. Gillane on behalf of the Commission 10:33
6 and by the Judge. And the Court has seen the fruit of
7 that inquiry in the outcome as contained in his report.
8 So we would say that in this situation you have
9 correctly indicated what you have to look at is the
10 basis upon which it was -- was there merit as terms of 10:33
11 reference -- in terms of giving instructions to say
12 that this evidence could be tested. The Commissioner
13 has indicated that she believed that the evidence had
14 to be tested and was advised that had to be done by
15 independent counsel. What you have to decide is 10:33
16 whether that in any way falls foul of the terms of
17 reference that you have to deal with and address in
18 this case.

19
20 I want to make it absolutely clear that it is untenable 10:33
21 to suggest that Mr. McCabe was not alleging anything
22 about anybody, precisely because the I reason I sought
23 to introduce this in the conclusions of the report,
24 which I am not seeking to appeal, the Commission,
25 Mr. Justice O'Higgins, rejected the allegations which 10:33
26 it characterised in paragraphs 3.5 and 3.6 as being
27 hurtful, unfounded and unsupported by evidence. Now
28 that result was only achieved because the process of
29 testing by the Commission took place. So we say that

1 if one puts oneself back at the very beginning on the
2 day when instructions were given, looking at all of the
3 situations, Mr. McDowell is seeking to characterise
4 Mr. McCabe as some kind of curious bystander when in
5 fact on the record, before the first day when the 10:34
6 Commission sat, he had made these accusations and
7 persisted in making them and when offered a chance to
8 withdraw some of them by the Commission didn't so and
9 then was ruled against. And I use all of this to
10 demonstrate in support of this submission that it was 10:34
11 legitimate and reasonable for the Commissioner to seek
12 to challenge and test the evidence and to allow the
13 Commission do its work to resolve, as this witness has
14 said, this long-standing difficulty with independent
15 oversight with all the persons legally represented, 10:34
16 that that was reasonable, it was legitimate. And the
17 result is not one I seek to change or vary in any way
18 but I do say the result proves the efficacy of the
19 process whereby we now have a situation where
20 Mr. McDowell accepts some of the report, we accept all 10:35
21 of the report, and that is not something that has ever
22 been hidden by my client.

23 CHAIRMAN: Okay. Mr. Murphy, just two things arising
24 out of that submission, and thank you for it. Firstly,
25 you will be familiar with the passage in the New 10:35
26 Testament which ends "which of these did his father's
27 will?" I think you know what I am referring to.

28 MR. MURPHY: Yes.

29 CHAIRMAN: In other words, you can say one thing and do

1 something different. So, it's all very well to issue a
2 ringing declaration but that doesn't necessarily mean
3 that you are going to follow through on it, (a) -- now,
4 I am not saying that it wasn't done, but it doesn't
5 necessarily mean that you are going to follow through 10:35
6 on it, it doesn't necessarily mean that that actually
7 is your position. So I appreciate what you say as to
8 what the Commissioner has said in relation to this, but
9 you'll appreciate as well that I have to look at things
10 on the basis of whatever facts are before me. And I'm 10:35
11 saying no more than that and that is all I am saying.
12 MR. MURPHY: In that regard I think it is important
13 that you have identified the temporal focus of your
14 inquiry.
15 CHAIRMAN: Yes. 10:36
16 MR. MURPHY: And that perhaps addresses that issue.
17 CHAIRMAN: And that is the second thing I was going to
18 ask you about. The temporal focus of the inquiry is
19 really this, it seems to boil down to this question:
20 At the time when the O'Higgins Commission was going on 10:36
21 were there grounds to challenge the creditworthiness of
22 Sergeant McCabe, and what were the grounds to be relied
23 on to challenge the creditworthiness of Sergeant
24 McCabe? Now, you haven't addressed, and this is not --
25 I am not saying this rhetorically, Mr. Murphy, I am 10:36
26 saying I appreciate your help in relation to the second
27 thing, because I have been trying to identify, we have
28 ruled out false allegations of sexual abuse, they are
29 gone. Nobody ever intended to do that. What about,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

"In the spirit of agreement can we say, that completely misrepresents your understanding of the meeting. He was not saying that he was making a complaint against Superintendent Clancy for the purpose blackmailing Superintendent Clancy to change his mind."

10:39

And over the next page, page 1508, the Judge says:

"Well no, I have never heard the word blackmailing until --"

10:39

MR. MCDOWELL: Sorry, the witness said that.

MR. MURPHY: I think it is the Judge, he is addressing the Judge, you will from 13 --

MR. MCDOWELL: No, it was the witness who said it.

10:39

MR. MURPHY: I beg your pardon. And then:

"Q. No, but I mean to force him. The gist of that last sentence is he was making a complaint solely motivated to force this man to change his mind, is that right?"

10:39

A. Yes, and I still believe that..."

And then Mr. Smyth says, this is line 23:

"The question that was -- I think the superintendent puts it eloquently, indeed the difference is between the words "to" and "against" and certainly I put the question, I used the word "against" and I have to

10:39

1 accept that the report was made to Superintendent
2 Clancy to force him to allow Sergeant McCabe to have
3 the full directions."
4

5 So the blackmail issue was raised in that context on 10:39
6 the basis that there wasn't any allegation of blackmail
7 and that the "to" and "against" issue was a mistake.
8 And you have statements from witnesses, who will be
9 called to give evidence next week, who have said in
10 their statements it was a mistake. That is a matter to 10:40
11 be investigated by you. So, insofar as the matter was
12 being put, there were issues on that front. The second
13 point, Judge, is that --

14 CHAIRMAN: Mr. Smyth no doubt at the time when he made
15 the submission perhaps -- well, perhaps "no doubt" is 10:40
16 the wrong word to use, but I'm just thinking as to when
17 this thing was formulated. Certainly for the first
18 number of days he seemed to think that.

19 MR. MURPHY: And that is a matter for you to assess,
20 sir. The second point is that -- 10:40

21 CHAIRMAN: I mean to wrongly think that.

22 MR. MURPHY: And that is a matter for you to assess,
23 Judge, in over all terms. In terms of the issue of
24 credibility, one thing has been missed by my friend,
25 Mr. McDowell, which is that in terms of the allegations 10:40
26 of corruption and improper practice by senior officers,
27 the persons accused of that were entitled to say that
28 that is incredible, that is not credible.

29 CHAIRMAN: Absolutely.

1 MR. MURPHY: And ultimately that is the nature of the
2 finding that the Chairman came to. He didn't say that
3 Mr. McCabe was lying. He appears to have made a
4 formulation that said look, he was mistaken or he had
5 no evidence, but in basic simple terms the allegation 10:41
6 that Commissioner Callinan was guilty of corruption in
7 relation to the promotion of Superintendent Clancy had
8 no foundation, it was incredible. And the Judge took
9 the view he was not going to say that Mr. McCabe lied
10 but he took the view he hadn't any basis to say that 10:41
11 whatsoever and it was deeply hurtful. And I posit the
12 question on this basis, then and now: On the first day
13 of the Commission's hearing what was the position of
14 the five senior officers - and there were five,
15 according to Mr. Justice O'Higgins - who found 10:41
16 themselves accused of serious corruption and
17 malpractice? Were they to simply stand back and say
18 nothing? Were they not entitled to defend their good
19 name and reputation? Of course they were. Mr. Justice
20 O'Higgins in everything he did was scrupulously 10:41
21 careful to protect the reputation of those people and
22 ultimately his finding demonstrated that the process of
23 testing as to credibility, as to foundation, as to the
24 existence of evidence, as to whether there was a grudge
25 or a grievance behind the whole matter was something 10:41
26 that he explored. His findings are a separate matter,
27 but they are the product of that procession of testing
28 which we say was legitimate and, sir, you may
29 ultimately conclude was necessary. Because how else

1 was the matter to be resolved? This witness has given
2 evidence and former Commissioner O'Sullivan will give
3 evidence about the situation that confronted them at
4 the time when instructions were given, and allied to
5 that the evidence that you have will relate also to the 10:42
6 fact there was independent advice saying that this was
7 the way that it had to be done to find the truth.

8
9 So in those circumstances, we say there are several
10 bases for that presentation. Insofar as the terms of 10:42
11 reference are concerned, as I have mentioned earlier,
12 term of reference J, which I think Ms. Leader
13 inadvertently referred to as the Department of Justice
14 matter, it is actually not, and J says, and I quote:

15 10:42
16 "The investigation by An Garda Síochána and the
17 Minister for Justice and Equality of complaints made by
18 Sergeant Maurice McCabe in relation to matters A to I."

19
20 So clearly Mr. Justice O'Higgins said I am going to 10:43
21 investigate that. And in the document Brief Proven
22 Facts in Module 1, you will see, Chairman, at
23 bullet-point 6, that in addition to the whole issue
24 concerning traffic and other matters in Bailieboro, it
25 says: 10:43

26
27 "Supporting corruption to save themselves."

28
29 And the second bullet-point:

1
2 "Failed to investigate hijacking, false imprisonment
3 and sexual assault."
4

5 which is the Kingscourt incident. And for the reasons 10:43
6 I mentioned yesterday in the cross-examination there
7 was a link made between these ground level issues, the
8 management in the middle and the Commissioner at the
9 top. And that pyramid was the pyramid of accusation
10 from Sergeant McCabe and from no one else. And that is 10:43
11 what was being investigated. So in those
12 circumstances, it will be our submission that what was
13 done by the Commissioner was reasonable, it was done
14 independent advice, it allowed the process to be
15 tested, it wasn't done out of any malice or spite or 10:43
16 lack of care for Sergeant McCabe. But the end result
17 was an independent assessment and hopefully finality to
18 these matters which have progressed for some cases
19 seven or eight years at cost to all those people who
20 found themselves the subject-matter of that stressful 10:44
21 situation. And that is the evidence you have so far
22 and there will be more to come.

23 CHAIRMAN: All right. Let's go back to
24 cross-examination as to credit, if you don't mind. I
25 appreciate we have been at this now 45 minutes, even 10:44
26 still it may I suppose help matters. The distinction
27 is this, and I am quoting from Professor Cross and
28 Ms. Wilkinson's book:
29

1 "Cross-examination to the issue is designed to elicit
2 statements concerning the facts in issue or relevant to
3 the issue which are favourable to the cross-examiner's
4 case."

5
6 So that is about facts. For instance, did you see it?
7 Were you wearing your glasses? Aren't you half blind?
8 Weren't you half asleep? Were you drunk on the
9 occasion? That is cross-examination in general as to
10 the facts. I think both of us will accept that because 10:44
11 that is just the --

12 MR. MURPHY: Yes. To assist, Chairman, to add to your
13 list: were you guilty of corruption? Did you know
14 about matters --

15 CHAIRMAN: We will go on to that. And then the second 10:45
16 matter is:

17
18 "Cross-examination as to credit, as its name implies,
19 is designed to suggest that the witness is not the kind
20 of person whose evidence can be regarded as 10:45
21 trustworthy."

22
23 So at the time when the Commission was taking place,
24 was it the case that the Commissioner felt that she was
25 entitled to ask questions of Sergeant McCabe so as to 10:45
26 demonstrate he was the kind of person whose evidence
27 would not be regarded as trustworthy?

28 MR. MURPHY: She was entitled to put the case that she
29 didn't believe that her predecessor or the five senior

1 officers were guilty of corruption and that there was
2 no foundation to that allegation being made by Sergeant
3 McCabe. So, to that extent that is a classic conflict.
4 CHAIRMAN: Isn't that a matter of fact?
5 MR. MURPHY: It's a question of fact, but it is also a 10:45
6 question of the credibility of what is being said.
7 CHAIRMAN: Well, the way to test it perhaps,
8 Mr. Murphy, is to say this: If it's a court case and
9 so-and-so says, well, there was corruption, and
10 somebody else denies it, if the person denying it is 10:46
11 entitled to call evidence in relation to things being
12 done properly, well then it's not cross-examination as
13 to credit, it's cross-examination on an issue. And
14 what I am interested in and what the Oireachtas has
15 told me to be interested in is cross-examination as to 10:46
16 credit, which is different. Which is the allegation
17 put that the witness is not a person worthy of being
18 trusted in a court and then the matter is then has to
19 be left at that. Because a witness, or even if the
20 witness is the plaintiff or the defendant, is not 10:46
21 entitled to call evidence in relation to that because
22 it's outside what is being inquired into.
23 MR. MURPHY: But insofar as the questions are asked,
24 the primary focus of your inquiry, in our submission,
25 is not to review the cross-examination but the 10:46
26 instruction that was given by the Commissioner. And
27 that's the temporal focus that is centre stage in what
28 you have to assess. Insofar as others may invite you
29 to consider that you should look at every question

1 asked during the course of the process and suggest that
2 somehow that question wasn't a good question, this
3 question wasn't a good question, is that front and
4 centre part of what you have to assess vis-á-vis the
5 Commissioner? Because again, you have narrowed your 10:47
6 focus to the former Commissioner O'Sullivan. And the
7 evidence will indicate that she gave an instruction but
8 there is no evidence that she was saying I want this
9 question asked, I want that question asked. And that's
10 a matter which you will have to assess. 10:47

11 CHAIRMAN: So, if you boil it down to cross-examination
12 as to credit was confined to two things: Was there a
13 grievance or perceived grievance, real or imagined?
14 And secondly, isn't it the case that perhaps you, in
15 making statements about other people, including senior 10:47
16 officers, tend to exaggerate things or to overuse words
17 that are perhaps more appropriately used elsewhere? Is
18 that it?

19 MR. MURPHY: Yes, and in paragraph 3.3 of the report --

20 CHAIRMAN: Is that a yes or is that yes, I understand 10:48
21 the question?

22 MR. MURPHY: No, it's a yes, but just in terms of the
23 approach, paragraph 3.3 of the report also focused on
24 this quotation:

25
26 "Some of the complaints have been upheld in this
27 report, especially in respect of the quality of the
28 investigations examined by this commission. Other
29 complaints made by him have proven to be overstated or

1 exaggerated. Some were unfounded, and some have been
2 withdrawn."

3
4 So, there is a whole variety of different points that
5 are assessed by the Commission, but they are all 10:48
6 legitimate lines of inquiry. And at the time when the
7 instruction was given, we say it was reasonable to do
8 that, it was not unjustified to do that.

9 CHAIRMAN: Thank you, Mr. Murphy. I don't know whether
10 that helps, Mr. McDowell. 10:48

11 MR. MCDOWELL: It doesn't really, Chairman, because
12 it's based upon a radical misconception on the part of
13 Mr. Murphy, who was not present and did not understand
14 that it was made very clear at every single opportunity
15 that this was not an adversarial hearing, that Sergeant 10:49
16 McCabe was not an accuser. And his use of the phrase
17 now that he was the accuser is wholly unwarranted and
18 misunderstands precisely what was happening at that
19 Tribunal. He was not the accuser. He was not coming
20 to sustain a case. He was there as a witness under the 10:49
21 Commissions of Investigation Act. And his own counsel
22 said he was not there to make any criticism about
23 anybody else save to give factual evidence. And what
24 Mr. Murphy is trying to do now is he is trying to
25 mischaracterise the entire nature of the O'Higgins 10:49
26 Commission as an adversarial enterprise in which
27 Sergeant McCabe was the accuser, and he is saying that
28 I have got the wrong end of the stick in denying that.
29 I was there, the transcript clearly -- the transcript

1 clearly -- No, no, the transcript clearly indicates the
2 exact opposite; that it was emphasised again and again
3 and again that this was not an adversarial process.
4 And it was also emphasised that Sergeant McCabe was
5 there as a witness of fact and for the purpose of 10:50
6 trying to persuade the Commissioner's counsel at the
7 time not to pursue this line of questioning, it was
8 emphasised that he was not going to criticise anybody
9 else unless he was asked to do so by the Commission.
10 And I put that in the context, Judge, of the statement 10:50
11 by Mr. Gillane that he would not be allowed to
12 criticise anybody else unless he sought permission in
13 advance and gave a written account of what he proposed
14 to put to any witness that he proposed to criticise.
15 So it's simply wrong to say that he was the accuser, 10:51
16 and it's wrong to say that he came to that Tribunal as
17 an accuser. He came as a witness, because that is the
18 way the Commission of Investigations Act operates. And
19 he was only allowed to cross-examine for the purpose of
20 defending his own Re Haughey rights. That is the only 10:51
21 basis on which he was entitled to participate by way of
22 cross-examination. And then he was warned, as was
23 Mr. Smyth, that no criticism could be made of witnesses
24 unless there was permission from the Tribunal to do so.
25 So, that's the first thing. 10:51

26
27 And the second thing is that the issue -- Mr. Justice
28 O'Higgins found at the end of the Commission that the
29 aspersions on Sergeant McCabe's motivations were unfair

1 and wrong. And the Commissioner then, Nóirín
2 O'Sullivan, said she accepted that completely. Now we
3 are hearing a very different story, and you are asked
4 now to say -- you are being asked to say, well, maybe
5 it was reasonable of her to cast these aspersions then 10:52
6 knowing what she knew, but now she accepts that it was
7 wrong and unfair to do so. Well, with respect, that's
8 a bit -- I was going to say theological a distinction,
9 but maybe - and I don't want to be unfair to my former
10 teachers - Jesuitical a distinction, if I may say so. 10:52
11 Either Sergeant McCabe was unfairly and wrongly
12 impugned as to his motivation and his good faith or he
13 was not, and his integrity. And it has to be
14 understood here, Judge, that constantly the effort is
15 being made to slide away from the integrity charge on 10:53
16 the basis that it was a mistake. It was repeated, it
17 was stated to be done all the way through, and on the
18 second-last day, following a meeting at which, on the
19 face of it, there was a discussion as to whether it
20 should be -- the mala fides should be withdrawn, it was 10:53
21 stated to be an error, an excess of language. But the
22 quote I gave you, Judge, of Mr. Justice O'Higgins
23 saying that he understood that his integrity was in
24 issue and he was not a witness to be believed, was
25 there. 10:53

26
27 And the second point, Judge, is this --

28 CHAIRMAN: This is the third point.

29 MR. MCDOWELL: Sorry, the third point. The third point

1 is, going back to your own terms of reference, you are
2 being asked to inquire whether unjustified grounds were
3 used to impugn his credibility. And we know that the
4 grounds that were set out in the 19-paragraph letter
5 are unjustified. We know that the grounds that were 10:54
6 set out in the submission of the 11th June are
7 unjustified. We know that on day 3 Sergeant McCabe was
8 asked to accept that he was motivated -- in
9 cross-examination, that he was motivated in his
10 complaints against Superintendent Clancy by this 10:54
11 improper motive to coerce him to change his mind, and
12 we also know that it was only after all of those events
13 and after Sergeant McCabe contradicted the claim about
14 what he had said at the meeting in Mullingar, and gave
15 a tape to the Commissioner of that meeting, that it was 10:55
16 at that stage that it was agreed that he had not made
17 he had not made those admissions.

18
19 And, Judge, one last postscript to this: The rules
20 laid down on day 1 were that if any witness was to be 10:55
21 criticised the factual basis should be put to them in
22 writing. That was done in the 19-paragraph letter.
23 All of the grounds that were to be put to Sergeant
24 McCabe in that letter are were set out there. It was
25 not suggested that he had a mere grievance against An 10:56
26 Garda Síochána. The charge that was put against him
27 was effectively that he was only making these
28 complaints because he was trying to force a disclosure
29 to Ms. D's family of the DPP's direction. And that was

1 wrong and unjustified. And I just want -- I still say,
2 Judge, I am entitled to clarity as to whether
3 Mr. Murphy now, even now accepts on behalf of his
4 clients that it was unfair and wrong to impugn Sergeant
5 McCabe's motivation. If he can't even say that he 10:56
6 accepts it now, then, as I said, the distinction as to
7 whether it's the view held now or the view held then is
8 somewhat Jesuitical.

9 CHAIRMAN: All right. Well, thank you both for your
10 submissions. This has taken an hour, and are we any 10:57
11 clearer? Well, I suppose I can only say what is in my
12 mind, as I am the one doing the inquiry. I might first
13 of all say, I don't understand the adjective
14 Jesuitical, I was never taught by the Jesuits, so I
15 have nothing against them at all, at all. 10:57

16 MR. MCDOWELL: Nor I.

17 CHAIRMAN: Cross-examination on facts is about
18 witnesses' perception of the facts, their ability to
19 fully absorb the facts, any impediment in terms of
20 understanding the facts and any impediment due to 10:57
21 passage of time, mental illness, drunkenness, or any
22 other factor which might impede correct memory of the
23 facts. Cross-examination as to credit is
24 cross-examination which is designed to suggest that a
25 witness is not the kind of person whose evidence can be 10:57
26 regarded as trustworthy, and, according to the
27 textbooks, can include questions suggesting the witness
28 has made statements inconsistent with his testimony
29 before, that he has a criminal record, that he is

1 biased or has been guilty of disreputable conduct such
2 as to suggest that he is a liar. Now, insofar as
3 cross-examination as to credit arises in this, it seems
4 to me it arises on the face of what I have heard, in
5 two respects. Firstly, that there was a grievance and 10:58
6 that the perception of the witness in relation to
7 certain facts might be influenced by that grievance,
8 which was of course nothing to do with child sexual
9 abuse, the accusation thereof levelled against Sergeant
10 McCabe, but was instead to do with his reaction when 10:58
11 the letter from the Director of Public Prosecutions was
12 not circulated to him and to the family of the girl
13 making the accusation. Now, whether there was a
14 grievance, whether it was real or perceived, I don't
15 know, but that was allowed by Mr. Justice O'Higgins. 10:59

16
17 Secondly, adumbrated today on foot of the document
18 which is headed "Brief Proven Facts Pertaining to My
19 Complaint" is the idea that Sergeant McCabe is a person
20 who uses language inappropriately and exaggerates. 10:59
21 That, it seems to me, is more on the issue of fact as
22 opposed to the issue of credit, because it's only in
23 circumstances where Sergeant McCabe actually knows
24 something about that, that there could be any
25 deployment of that issue in relation to exaggeration or 10:59
26 in relation to the loose use of language.

27
28 Now, we are in a position after the number of days that
29 have already been spent on this where at least we have

1 ruled out allegations of sexual abuse and I am
2 proceeding now on the basis of looking at the
3 transcript and hearing the evidence of the witness in
4 order to determine whether (a) there was any
5 cross-examination as to credit, or threat thereof, and 11:00
6 whether the grounds which were proposed to be put or
7 which were actually put were inappropriate. And that
8 is the basis upon which I'm proceeding and that is
9 really as much as I can say at this point, and thank
10 you both for your submissions. 11:00

11 MR. MURPHY: Thank you, Chairman.

12

13 CHIEF SUPERINTENDENT FERGUS HEALY WAS THEN DIRECTLY
14 EXAMINED BY MS. LEADER, AS FOLLOWS:

15 1 Q. MS. LEADER: Yesterday evening, we were going through 11:00
16 the cross-examination of Sergeant McCabe and
17 essentially I think we were all agreed it was being put
18 to him that the complaints that were being made by him
19 against Superintendent Clancy were so as to force or
20 put pressure or to blackmail the garda authorities into 11:01
21 circulating the DPP's directions?

22 A. From the transcript?

23 2 Q. Yes.

24 A. Yes.

25 3 Q. And that was on day 3? 11:01

26 A. Yes.

27 4 Q. When Sergeant McCabe was being questioned in
28 relation -- questioned by counsel for the Commissioner?

29 A. Yes.

1 5 Q. Okay. Now, if we can just turn to your notes of that
2 day, which are at page -- the typed version is at page
3 3821 of the materials. It's the 18th, Chief
4 Superintendent. And if we go down to the very bottom
5 of your notes, you will see you have recorded there: 11:01
6
7 "DPP documents --"
8
9 And a space.
10 11:02
11 "-- critical issue is the only reason that I wanted to
12 put pressure to get the DPP's directions from
13 Superintendent Clancy."
14 A. Well --
15 6 Q. Is that what it says? 11:02
16 A. Yes, that's right, yes.
17 7 Q. Yes, yes. So we are all in agreement that that is
18 actually what was being put to --
19 A. Well, that is what I noted at the time.
20 8 Q. Yes. And the transcript would seem to record that as 11:02
21 well.
22 A. Yes.
23 9 Q. Now, just alongside that there is a phone number which
24 is redacted from our circulated materials.
25 A. Yes. 11:02
26 10 Q. Is that Sergeant Martin's phone number?
27 A. Yes, yes.
28 11 Q. If you could tell us what exchange took place in
29 relation to Sergeant Martin?

1 A. I think at that particular time Sergeant Martin's name
2 was mentioned in the proceedings and I'm not 100
3 percent sure but I think it was Superintendent
4 Cunningham was either articulating to me that this
5 person was important with respect to what had happened 11:03
6 and he basically gave me these details that are in the
7 note, and in the course of that, I had a -- I rang
8 Sergeant Martin, just to tell her that she may be
9 required at the Commission. And, after that, I never
10 had any contact with her at all. Mr. Hegarty, who was 11:03
11 a solicitor, who was at the proceedings, had approached
12 me and had mentioned to me that I had contacted him --
13 contacted her and I just at that stage realised that he
14 was her representative and I took a backward step from
15 there, I had no more contact with her. 11:03

16 12 Q. And to be clear and fair to Sergeant Martin, I think
17 it's been established, and correct me if I am wrong,
18 that no details of what had happened in the Commission
19 that day were shared with her?

20 A. Oh, no, no. It was just a call to put her on notice 11:04
21 per se. After that, there was no detail whatsoever
22 discussed at all with her.

23 13 Q. Okay. She was never asked to comment --

24 A. No.

25 14 Q. -- in any way in relation to what had been put forward 11:04
26 at the Commission?

27 A. I had no conversations with her on that front at all.
28 It was just bay way of a courtesy call of a
29 notification. Whether it was going to arise or not, I

1 had no control over that at all. And then, as I said,
2 when it became clear to me that there was a separate
3 legal representative acting on her behalf, I didn't
4 engage any further.

5 15 Q. Now, I think that's where matters were left on the 11:04
6 Monday evening, which was the 18th May, is that
7 correct?

8 A. Yes, I think so, yeah.

9 16 Q. I think then the Commission recommenced the next day,
10 and I think there were witnesses recalled, if I'm 11:05
11 correct, at the request of Mr. Smyth, in order to deal
12 with Sergeant McCabe's evidence?

13 A. I think so, yes, I don't know where we are.

14 17 Q. I will take you to it. It's day 4, the 19th, and it 11:05
15 would appear that Chief Superintendent Colm Rooney, at
16 page 1104, it's the index to the transcript of day 4 of
17 the proceedings -- sorry, it's volume 2, part B. But
18 it should come up on the screen there. It may be
19 easier for you. Yes. So Chief Superintendent Colm
20 Rooney was called and Superintendent Cunningham. And 11:06
21 if we could turn to page 1105, just the very beginning,
22 it would appear that they were recalled at the request
23 of counsel for the Garda Commissioner, you will see
24 Mr. Gillane's opening words there?

25 A. Yes. 11:06

26 18 Q. Now, I think Chief Superintendent Rooney commenced and
27 finished his evidence in relation to a matter other
28 than paragraph 19 of that letter of the 18th May?

29 A. Sorry, could you repeat that?

1 19 Q. Chief Superintendent Rooney gave evidence in relation
2 to a meeting he had with Sergeant McCabe which
3 concerned a paragraph other than paragraph 19 of the
4 letter of the 18th of May?
5 A. Okay, okay. 11:07
6 20 Q. And then Superintendent Cunningham got into the witness
7 box, but before paragraph 19 was actually dealt with,
8 he was stood down as there were technical difficulties
9 that day?
10 A. Yes. 11:07
11 21 Q. And I think, I am surmising this from the transcript,
12 but that related to the circulation of his report of
13 September 2008 and Sergeant McCabe's tape of the
14 meeting?
15 A. Em, sorry, could you repeat that? I beg your pardon. 11:07
16 22 Q. Well, he didn't complete his evidence that day.
17 A. Okay, I take it from --
18 23 Q. Yes.
19 A. I don't recall this, but --
20 24 Q. It would appear that the reason he didn't do that -- 11:07
21 and I will go to page 1133, it might refresh your
22 memory, Chief Superintendent.
23 A. 1133?
24 25 Q. Yes. What Mr. Gillane says, who was counsel for the
25 Commission: 11:08
26
27 "In relation to the current position and the
28 circulation of some documents there, it may be
29 appropriate to stand this witness down just for present

1 purposes and will have to be recalled hopefully later
2 today. The document circulated just put us on enquiry
3 in relation to some other matters."
4
5 So it would appear there was a difficulty in relation 11:08
6 to circulation of documents.
7 A. Okay. I take it -- yes.
8 26 Q. It would appear from the transcript.
9 A. Yes, yes.
10 27 Q. Yes. Now, I think in actual fact, Superintendent 11:08
11 Cunningham wasn't recalled until later on in June,
12 isn't that correct?
13 A. I think it was the 24th June.
14 28 Q. The 24th of June?
15 A. Day 5. 11:08
16 29 Q. Yes, the Commission stood down for a while and
17 recommenced on day 5, which was 24th June.
18 A. Okay.
19 30 Q. And in the meantime, submissions in relation to the
20 incomplete Module 1 were prepared by the Commissioner? 11:08
21 A. Yes.
22 31 Q. Now, in relation to those submissions, as one would
23 expect, they were prepared by counsel, isn't that
24 correct?
25 A. That's correct, yeah. 11:09
26 32 Q. And I think the routine which was followed, and if we
27 could turn to page 1374 in relation to -- yes, it's the
28 same volume, at the very back.
29 A. Yes.

1 33 Q. Ms. Ryan emailed you the draft submissions in the
2 beginning of June?

3 A. Yes.

4 34 Q. And she said:

5

6 "Please see below email from counsel with draft
7 submissions attached. I intend forwarding same to our
8 witnesses for their comments and you might please
9 confirm this is in order. Also, can you please provide
10 me with email addresses --"

11

12 For various people.

13 A. Yes.

14 35 Q. And in relation to what counsel has said, and that is
15 further down in the same page, 1374, they enclose the
16 draft submissions, they ask that they be reviewed by
17 the clients, and they also ask that they be circulated,
18 I think, really, in relation to all of the clients.

19 A. Yes.

20 36 Q. Now, at the very end, there is a paragraph:

21

22 "As discussed with --"

23

24 I presume it's Mr. Smyth?

25

26 "-- I understand the plan is to deliver these
27 submissions as being final, i.e. not in draft form,
28 with a note on the cover letter reserving our right to
29 deliver supplemental submissions to deal with anything

1 which comes up in the remainder of the evidence for the
2 module."

3 A. Yes.

4 37 Q. Is that right? And I think that seems to be a fairly
5 sensible thing to do because the evidence hadn't been 11:10
6 finished at that time. And then your email, I think,
7 back is on page 1379, I think it's -- the date -- I
8 think it appears as -- it's 1372 is when you sent it on
9 the 5th of June, it was retrieved from somebody's
10 email. If you see it? 11:11

11 A. That is a receipt for an email on 5th of June.

12 38 Q. Yes.

13 A. At 10:09am.

14 39 Q. And you sent, I think -- I'm not sure about the email
15 on 1373, which seems to be an email from you? 11:11

16 A. Em, yes, that appears --

17 40 Q. It's from you, is it?

18 A. Well, it's --

19 41 Q. Yes.

20 A. On page 1373, at the bottom, yes. 11:11

21 42 Q. It seems to be an email from you?

22 A. Yes.

23 43 Q. And you will see, you go down through the various --

24 A. Paragraphs.

25 44 Q. -- paragraphs, and if you would turn then to paragraph 11:11
26 70 in relation to paragraph 70 of the submissions --

27 A. Yes.

28 45 Q. -- you see here, your comment in relation to that is:
29

1 "Yet to be confirmed until evidence is heard."
2 A. Yes.
3 46 Q. Okay. So if we could turn to paragraph 70 of the
4 submissions.
5 A. On page? 11:12
6 47 Q. Which is on page 1452. I don't want to go through
7 everything in the submissions, Chief Superintendent.
8 A. Yes.
9 48 Q. If we would first of all maybe look at paragraph 69.
10 A. Yes. 11:12
11 49 Q. "Sergeant McCabe --" this is the submissions that were
12 to be sent in and were eventually sent in.
13 A. Yes.
14 50 Q. "Sergeant McCabe then made a series of complaints
15 against other officers in Bailieboro Station, including 11:12
16 Superintendent Clancy against whom he alleged a lack of
17 support. Chief Superintendent Rooney appointed
18 Superintendent Cunningham to investigate these
19 complaints. Superintendent Cunningham attempted to
20 meet Sergeant McCabe to discuss the complaints and 11:13
21 finally did so on 25th August 2008. On this occasion,
22 Superintendent Cunningham was accompanied by Sergeant
23 Martin."
24 A. Yes.
25 51 Q. "70. It is understood that Superintendent Cunningham 11:13
26 will give evidence that Sergeant McCabe said at that
27 meeting that the complaint which he had made alleging
28 lack of support, as referred to in the preceding
29 paragraph, was a bid by him to have the full DPP

1 directions conveyed to him and the complaining party.
2 This is recorded in a report of the meeting prepared
3 jointly by Sergeant Martin and Superintendent
4 Cunningham."

5 A. Mm-hmm. 11:13

6 52 Q. So that seems --

7 A. That was the position then.

8 53 Q. That was the position then?

9 A. Yes.

10 54 Q. You had said we have to he wait until it's confirmed, 11:13
11 but in any event, that never happened, is that correct?

12 A. Yeah, well, that was my position at that time.

13 55 Q. Yes, yes.

14 A. Yeah.

15 56 Q. And those submissions were submitted -- 11:13

16 A. Yes.

17 57 Q. -- on behalf of the Commissioner and other senior
18 guards prior to the completion of the evidence in
19 Module 1?

20 A. Of course, of course. Yes, that was the then-position. 11:14

21 58 Q. And they were signed off on, on behalf of the
22 Commissioner and the various parties?

23 A. Yeah, yeah.

24 59 Q. Now, just to put that particular part of the
25 submissions in context, it appeared, there is a series 11:14
26 of paragraphs under a heading called "Other" isn't that
27 correct? And that is at page 1451 of the materials.

28 A. Yes.

29 60 Q. Yes. And the conclusion of that part of the

1 submissions, which is at page 1453 of the
2 submissions --

3 A. Yes.

4 61 Q. -- immediately following the paragraph which was
5 incorrect, 71, it says:

11:14

6
7 "It is submitted that these interactions are critical
8 to the understanding of the behaviour of Sergeant
9 McCabe and of the responses of the various officers to
10 his complaints. Prior to this, the complaints he had 11:15
11 made were few in number and adequately dealt with.
12 Thereafter, they multiplied and showed a tendency to
13 exaggeration such as in relation to this incident which
14 was recognised by, amongst others, Assistant
15 Commissioner Byrne and Chief Superintendent McGinn." 11:15

16
17 Then at paragraph 72 it says:

18
19 "These issues will be relevant to subsequent modules
20 where they can be considered again. However, in 11:15
21 relation to this specific module, it is submitted that
22 Sergeant McCabe's disaffection motivated him to contact
23 Ms. Browne --"

24
25 who was the bus driver, the complainant in relation to 11:15
26 the Kingscourt matter.

27
28 "-- to encourage a complaint to GSOC and to include it
29 in his brief proven facts pertaining to my complaint

1 document."

2

3 Is that correct?

4 A. That's correct, yeah.

5 62 Q. And that brief proven facts was document 31, which is 11:15
6 the document referred to earlier on this morning here
7 in oral submissions?

8 A. Yesterday. That's correct, yeah.

9 63 Q. So just in relation to -- I want to go back briefly to 11:16
10 what the Commissioner had actually authorised in her
11 conversation with you of the 14th May?

12 A. Yes.

13 64 Q. If you understand?

14 A. Yes.

15 65 Q. And was it the position that the Commissioner had 11:16
16 authorised the position that the reason -- the issue to
17 be explored, if I can put it that way, was that
18 Sergeant McCabe was making his complaints so as to put
19 pressure on or to force or to put it at its very
20 highest, perhaps, blackmail senior garda management to 11:16
21 distribute the complaints, or was it a different matter
22 that she had authorised on 14th May, that -- and this
23 may be recorded in your brief note of what happened,
24 that Sergeant McCabe somehow changed after the
25 investigation the unpleasantness, put it that way, with 11:17
26 the Ds, the non-circulation and the decision not to
27 circulate to the Ds the DPP's directions, and somehow
28 turned into somebody who complained about everything?
29 which -- do you know what Commissioner O'Sullivan --

1 A. From my recollection, the issue I went to the
2 Commissioner with was based on the consultations that
3 had taken place on the 12th and 13th May, and the
4 question that was being asked by counsel at those
5 consultations was, what was the triggering factor with 11:17
6 respect to the issues and how all of this started. And
7 the material that was -- in those consultations
8 resulted in a decision. And based on, as I said, the
9 other document that was referred to in the core
10 booklet, it was my understanding that counsel, having 11:18
11 read into the case or into the brief, that the
12 Commissioner was approving the motivation with respect
13 to all the issues.

14 66 Q. All of the issues. So it was in as general a way as
15 that? 11:18

16 A. Yes. And it was left to counsel, because counsel were
17 briefing, were advising that they had to explore this
18 whole area and it was my understanding that that is
19 what was being instructed.

20 67 Q. So do I understand you, Chief Superintendent, that the 11:18
21 position was the Commissioner wasn't authorising any
22 specific rationale for the questioning in relation to
23 motivation, it was just question in relation to
24 motivation?

25 A. No. I think it was a case that what had come out of 11:19
26 the consultations and what the understanding of counsel
27 was at that particular time, and based -- they had
28 sought the instructions to pursue the motive and the
29 credibility issue and they were recommending that to

1 the Commissioner, based on what they had -- I suppose
2 the information that they had obtained from the various
3 consultations that had taken place, and that they were
4 recommending this. And I spoke to the Commissioner to
5 basically give her the -- what had unfolded, as such, 11:19
6 and that what was required and she agreed that, based
7 on what counsel were advising, that it was necessary to
8 explore this area, then that she was willing -- she was
9 inclined to give the instructions to that effect.

10 68 Q. Okay. Right. Thank you, Chief Superintendent. 11:20

11 CHAIRMAN: Ms. Leader, just on that point, if you don't
12 mind me intervening here. Ms. Leader put a very stark
13 choice to you and I will put it in even more simple
14 terms: was it that, did the Commissioner know that
15 someone was saying, perhaps mistakenly, that Sergeant 11:20
16 McCabe had engaged in blackmail in order to get the
17 letter from the DPP circulated?

18 A. No.

19 CHAIRMAN: She didn't?

20 A. It wasn't engaging in blackmail, it was my -- from my 11:20
21 understanding --

22 CHAIRMAN: Look, was the letter mentioned at all, the
23 circulation?

24 A. No, that letter at that stage wasn't even constructed.

25 CHAIRMAN: What did the Commissioner know? 11:20

26 A. Well, she knew what I had told her.

27 CHAIRMAN: Which was what?

28 A. Which was that, based on what the -- what had come out
29 of the consultations, which was when the trigger

1 question was asked here by counsel, the replies that
2 they got vis-á-vis the refusal to give the DPP's
3 directions, was at that stage deemed to be the linchpin
4 that started all of these issues and that all the
5 issues arose after that matter and that --

11:21

6 CHAIRMAN: So, of the questions that Ms. Leader put to
7 you, it's number two; that Sergeant McCabe had a grudge
8 in consequence of the non-circulation of the DPP
9 letter?

10 A. I think the consensus --

11:21

11 CHAIRMAN: Forget about the consensus at the meeting,
12 or whatever --

13 A. Sorry.

14 CHAIRMAN: -- what I really need to know is what the
15 Commissioner know. Did anyone explain that to her?

11:21

16 A. I explained to the Commissioner that the refusals had
17 been -- had taken place at superintendent level and at
18 chief superintendent level and that the sequence of
19 complaints followed on from that, and that counsel were
20 of the view that they had to explore the whole area of
21 motive and the credibility of what Sergeant McCabe was
22 saying, and they were advising that, and on the basis
23 of that, the Commissioner was inclined to instruct
24 counsel to go ahead along those lines.

11:22

25 CHAIRMAN: And she never knew about what is said now to
26 be mistaken?

11:22

27 A. No.

28 CHAIRMAN: That Sergeant McCabe was blackmailing senior
29 officers, making a complaint against Superintendent

1 Clancy in order to twist his arm to get the letter from
2 the DPP circulated about the dismissal of the D case?
3 A. No. That letter wasn't even constructed at that stage.
4 The letter was constructed over the weekend of the 15th
5 May, and the decision on the 15th, on the afternoon of 11:22
6 the 15th, had been taken, had been reconfirm at that
7 stage and the issue of the notice and the notifications
8 to the various parties concerned was raised within the
9 Commission and that letter then was formulated on the
10 basis of -- over the weekend, I should say, and the 11:23
11 first -- the first draft of that paragraph that I
12 recollect appeared on the Saturday evening.

13 CHAIRMAN: Yes. No, I know all of that. So you are
14 saying that -- it's just another matter, and according
15 to this book that I am reading: 11:23

16
17 "It is Contrary to professional etiquette for an
18 advocate to put disparaging questions to a witness
19 unless his instructions give him reasonable grounds
20 supposing they are justified." 11:23

21
22 So the case that you are making to the Commissioner
23 over the phone is that senior officers had said to you,
24 all of this began with the non-circulation of the
25 letter and is due a grudge? 11:23

26 A. What they were saying -- the grudge word was never used
27 as such.

28 CHAIRMAN: Well, I am trying to summarise what is --

29 A. Yes, sorry. Yes, exactly, that is the point. The

1 point is that I think counsel was at pains, and I
2 distinctly remember him asking that question over and
3 over again: what was the trigger point here for the
4 start of all this? We have to go back to the basics,
5 what started all of this? And the DPP direction and
6 the refusal to impart that was the starting point. It
7 was the spark that lit the fuse, as far as --

11:24

8 CHAIRMAN: As far as the instructions being given to
9 counsel --

10 A. Yes.

11:24

11 CHAIRMAN: -- in terms of fact.

12 A. Yes.

13 CHAIRMAN: As opposed to -- and it's nothing to do with
14 legal advice, these were the facts that counsel were
15 being given because they have to have before putting a
16 question as to credit. Okay, I understand. Thank you,
17 Ms. Leader.

11:24

18 69 Q. MS. LEADER: So I think matters were left there. The
19 submissions were completed, and I think if we can go,
20 perhaps, to page 4072, and it's just one page from that
21 particular volume, so maybe the screen would be more
22 convenient.

11:25

23 A. It's in a different volume, is it?

24 70 Q. It's just one page I will be referring to, Chief
25 Superintendent. If we go halfway down that page, it
26 would appear from that, that on the 19th June 2015 a
27 transcript was circulated of the meeting in Mullingar
28 which had taken place on 25th August 2008?

11:25

29 A. Right. Okay.

1 71 Q. Am I correct in that?
2 A. I think so, yes.
3 72 Q. Yes. So I think the sequence of events is, you then --
4 prior to hearings recommencing, the transcript is
5 circulated -- 11:25
6 A. Became available.
7 73 Q. -- to you?
8 A. Yes.
9 74 Q. Yes. Do you remember reading that or any feedback from
10 it? 11:26
11 A. I can't remember reading it. I know that I obviously
12 did read it, I am not disputing that. I don't recall,
13 you know what I mean, even its content now, I couldn't
14 tell you what was in it.
15 75 Q. Do you recall, was there any discussion around the 11:26
16 contents of that transcript at the time?
17 A. I can't recall, honestly, with my hand on my heart, I
18 can't recall what was discussed about it. It was -- I
19 suppose I know that certainly the -- one of the parties
20 was very anxious to get access to the transcript, that 11:26
21 was Superintendent Cunningham.
22 76 Q. As soon as it became available?
23 A. Yes. And that's it. I can't remember any more than
24 that.
25 77 Q. Okay. 11:26
26 A. Sorry, I can't be any more helpful.
27 78 Q. I think in fairness to you, Chief Superintendent, your
28 time may have been taken up with preparing for the next
29 module --

1 A. Yes.

2 79 Q. -- that was coming down the line?

3 A. Yes.

4 80 Q. So maybe from your point of view, Module 1, the
5 submissions had been done -- 11:27

6 A. Yes, I was moving on.

7 81 Q. -- the majority of the evidence heard?

8 A. Yes.

9 82 Q. But insofar as the major issue which arose in Module 1
10 was the Commissioner's instructions and that letter of 11:27
11 the 18th May --

12 A. Yes.

13 83 Q. -- it may be that there might have been some interest
14 in listening -- or looking at that transcript and
15 seeing where matters stayed as a result of that, 11:27
16 particularly in view of Sergeant McCabe's very firm
17 reply to the questions he was being asked on the 18th
18 May?

19 A. Well, I can't remember at that particular time, you
20 know, and obviously subsequent to that and now, knowing 11:28
21 what I know, you know, that the matter was a mistake.
22 At what stage it came to my notice for the first time,
23 I can't exactly remember. But I would have been
24 present on the hearings, on day 5, when it was uttered
25 there and obviously I would have been made aware of it 11:28
26 at that stage.

27 84 Q. Okay. Do you remember any sense of surprise on day 5
28 when it emerged?

29 A. Well, I had realised the content of the paragraph

1 itself had a completely different meaning when the
2 mistake issue was read, you know, that it's hard to
3 believe that such a small word could make such a huge
4 difference to the whole tenet of what was in the
5 document, but it did, and I think Superintendent 11:28
6 Cunningham, in his evidence, cleared the issue up; he
7 was in a position to advise the Commission at that
8 particular time what the actual true meaning of what
9 had happened in Mullingar, what the facts were in
10 relation to that. 11:29

11 85 Q. Maybe we will turn to the transcript of day 5, and it's
12 in Volume 2C. It commences at page 14 -- we are on to
13 the 24th June 2015 at this stage.
14 CHAIRMAN: What page are we on?
15 MS. LEADER: 1464, sir. 11:29

16 86 Q. And it would appear that it was, actually Mr. Justice
17 O'Higgins took it upon himself to correct the letter --
18 or set out what he had discovered in relation to the
19 transcript?

20 A. Yes. 11:30

21 87 Q. So there was no question really of a witness correcting
22 the situation?

23 A. Okay, sorry.

24 88 Q. It was Mr. Justice O'Higgins --

25 A. It was corrected on that day, sorry, yeah. 11:30

26 89 Q. -- corrected the mistake?

27 A. That's right.

28 90 Q. Now, I understand you are going back in time and you
29 haven't seen these documents --

1 A. Yes.

2 91 Q. -- in a long time, so if we just look at what
3 Mr. Justice O'Higgins says on day 5 at page 1464, he
4 says:

5
6 "There is a statement furnished by the Chief State
7 Solicitor's Office dated 18th May and at paragraph
8 19 --" 11:30

9
10 And he goes through what it says in paragraph 19, and 11:30
11 if you turn over the page at line 14:

12
13 "On first flush this appears to us to be incorrect. I
14 am not saying definitively but on first flush it seems
15 to be incorrect. It seems to be incorrect for the 11:30
16 following reasons: It does not appear that
17 Superintendent Cunningham was not appointed to
18 investigate a complaint against Superintendent Clancy,
19 the meeting was not about complaints against
20 Superintendent Clancy but concerned a request to him." 11:31
21

22 A. Yes.

23 92 Q. So essentially he cleared it up by saying what the
24 meeting --

25 A. Yes. 11:31

26 93 Q. -- concerned.

27 A. And when you think of it logically, it would have been
28 impossible for Superintendent Cunningham, or inspector
29 as he was then at the time, to be investigating

1 Superintendent Clancy, a superior officer.

2 94 Q. Then he says:

3

4 "The meeting was not a complaint about complaints
5 against Superintendent Clancy but concerned a request 11:31
6 to him. No complaints were made about him."

7 A. Yes.

8 95 Q. "Neither in the report of Superintendent Cunningham --"

9

10 So it's Mr. Justice O'Higgins who had access to 11:31
11 Superintendent Cunningham's report, refers to it there
12 again, that Superintendent Cunningham never said it in
13 his report?

14 A. Yes.

15 96 Q. "-- nor in his note of the meeting --" 11:31

16

17 And that is the note, the handwritten note of the
18 meeting.

19

20 "-- is there reference to a complaint about 11:31
21 Superintendent Clancy. Neither is there such a
22 contention supported by the transcript of the recording
23 of the meeting."

24 A. Okay.

25 97 Q. Yes. And just in relation to something you just said 11:32
26 there, Chief Superintendent, in retrospect maybe that
27 it should have been obvious along because there was
28 never going to be a position where a superintendent was
29 investigating a complaint against one of his superiors?

1 A. Yeah, it should have been obvious, but I don't know, it
2 was missed, and I think it was corrected on that day.

3 98 Q. Yes.

4 A. And I think it's important, as well, that the
5 contributors to the paragraph concerned, as I said 11:32
6 yesterday in my evidence, were the two parties
7 concerned. It was one or either of the two of them.
8 So I took it that it was fact at that time, but it was
9 corrected on that day.

10 99 Q. And then superintendent Cunningham was recalled to the 11:32
11 witness-box to give evidence after that.

12 A. Yes.

13 100 Q. He commences his evidence at page 1470.

14 A. Yes.

15 101 Q. And during that, it is during that exchange that he 11:33
16 corrects paragraph 19 of the letter of the 18th May?
17 A. Okay, yes.

18 102 Q. And in relation to the extract of the transcripts that
19 Mr. Murphy brought to the Tribunal's attention this
20 morning, it was during that exchange that the blackmail 11:33
21 contention was taken out of the mix --
22 A. Yes.

23 103 Q. -- it would appear?

24 A. Yes.

25 104 Q. You are happy with that? 11:33
26 A. Yes. It was accepted by all that it was a genuine
27 error and I think the documents, including the tape,
28 supported that.

29 105 Q. And it would appear that what was intended, if it be a

1 mistake or if -- and that is a matter for the Chairman
2 to decide, but that it would appear what Superintendent
3 Cunningham's case was, if he had one, was that the
4 DPP's directions weren't circulated to the Ds, and this
5 caused a change in Sergeant McCabe, no doubt a change 11:34
6 following on the investigation, the unpleasantness with
7 the Ds and the directions not being made available to
8 the Ds; would that be fair? And if I bring you, maybe
9 it might be of assistance to you, to the transcript,
10 it's at page 1497. Yes. 11:34

11 A. Yes.

12 106 Q. And if I go down to maybe line 5. Superintendent
13 Cunningham is in the witness box being questioned by
14 Mr. Smyth:

15
16 "The question I am asking you is this: That again it
17 seems evident that at all times he --" 11:35

18
19 Being Sergeant McCabe.

20
21 "-- was anxious to get these directions shown to both
22 the D family as well as having the directions, the full
23 directions divulged to himself. 11:35

24 A. Yes, Judge.

25 Q. That couldn't be done for obvious reason, is that
26 correct? 11:35

27 A. That is correct, Judge.

28 Q. Was there a change in Sergeant McCabe, did you
29 find -- follow that?

1 MR. JUSTICE O'HIGGINS: Following what? Following the
2 refusal by you to give him the direction?

3 A. Yes, Judge.

4 Q. What did you interpret that change to be?"

5

11:35

6 And this, it would appear from the transcript, to be
7 the position with regard to Superintendent Cunningham.

8

9 "Well, Judge, I had known Sergeant Maurice McCabe for
10 years, 15, maybe 20 years, I'd say even to this day
11 that I haven't had a cross word with Mr. Maurice
12 McCabe. In fact, the opposite. I would respectfully
13 suggest that I fully have supported him in everything
14 he did. I have ample incidents that I can write with
15 that. I was now meeting him, a man I had known for
16 years, he was taping me, he was -- if you see the
17 questions put to me "Noel, let's talk off the record".
18 Maurice knows me well, I don't know off the record."

11:36

11:36

19

20 And he continues on that way.

11:36

21 A. Yes.

22 107 Q. And then he is asked:

23

24 "Q. What way did his behaviour change towards you?

25 A. His attitude to me changed, Judge. He said it
26 himself even in conversations, that he didn't trust
27 anybody any more. It had impacted on his life. It
28 affected him."

11:36

29

1 So, going back again to your note of the 14th May that
2 you made either before or after your conversation with
3 the Commissioner in relation to her instructions, the
4 words "Maurice changed" appeared there as well?

5 A. Yes, yes. 11:37

6 108 Q. So was this -- what I am asking you, Chief
7 Superintendent, was this what Superintendent Cunningham
8 was trying to explore in relation to motivation?

9 A. Well, it's my understanding that the phrase in relation
10 to my notes of the 14th had come out of the -- 11:37

11 109 Q. Yes.

12 A. -- consultations on the 12th and 13th.

13 110 Q. Yes.

14 A. And certainly that was the instructions or the
15 situation arising out of those consultations and my 11:37
16 note on the 14th refers to those consultations. This
17 issue here then obviously relates to something that
18 happened within --

19 111 Q. Yes.

20 A. -- the Commission itself, and you know, what 11:38
21 Superintendent Cunningham says here is in response to a
22 direct question from the Judge, so --

23 112 Q. From counsel.

24 A. Or from counsel, sorry.

25 113 Q. For the Commissioner. Yes. 11:38

26 A. Yes. So you know, from my recollection, I know that
27 both officers at the consultations were asked, and I
28 think it was superintendent --

29 114 Q. I think maybe we won't go into --

1 A. Okay, sorry, it's privileged.

2 115 Q. -- what people said. What I am trying to get to the
3 bottom of, Chief Superintendent Healy, and I may be
4 repeating myself somewhat, but did Commissioner
5 O'Sullivan authorise the questioning of Sergeant McCabe 11:38
6 that he had made a complaint against Superintendent
7 Clancy so as to somehow force the issue of the DPP's
8 directions?

9 A. No, I think it was in relation to all the complaints
10 that were, I suppose at that particular time -- you 11:39
11 see, you have to remember as well that the Commissioner
12 would have had prior and other knowledge of all of
13 these issues going back for a number of years.

14 116 Q. Yes.

15 A. So it wasn't as though I was coming to this, you know, 11:39
16 as a new item, it was an issue that was ongoing. And
17 it was my understanding that, you know, that what I was
18 seeking from the Commissioner was the instructions to
19 proceed along the lines of motive and credibility based
20 on what counsel had understood, which was from the 11:39
21 consultations and, as I said, from the material that
22 they had read in the core booklet.

23 117 Q. So, as far as you were concerned, what happened on the
24 18th, on the Monday, in relation to the complaints
25 which at that stage were against Superintendent Clancy 11:40
26 and the issue of forcing the DPP's directions, that was
27 all authorised by the Commissioner, as far as you were
28 concerned?

29 A. Sorry, could you repeat that?

1 118 Q. The exchange on the Monday, the 18th May --
2 A. Yes.

3 119 Q. -- where the issue of the letter was first before the
4 Commission, if I can put it that way, okay?
5 A. Yes, on the 18th, yes. 11:40

6 120 Q. And Chief Superintendent Rooney's evidence continued.
7 A. Yes.

8 121 Q. Superintendent Cunningham gave evidence.
9 A. Yes.

10 122 Q. Sergeant McCabe gave evidence and was cross-examined on 11:40
11 the contents of the letter, if you understand?
12 A. Yes.

13 123 Q. So at that time, that, all of what happened on that
14 day, didn't cause you to go back to the Commissioner
15 and tell the Commissioner, look, what you have 11:40
16 authorised, counsel have gone beyond that?
17 A. You see, that was a matter for counsel, as far as I was
18 concerned. They were dealing with what was going on in
19 the Commission. They were managing the evidence, and
20 that -- you know what I mean, unless I was specifically 11:41
21 asked to go back to the Commissioner from counsel, I
22 saw that as my role. I wasn't instructed to go back.
23 I gave the instructions that the Commissioner had
24 relayed to me, I gave -- I relayed them to counsel, and
25 it was a matter then for counsel to conduct the 11:41
26 proceedings inside in the Commission.

27 124 Q. Yes. Now, I understand that, Chief Superintendent, but
28 in fairness, you had been asked specifically to take
29 instructions from the Commissioner in relation to the

1 issue of motivation, which you did on the 14th?

2 A. Yeah.

3 125 Q. And on the 15th, the matter was clarified, maybe not
4 directly on the instructions from Mr. Justice
5 O'Higgins, but certainly he was pointing matters in 11:42
6 that direction on the 15th?

7 A. Yeah.

8 126 Q. So directly following that, on the 18th the exchange
9 that took place, none of that caused you to go back to
10 the Commissioner and say counsel has gone beyond what 11:42
11 you have authorised on the 14th and 15th?

12 A. No, you see, I didn't do -- I didn't go back to that
13 Commissioner with that issue, if that is the answer to
14 the question. I didn't do that. I didn't see it as my
15 role either. 11:42

16 127 Q. Well, I suppose that is the answer, really, chief
17 superintendent, that you were a very senior member of
18 the Guards --

19 A. It wasn't my role either. This was a matter for
20 counsel to deal with within the confines of the 11:42
21 Commission itself. And they were dealing with it, as
22 far as I was concerned, and the issues that they were
23 dealing with obviously, you know what I mean, is a
24 matter for them. And I didn't go back to the
25 Commissioner after that, I didn't see it that I had to 11:43
26 go back to the Commissioner, unless I was instructed to
27 go back to get further clarification again, which I
28 didn't.

29 128 Q. I don't think I can bring it much further than that.

1 was Commissioner O'Sullivan informed at some stage of
2 what had transpired on day 5, can you remember? She
3 had to have been told sometime but I was just wondering
4 when you told her?

5 A. I can't remember specifically. Look, I know I would 11:43
6 have been in contact with the Commissioner regularly on
7 the phone. I may have called her on that night, I
8 can't remember specifically now at this point.

9 CHAIRMAN: By day 5 you are referring to the clear-up
10 of the issue? 11:43

11 MS. LEADER: The clear-up of the issue, yes.

12 A. All I can say in relation to that, specifically I can't
13 remember, but I would have been in regular contact with
14 the Commissioner on what was going on in the
15 Commission, and I would have discussed those issues. 11:43
16 Some days because the Commissioner has a busy schedule,
17 I couldn't, I wasn't in a position to contact her and
18 maybe it might run for three or four days and then I'd
19 speak to her, you know what I mean, based on her
20 availability. But I don't have a specific recollection 11:44
21 of going back about this matter.

22 129 Q. Okay.

23 A. I think it was cleared up with the Commission and --

24 130 Q. Yes. So do I take it from that, Chief Superintendent,
25 that there was no sense of a catastrophe or a big 11:44
26 mistake having been made or something having gone very
27 badly wrong?

28 A. Well, obviously the implications of the paragraph
29 itself had a completely different meaning and at some

1 stage I would have spoken to her about it and told her
2 about it.

3 131 Q. Yes.

4 A. But I would have explained that this was a genuine
5 error that had occurred and it had been explained to 11:44
6 the Commission what had happened. And I think the --
7 CHAIRMAN: You have no specific recollection of that
8 conversation at all?

9 A. I don't, I don't, sorry.

10 CHAIRMAN: You just think in the ordinary course of 11:45
11 events you must have done something like that?

12 A. Yes. I don't have a -- I don't have a specific memory
13 of actually discussing this particular issue. In fact,
14 I have no memory of it at all, to tell you the truth.

15 132 Q. MS. LEADER: Just for completeness' sake, if we go back 11:45
16 to your notes of the day of the 24th of June, which
17 appear in typed version at page 3834 of the materials.

18 A. The 24th June?

19 133 Q. Yes. That was day 5. If we just scroll down a little
20 part. Sorry, scroll up, sorry, Mr. Kavanagh. Yes. So 11:45
21 you have noted, it would appear, just under the
22 brackets "Commission of Investigation", if you will
23 read out that paragraph for me, please.

24 A. "Para 19 of submission to the Commission by the CSSO,
25 word "against" instead of the word "to", transcript 11:46
26 verified the Commission on page 10."
27
28 Sorry:
29

1 "The Commission of Investigation. Para 19 - of the
2 submission to the Commission by, CSSO. Word "against"
3 is instead of word "to", transcript verified by
4 Commission. Page 10."

11:46

5
6 I don't know what the significance --

7 134 Q. I think there is another relevant paragraph just
8 immediately underneath that.

9 A. "Reason for investigation was to investigate complaint
10 against alleged made about and not Mick Clancy against
11 should it be to."

11:46

12 135 Q. "To". So it would appear you noted what happened, for
13 what it's worth, in your notes?

14 A. Yeah. The significance of the word "to" and "from" --
15 sorry, "to" and "against", was clear at that hearing.
16 I was there, that is what I wrote down at the
17 particular time.

11:47

18 CHAIRMAN: So did anybody apologise to Sergeant McCabe
19 and say, yes, oh, I am sorry, on the Monday, the
20 following question was asked:

11:47

21
22 "In the course of that meeting, Sergeant, you advised
23 Superintendent Cunningham that the only reason you made
24 complaints against Superintendent Clancy was to force
25 him to allow you to have the full authority directions
26 conveyed to you."

11:47

27 And he answered: "That is absolutely false."
28 well, he was telling the truth about that.

29 A. I understand.

1 CHAIRMAN: And an allegation had been put to him in the
2 wrong. Did anybody clear it up from his point of view
3 and say, sorry -- and I have seen it happen loads of
4 time in court, someone comes along and says 'what I
5 said two days ago, by the way, was wrong and I 11:47
6 apologise', just that?

7 A. Certainly, I don't -- I have no recollection of an
8 apology being forwarded to him. I didn't utter an
9 apology at that particular time. That is as far as I
10 can put it. 11:48

11 CHAIRMAN: Yes. No, I am not saying you should have
12 done it, but --

13 A. No, no, I am just --

14 CHAIRMAN: -- it would be normal for counsel to do it,
15 perhaps. 11:48

16 A. I understand, I understand, Judge. But...

17 136 Q. MS. LEADER: Just following on the Chairman's question.
18 Was any thought given at that stage to filing amended
19 submissions in relation to what had been part of the
20 Commissioner's submissions in relation to other matters 11:48
21 in relation to Module 1?

22 A. I wasn't aware of amending the submission. The
23 thought -- at that stage, I was moving on to the next
24 module and preparing for that. And I suppose the
25 submission is a fairly hefty document itself, I may not 11:48
26 have realised the significance myself, that the
27 document should have been amended, because I was
28 focusing on what was coming next.

29 137 Q. Coming ahead. You see, perhaps we may -- might not be

1 here today if --

2 A. Of course.

3 138 Q. -- some remedial action, and obviously we can't put
4 ourselves back to 2015, but was there any thought given
5 to fixing the mistake in the submissions or, as the 11:49
6 Chairman has suggested, by making it clear that it was
7 a mistake and apologising to Sergeant McCabe about it?

8 A. Well, was any thought given to it? I don't recollect
9 whether there was thought given to it or not, but
10 certainly, now, you know what I mean, have to apologise 11:50
11 for it. It would be completely wrong not to.

12 139 Q. Yes. But at the time --

13 A. At the time, look, the submissions were done and
14 dusted. We were moving on. I was moving on. My mind
15 was focusing on, you know, the issues that I had to 11:50
16 deal with with the Commission and the pressure that we
17 were under to ensure that we were in a better place
18 dealing with the next module coming as opposed to when
19 we started the previous one.

20 140 Q. Okay. If I could turn, then, to your notes of the 3rd 11:50
21 July 2015, to the very -- and at the typed version at
22 page 3851. If you just go down to the very end of that
23 page, you see there is a reference there to:

24

25 "Colm Ó Mongáin, 'This week', spoke with the 11:51
26 Commissioner, 6:40 p.m. on 4th July 2015."

27

28 And I think at that stage it was actually Mr. Burke and
29 not Mr. -- Mr. Burke from RTÉ, not Mr. Ó Mongáin, had

1 raised a press query in relation to what had been going
2 on in the Commission.

3 A. Okay. The press queries come into the Press Office,
4 so...

5 141 Q. Yes. Well, maybe you could assist us in what you spoke 11:51
6 with the Commissioner about on the 4th July 2015.

7 A. Em, I think, I'm not sure now, there was -- I am trying
8 to recollect. I don't want to say something that is
9 not correct.

10 142 Q. I can assist you. Maybe this would refresh your 11:52
11 memory. If we turn to page 2016 of the materials.

12 A. Sorry, now, on?

13 143 Q. Sorry, it's Volume 3. Sorry, Chief Superintendent.
14 A. 2016?

15 144 Q. 2016. Yes. And you see there is a press query from 11:52
16 Mr. Burke of RTÉ emailed to Mr. McLindon, and there is
17 a reference to:
18
19 "First of all, RTÉ understands that Sergeant McCabe has
20 contacted Garda Headquarters to request that he be 11:52
21 released from the new role leading up the Traffic Unit
22 at Mullingar. What is your response to this and your
23 understanding of the circumstances behind Sergeant
24 McCabe's decision?"
25 11:53

26 That related to workplace issues.

27 A. Mm-hmm.

28 145 Q. And the fallout in relation to what had been put to
29 Sergeant McCabe at the Commission?

1 A. Yeah.

2 146 Q. Yes. And the second thing is:

3

4 "Secondly, and separate to the above, RTÉ's 'This week'

5 understands that at a recent session of Justice Kevin 11:53

6 O'Higgins' inquiry, counsel for the Garda Commissioner

7 raised questions over the motivation of Sergeant McCabe

8 for bringing certain matters regarding alleged Garda

9 misconduct to attention. Does this amount to the view

10 of the Garda Commissioner in terms of her view as to 11:53

11 why Sergeant McCabe raised these issues in the first

12 instance?"

13

14 So that's the press query on the 4th July. So it would

15 appear, if we go back to your note of the 3rd July but 11:53

16 appears to reference the 4th at the very bottom of the

17 page, Chief Superintendent.

18 A. Yes.

19 147 Q. Yes.

20 A. I suppose in relation to -- 11:54

21 148 Q. It says: "Spoke with the Commissioner, 6:40 p.m.,

22 4/7/2015."

23 A. Well, I suppose --

24 149 Q. And then there is a reference to Colm Ó Mongáin of

25 'This week'. 11:54

26 A. I suppose I have a recollection -- I can't remember in

27 what context it is about Sergeant McCabe making --

28 writing a report to the Commissioner in relation to

29 Mullingar and about the fact that he wasn't happy to

1 continue working there any more, and based on what I
2 now know --

3 150 Q. Yes.

4 A. -- in relation to the 11th and the issues that were
5 going on, but at that time I didn't realise the 11:54
6 significance of that.

7 151 Q. Okay.

8 A. Secondly, in relation to -- a second point. The issues
9 of motivation was still active in the Commission.

10 152 Q. Yes, yes. 11:55

11 A. Right? you know what I mean, it was still an active
12 instruction. There was a mistake made in this
13 document. Now, have we moved on from that or are we
14 still talking about that issue?

15 153 Q. Well, I am asking you really what that conversation was 11:55
16 about, if you can remember, Chief Superintendent?

17 A. I can't remember, you know, I can't remember.

18 154 Q. Okay. Well, maybe if I make --

19 A. I just have a brief note that I spoke to her, you know.
20 It doesn't spark a memory to me as to what I discussed 11:55
21 with her. It's probably in response to a call; it
22 could have been from her, I could have rang her, I
23 don't know.

24 155 Q. Okay. Well, I just put it as a suggestion to
25 you that -- 11:56

26 A. Just in relation to the press queries --

27 156 Q. Yes.

28 A. -- it was our concern always that the Commission's
29 hearings were in complete privacy, and commenting on

1 what was going on within the hearings was something
2 that we were not engaging in at all.

3 157 Q. well, I just don't want to be unfair to you, because
4 there is a --

5 A. Yeah, as far as I am concerned. 11:56

6 158 Q. -- reasonably contemporaneous note at page 2022, which
7 perhaps might help you to remember what you spoke to
8 the Commissioner about. And that is at volume 3.

9 A. Sorry, 2022, yes.

10 159 Q. 2022. 11:56

11 A. Yes.

12 160 Q. Yes. Maybe if we could read out the -- if you could
13 read out the email.

14 A. "Please see the attached email received from Colm
15 Smyth, Senior Counsel, by way of update as discussed. 11:57
16 On Saturday evening, following our telephone
17 conversation, I spoke with Superintendent John Ferris,
18 PRO, and sought a copy of the question posed by RTÉ and
19 the response issued by An Garda Síochána. Following
20 our conversation, I contacted the CSSO and discussed 11:57
21 same with Ms. Annmarie Ryan therein, who brought the
22 items raised to the attention of the Commission of
23 Investigation. The Commission, Mr. David O'Hagan,
24 solicitor, therein, has responded by way of general
25 letter to all parties and has instructed all witnesses 11:57
26 be advised accordingly. I am currently arranging same
27 on our side.
28 Forwarded for your attention."
29

1 And I think that relates to a concern that there was --
2 the confidentiality of the Commission and the privacy
3 issue was being breached with press queries being
4 raised with respect to what was going on in the
5 Commission, was my understanding. 11:57

6 161 Q. All right. So was the conversation with the
7 Commissioner, so, along the lines of, how was this
8 getting into the press or was it along the lines of,
9 what is going on down at the Commission?

10 A. No, it was along the lines of, how is this going to the 11:58
11 press? And I think, you know, the Commissioner was
12 reverting back to counsel by way -- you know, advice as
13 to how we would deal with these issues. And it's my
14 understanding that, you know, there was a concern that
15 there was matters being reported which -- there was a 11:58
16 concern that I had, because it was completely and
17 utterly private and I was very conscious of the issues
18 that were being discussed within the confines of the
19 private hearing itself and the fact that the issues
20 were now arising in the national media, that was mainly 11:58
21 my concern.

22 162 Q. Okay. Well, your answer is -- may be of some
23 importance, Chief Superintendent, because if the
24 Commissioner was asking you what is going on down at
25 the Commission, it would suggest that she may not have 11:59
26 been aware of the exchange on the 18th and the
27 recalling of Superintendent Cunningham and the mistake
28 in the letter, but if it was how is this all getting
29 into the press? It may be that she knew all about that

1 but was concerned about it getting into the public
2 domain. Can you cast any light on that?

3 A. I think on the 6th July when this email was written,
4 you know, I would have spoken to the Commissioner
5 several times in that intervening period. The 11:59
6 Commissioner would have been brought up to date with
7 what is happening regularly. And the main concern
8 really was that, you know, this was a private hearing,
9 and every day that I went to the private hearing, you
10 know, in fairness to Judge O'Higgins, he was at pains 11:59
11 to say that, you know, and there were several times
12 during the hearing that he remonstrated with people in
13 the room and reminded them of the fact that it was a
14 private hearing, and I think that was a concern that
15 was certainly one of mine, and that's how, you know 12:00
16 what I mean, how we were dealing with it.

17 163 Q. Yes. Because if we actually look at counsel's letter,
18 which is dated 6th July --

19 A. Yes.

20 164 Q. -- and obviously counsel will deal with this, but -- 12:00
21 and it's just over --

22 A. 2024, yes.

23 165 Q. You have it in front of you. But I think it's fair to
24 say it doesn't deal with the issue of leaks in any way
25 or publicity or what is getting into the public domain? 12:00

26 A. Yes.

27 166 Q. Is that fair?

28 A. Oh, yeah, well that letter is --

29 167 Q. Yes.

1 A. I don't think that letter is linked to this issue, to
2 tell you the truth, to that query.

3 168 Q. So when -- yes, if you would assist me because --

4 A. My understanding --

5 169 Q. -- I am working backwards. 12:01

6 A. My understanding of that letter of 6th July from
7 counsel is that they were the thoughts of counsel put
8 on paper and circulated.

9 170 Q. Yes.

10 A. I don't think they are linked to this particular issue 12:01
11 here, the press query issue. They just -- there may be
12 issues in tandem, is my understanding.

13 171 Q. Yes.

14 A. But they are not directly linked there. In my view,
15 that letter of 6th July, when I read that it was -- my 12:01
16 understanding of it was that that was counsel's --
17 obviously whatever was in his mind at that particular
18 time when he put pen to paper and he articulated it in
19 that way and that was it.

20 172 Q. Okay. 12:01

21 A. So, as I said, my concern really here was -- about the
22 press queries, was about the fact that this matter was
23 finding itself in the public domain.

24 173 Q. Okay. So if there is -- there is nothing to be read
25 out of the fact that the email chain is as follows: 12:01
26 We have an email from Ms. Ryan to you, saying, "Dear
27 Fergus, further to --"

28 A. Sorry, where are we here?

29 174 Q. Sorry page 2022.

1 A. Yes.

2 175 Q. "I attach letter from Mr. Smyth dated 6th inst. setting
3 out his views on issues to date and, in particular,
4 Sergeant McCabe's motivation for bringing the
5 complaints in the first place." 12:02

6 A. Yes.

7 176 Q. And then we have, about ten minutes later, an email
8 from you to the Commissioner --

9 A. Yes.

10 177 Q. -- saying: 12:02

11

12 "Commissioner, please see the attached email received
13 from Colm Smyth by way of update as discussed."
14

15 But that had nothing to do with the press -- 12:02

16 A. I don't think it did, no.

17 178 Q. All right. And then you go on and say:

18

19 "On Saturday evening following our telephone
20 conversation." 12:02

21

22 And you have read that email out already.

23 A. Yes.

24 179 Q. And that letter from Mr. Smyth, which will be got to by
25 Mr. Smyth, but -- 12:03

26 A. Yes.

27 180 Q. -- it deals with the -- if we just go to the second
28 paragraph, what he says is: "It is becoming
29 increasingly --" it's at page 2024 of the materials.

1 A. I have it here, yes.

2 181 Q. "It is becoming increasingly obvious as the module
3 hearings proceed that Sergeant Maurice McCabe has a
4 strong motivation to denigrate the character and
5 reputation of Chief Superintendent Clancy and 12:03
6 Superintendent Cunningham."
7
8 And the letter goes on to explain why he thinks that is
9 the case.

10 A. Yes, that is my understanding of the letter, you know, 12:03
11 that he put his thoughts on paper, and it just came
12 back from the solicitor -- from the State solicitor,
13 and I sent it to the Commissioner.

14 182 Q. And did you have any discussion with the Commissioner
15 about it? 12:03

16 A. No, I don't think so. I can't remember.

17 183 Q. Okay. Did you have any discussion with counsel about
18 it?

19 A. No. I wouldn't --

20 184 Q. And did you ask counsel for that letter? 12:03

21 A. No.

22 185 Q. Was it a surprise to you when Ms. Ryan sent it?

23 A. As far as I know, my understanding of it was that it
24 was a letter that was circulated, you know, that -- I
25 don't think it's linked to the -- directly linked to 12:04
26 the press query.

27 186 Q. Press query?

28 A. Yes.

29 187 Q. That is your impression of it, in any event?

1 A. Yes, yes.

2 188 Q. And if I could just go back a little bit in time.
3 There is a reference in the Commissioner's diary on the
4 21st May 2017 to a meeting with counsel --

5 A. '15, I think. 12:04

6 189 Q. Sorry?

7 A. 2015.

8 190 Q. Sorry. I beg your pardon. Thank you. 2015.
9 "4:30 p.m., a meeting with counsel, Colm Smyth, and
10 Chief Superintendent Healy, Commissioner's office." 12:04

11 A. That's correct.

12 191 Q. First of all, maybe you could confirm whether or not
13 that meeting actually happened?

14 A. Oh, yeah, that meeting took place. I was present for
15 that meeting. 12:05

16 192 Q. And in relation to -- or at that meeting, were the
17 instructions of the 14th, which was the Thursday
18 evening, discussed in any way?

19 A. Was which discussed?

20 193 Q. The Commissioner's instructions that she relayed to you 12:05
21 to be given to counsel?

22 A. No, the meeting was a meet-and-greet meeting. Both
23 parties had never met each other, and it was a meeting
24 arranged -- I suggested that the Commissioner would
25 meet counsel, and the Commissioner thought it was a 12:05
26 good idea, so we arranged a meeting, and it was done so
27 to -- after court. I think Mr. Smyth was on his way
28 home from court, and he just called in to basically
29 introduced himself to the Commissioner, and it was a

1 meet-and-greet meeting. They had a cup of tea, they
2 exchanged niceties and they had a general discussion
3 about the Commission and the way things were
4 progressing.

5 194 Q. Okay. And when you say 'general discussion', I suppose 12:06
6 maybe the highlight event of the Commission at that
7 stage was the panic, I suppose, of the 15th --

8 A. Yeah, yeah.

9 195 Q. -- 15th of May. Was that discussed?

10 A. No, it was discussed in the sense that, do you know 12:06
11 what I mean, we had an issue on day 2, and we, you know
12 what I mean, got over that issue, and it was, you know
13 what I mean -- I think there was an understanding
14 between both parties what had happened, and it was just
15 mentioned by way of, I suppose, to say that we had now 12:06
16 moved on from that point, and it wasn't discussed in
17 detail, day 2 itself wasn't discussed in detail. It
18 was -- Mr. Smyth's main concerns at that meeting were
19 that the issues of corruption, the allegations of
20 corruption were the main factors here in this 12:07

21 Commission, and the Commissioner had an equal concern
22 as well, that the allegations of corruption were a very
23 serious issue for her, and I think if the allegations
24 of corruption -- Mr. Smyth's concerns were that the
25 allegations of corruption wouldn't stick, was the term 12:07
26 used, I think, and that if -- obviously, the issues of
27 malpractice and all of that, you know what I mean,
28 those matters, we could deal with, but the issues of
29 corruption were the -- was the main concern that

1 Mr. Smyth had about the overall manner in which the
2 Commission was running.

3 196 Q. Was the issue of motivation discussed?
4 A. I can't remember in detail. I don't think it was. I
5 think the main concern was, just a general 12:07
6 introduction, it was about how the Commission itself
7 was progressing, that he was happy with the way things
8 were progressing, and that the main concern was that he
9 -- the issues of corruption were the main issues for
10 him, and he was conveying that to the Commissioner, and 12:08
11 the Commissioner was saying, yes, that she had equal
12 concerns herself about the corruption issues and the
13 seriousness of them for the organisation.

14 197 Q. So insofar as I understand it, the corruption issue and
15 the motivation issue are somewhat interlinked -- 12:08
16 A. Yes.

17 198 Q. -- one would expect, insofar as it seems to be it was
18 necessary to go down the road of exploring
19 motivation --
20 A. Yes. 12:08

21 199 Q. -- because of the serious issues that were raised by
22 Sergeant McCabe, one of those serious issues being
23 corruption, maybe one would expect the issue of
24 motivation to have come up somehow, if corruption was
25 coming up at that meeting? 12:09
26 A. There was never -- it's my recollection there was never
27 a discussion about the motivation issue or the
28 instructions about it. The instructions had been
29 given. The understanding, you know what I mean, was

1 mutual, and the main concern was that the -- that the
2 corruption finding -- if there was corruption findings
3 reached by the Commission, that it was a serious matter
4 for the organisation, and the Commissioner had a
5 concern about that, a real concern about that. And 12:09
6 Mr. Smyth -- Mr. Smyth was of equal view, that, you
7 know what I mean, the most serious issue here is the
8 corruption issue, and he was conveying to the
9 Commissioner the corruption matter was something that
10 everybody had to be seriously concerned about. That 12:09
11 was my understanding of the meeting.

12 200 Q. Was it just the three of you who were at that meeting?
13 A. That's all, it was just three of us. It was -- we were
14 in the room, in the Commissioner's office. We were
15 sitting around together and having a cup of tea and a 12:10
16 biscuit and just discussing that. It lasted 15/20
17 minutes, and Mr. Smyth then left and I -- they
18 exchanged niceties at the end and the Commissioner
19 wished him a safe trip home and I brought Mr. Smyth
20 out, and that was it. 12:10

21 201 Q. Okay. And there were no notes recorded of the meeting?
22 A. No, it was just -- it was a -- a meet-and-greet-type
23 meeting for the purpose of introducing themselves to
24 each other, more or less. That is what it was, that is
25 what it was. 12:10

26 202 Q. And were counsel's advices of the 15th, the email
27 advices, were they discussed in any way?
28 A. No, not to my recollection. We had moved on from that.
29 I think it was an overall general discussion, as I

1 alluded to.

2 203 Q. Okay. Right. I think the Commission moved on with its
3 work and dealt with other modules, and I think Sergeant
4 McCabe was called as a witness in relation to all of
5 those modules, is that correct? 12:11

6 A. Yes.

7 CHAIRMAN: Can I just ask one question, just arising
8 out of that. I'm at a loss to know why Annmarie Ryan
9 wasn't there.

10 A. This was never a formal meeting. 12:11

11 CHAIRMAN: No, I appreciate it's not a formal meeting,
12 but neither is it a glass of champagne at a racecourse.

13 A. I understand that, yes.

14 CHAIRMAN: You know, I mean, it's inevitable, you are
15 my client and I am coming to meet you. Instructions 12:11
16 come from the solicitor. The solicitor had been
17 begging for a consultation.

18 A. Yes.

19 CHAIRMAN: But she is never allowed to see the Garda
20 Commissioner until the Garda Commissioner is actually 12:12
21 there to give evidence. I just -- I don't understand
22 that.

23 A. Well, I suppose Ms. Ryan was pushing for a
24 consultation, yes, and I conveyed that to the
25 Commissioner. At the weekend concerned, the 12:12
26 Commissioner was unavailable. The meeting on the 21st
27 was something that I had suggested to the Commissioner
28 as a way of meeting Mr. Smyth. It was nothing more
29 than that. I meant it in a sense that it was -- you

1 know, it would be no harm to meet Mr. Smyth, and that
2 you, Mr. Smyth, could meet her, because they had never
3 met before, and I suggested it to the Commissioner.
4 The Commissioner thought it was a good idea. Maybe, in
5 hindsight, it mightn't have been, but at that time it 12:12
6 was meant --
7 CHAIRMAN: well, I am not -- certainly, there is
8 nothing loaded in that question in the sense that you
9 had some kind of subterranean motivation in relation to
10 it, but you know what the rules are. 12:13
11 A. well, I suppose, there was nothing sinister in --
12 CHAIRMAN: No, no, I appreciate that, I appreciate
13 that, but it may not -- it may not have been the best
14 idea.
15 A. It may not, in hindsight, as I said, been the best 12:13
16 idea, but nevertheless, Judge, it did take place. I
17 can only give account as to what happened.
18 CHAIRMAN: That's fine. Don't worry about it. We
19 should move on.
20 204 Q. MS. LEADER: Was there any reason there was no 12:13
21 reference to it included in your statement to the
22 Tribunal?
23 A. Well, I -- when I put my statement in, you know what I
24 mean, I didn't remember it, to tell you the truth, at
25 that particular time. I was trying to remember 12:13
26 everything in relation to this Commission, and, as you
27 can see, it's fairly extensive, and I was trying to
28 read myself back into all of the issues that -- and I
29 was putting myself back two years here, and a lot of

1 things had happened in the meantime. So that issue
2 slipped my mind, and it wasn't a deliberate act in any
3 way to mislead the Tribunal. I would be forthright in
4 relation to that issue. There is absolutely no
5 question that it didn't happen. It did happen. 12:14

6 205 Q. If we could turn to volume 4 of the materials, Chief
7 Superintendent, page 2324. I think Mr. McLindon, who
8 was at that time in charge of media matters in the
9 Gardaí, is that correct? He was in your Press Office?

10 A. Well, I know Mr. Lindon -- McLindon, yeah. 12:14

11 206 Q. Yes. But just to explain to people what his role is,
12 he dealt with press queries?

13 A. Well, he is a director of communications for the Garda
14 Síochána.

15 207 Q. Okay. I think he -- he told you on the 12th September 12:15
16 2015, he emailed both you and Mr. Ruane --

17 A. Sorry, now, which page are we on?

18 208 Q. Sorry, I beg your pardon. 2324 of volume 4.

19 A. Yes.

20 209 Q. He emailed both yourself and Mr. Ruane and said: 12:15
21
22 "Just to let you know that I have received a query via
23 phone call from Sunday Times inquiring on whether we
24 have challenged some of the evidence of Sergeant
25 McCabe. I have given standard line of no comment while 12:15
26 Commission ongoing.
27 Regards,
28 Andrew."
29 A. Yes.

1 210 Q. And you emailed him back, and you said:
2 "We can't comment on the Commission's work as it's
3 being heard in private."
4 A. As I said, that was my view all along, I said the
5 Commission was a private matter, and Mr. Justice 12:16
6 O'Higgins articulated that on numerous occasions, and I
7 was very, very conscious of that in my dealings. Even
8 in my private life, I wouldn't discuss it at all with
9 anybody.

10 211 Q. And I think in a consultation on 17th September, 12:16
11 Ms. Ryan's notes of it appear at page 2327 of the
12 materials.

13 A. Yes.

14 212 Q. It would appear that you were present at that
15 consultation, and it says: 12:16
16
17 "Media leaks - recent article in Sunday Times by John
18 Mooney. Colm Smyth, SC, will raise this matter with
19 the Commission on Monday."

20 A. Yes. 12:16

21 213 Q. And I think that was -- well, was that done?
22 A. Yes, I think it was, yes.

23 214 Q. Yes.
24 I don't know, sir, if you want to break? It's quarter
25 past? 12:17
26 CHAIRMAN: We will go on for five more minutes.
27 MS. LEADER: Very well, yes.

28 215 Q. I think the next thing of relevance to your evidence
29 is, preparing for the appearance of the Commissioner,

1 Commissioner O'Sullivan --

2 A. Yes.

3 216 Q. -- at the Commission of Investigation?

4 A. Yes.

5 217 Q. Now, Ms. Ryan said in her evidence that it wasn't 12:17
6 anticipated that the Commissioner would be giving
7 evidence. I don't know if you can help the Tribunal in
8 any way with regard to that?

9 A. Well, it was -- it wasn't within our remit to decide
10 what witnesses would or wouldn't be called, and I think 12:17
11 the Commission -- the question we had was, was the
12 Commission going to call the Commissioner to give
13 evidence. And obviously, in light of what had evolved
14 within the Commission in the very early stages, we
15 would have had a legitimate concern that the 12:18
16 Commissioner was going to appear at the Commission, for
17 obvious reasons.

18 218 Q. I don't know if I quite follow what you are saying,
19 Chief Superintendent.

20 A. Okay. I think there was -- obviously, the 12:18
21 Commissioner's instructions were being challenged, and
22 it was discussed inside in the Commission that the
23 counsel for Sergeant McCabe wanted to -- wanted the
24 Commissioner to be brought down to explain the view,
25 the stance taken by the Garda Síochána, and that it 12:18
26 wouldn't be a pleasant experience for the Commissioner,
27 and I think when those words were uttered, they rang
28 alarm bells in my head that this was going to be
29 another controversial appearance, if it were to take

1 place. I had serious concerns that we would have
2 another eruption of what had happened on day 2 if the
3 Commissioner was to come in and give evidence at that
4 Commission, and it was a concern that I had on an
5 ongoing basis, so it was completely outside our 12:19
6 discretion, and the Commission then decided that the
7 Commissioner was to appear.

8 219 Q. Okay. Was there a sense of unease at the Commissioner
9 having to appear at the Commission?

10 A. Only for the reasons I alluded to, was that I had a 12:19
11 concern that the Commissioner was going to be -- it was
12 going to be a very difficult experience for the
13 Commissioner, based on what had been uttered inside in
14 the Commission.

15 220 Q. And you are referring there to week one of the 12:19
16 Commission, is it?

17 A. Yes, I think it was on day 1 or day 2 -- day 2 of the
18 Commission.

19 221 Q. That we have gone through already?

20 A. Yes, yes. 12:19

21 222 Q. I think, in view of the upcoming appearance, a
22 consultation was arranged on the 16th October with the
23 Commissioner. That is on page 2337 of volume 4, I
24 think.

25 A. 2337. 12:20

26 223 Q. Yes.

27 CHAIRMAN: Maybe this is a good point at which to
28 break, Ms. Leader. How long do you think you will be?
29 MS. LEADER: I think about 40 minutes longer. This is

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

the only big issue to be dealt with.

CHAIRMAN: I understand. Thanks. And Mr. McDowell? I am just asking for an indication as to how long you think you will be.

MR. MCDOWELL: I would say it will be an hour, Judge, or more than an hour. 12:20

CHAIRMAN: And is there anybody else that wants to ask any questions? Something small. Ms. Gleeson, do you want to ask any questions? At the moment you think not, yes. 12:20

MR. MURPHY: Chairman, I think I will be about 15 minutes.

CHAIRMAN: I wasn't ignoring you, Mr. Murphy, I am sorry. So, yes, we have -- all right. Well, you can review where we are at in that respect. 12:20

THE HEARING ADJOURNED FOR LUNCH.

1 THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH:

2

3 224 Q. MS. LEADER: Chief Superintendent Healy, we were at
4 October 2015, and the consultation had been arranged
5 with the Commissioner in advance of her giving evidence 13:24
6 at Mr. Justice O'Higgins' Commission?

7 A. Yes.

8 225 Q. And I think a consultation actually took place on 20th
9 October in the evening time, is that correct?

10 A. That's correct, yeah. It was in the Bridewell Garda 13:24
11 station.

12 226 Q. And I think your notes of that consultation, you have
13 your original ones in front of you, but the typed
14 version appear at page 3919.

15 A. Yes. 13:25

16 227 Q. Now, as I understand from your evidence from before
17 lunchtime, you were anxious to have a consultation
18 before the Commissioner gave evidence so as you would
19 be able to deal with the issues which had arisen on the
20 first days of the Commission, those days being the 13:25
21 14th, 15th and 18th?

22 A. Well, I was anxious about the Commissioner giving
23 evidence. Whether I was anxious about a consultation,
24 I wouldn't be too sure. But certainly there was a
25 consultation, as there were with all witnesses that 13:25
26 were appearing before the Commission, and, as part of
27 that process, the Commissioner was included in that.

28 228 Q. Okay. In any event, I suppose the issue of motivation
29 seems to have featured in your notes, isn't that right?

1 A. Yes.

2 229 Q. And it may very well be --

3 A. Pardon?

4 230 Q. -- practically the only thing that appears in your
5 notes of the 21st of the 10th, which relate to the 13:26
6 20th?

7 A. Well, that's my note, yeah.

8 231 Q. Yes. And if we just go through it there, the first
9 thing is -- who was at that consultation, can you
10 remember? 13:26

11 A. The legal team, including Ms. Ryan, myself, Inspector
12 McNamara and the Commissioner, as far as I recall.
13 Yeah, I think that was it.

14 232 Q. Yes. I think that accords with Ms. Ryan's note,
15 anyway. 13:26

16 A. Okay, thanks.

17 233 Q. And it happened in the evening time, and then the first
18 thing you note is:
19 "Questions only as AC HRM."

20 A. Yes. 13:26

21 234 Q. And I wonder could you elaborate on that just a little
22 bit, please?

23 A. Okay. I think the issue here was, the Commissioner, in
24 her capacity as assistant commissioner HRM, which at
25 the time was the human resource management section -- 13:27

26 235 Q. Yes.

27 A. -- in Garda HQ, had performed functions in that
28 capacity, and these matters were now coming before the
29 Commission and it was in that sense that she was being

1 brought in as a witness and that she was going to be
2 questioned about it.

3 236 Q. Okay. I don't know, is there any particular reason why
4 the word "only" appears in that sentence?

5 A. Well, it was exclusively, that was her function of 13:27
6 being brought into the Commission, in my understanding,
7 and I think that was explained at the consultation, by
8 counsel, that that's why she was being brought into the
9 Commission and it was only with respect to her
10 performance as the assistant commissioner in charge of 13:27
11 HRM at that time.

12 237 Q. And then we have the next line, if you would just read
13 it out, please, Chief Superintendent.

14 A. Yes. "If he goes to motivation?"
15 And then, underneath, I have "privilege" written, the 13:28
16 word "privilege".

17 238 Q. So who do you think the "he" was referring to there?
18 A. Well, I think the issue here was -- it relates back to
19 my previous evidence about the concerns about the
20 Commissioner going in before the Commission itself and 13:28
21 the issue of what had happened on day 2 being brought
22 up.

23 239 Q. Yes.

24 A. And it was -- she was there for a different purpose,
25 obviously, and the issue here then was about the legal 13:28
26 privilege between client and solicitor with respect to
27 the instructions and what took place around that. That
28 is my understanding. Something to that effect. There
29 was an option here to express a claim, a claim of

1 privilege within the Commission, if the evidence
2 strayed into that area.

3 240 Q. Okay. Was there any suggestion that there'd be an
4 objection if this course of questioning was pursued by
5 counsel for Sergeant McCabe? 13:29

6 A. No, I can't remember, but certainly I think that was
7 the opinion expressed at the meeting, that there was --
8 you know, if it strayed outside, the reason the
9 Commissioner was being brought in as HRM, Assistant
10 Commissioner, that the claim of privilege was an option 13:29
11 to exercise. That is my understanding and my
12 recollection of it.

13 241 Q. So if we go to the next line:

14

15 "Deal with the matter to assist the Commission in their 13:29
16 work, get to the truth."

17

18 I wonder could you assist me there?

19 A. I think that, again, is, you know, deal with the 13:29
20 matter, that is what counsel was saying to the
21 Commissioner, and, you know, to assist them in doing
22 what they have to do, and get to the truth of the issue
23 here was, you know, the purpose of the Commission.
24 That was my understanding.

25 242 Q. Was there any question being raised in the 13:30
26 Commissioner's -- by the Commissioner at the
27 consultation, what exactly was the issue of motive at
28 that stage and what exactly was the factual basis for
29 the issue of motive?

1 A. I can't remember the detail of the conversations. I'm
2 just going on the note there. I can't remember any
3 further than that, I'm sorry, Ms. Leader, sorry.

4 243 Q. Then we have:

5
6 "Judge take the view to allow what happens justice and
7 defend Commissioner."
8

9 I don't know if you could --

10 A. I think that is obviously something that counsel was 13:30

11 saying about the Judge takes the view to allow --
12 whether or not to allow any requests, or whatever, you

13 know what I mean. That was the role in relation to
14 this, that if that matter arose and -- we were really
15 in the hands of the Judge as to what decisions they 13:31

16 were going to make. I think that's what counsel was
17 saying to the Commissioner at that time. And then the

18 Justice and Defence Committee, I'm not sure, I think
19 that is just a reference to that, maybe it was
20 mentioned at that meeting, or something like that, or 13:31

21 these issues might have come up at that meeting,
22 something to that effect, I don't know. I'm not

23 speculating -- well, I suppose I am speculating as to
24 what was discussed, but I think it relates to something
25 that might have come up at that committee meeting. 13:31

26 244 Q. So it would appear it says "justice and defend
27 Commissioner", is it?

28 A. I think it is "defence committee".

29 245 Q. Sorry, I'm looking at the typed version.

1 A. Sorry, I beg your pardon.

2 246 Q. Your version is obviously the correct one, so if you
3 would read --

4 A. "Defence" is written here.

5 247 Q. Yes. It would appear to be "defence" in Ms. Ryan's 13:32
6 notes as well.

7 A. I think, yes, yes, sorry. Sorry, I typed out those
8 notes and it's an error in the note.

9 248 Q. Yes. That is fine.

10 A. Yeah. 13:32

11 249 Q. And was there any discussion around what happened in
12 relation to the misunderstanding, if it be a
13 misunderstanding, in the letter of the 18th of May?

14 A. No, I just -- I don't recollect, again, what was
15 discussed, but my memory of the issue was that it was 13:32
16 an error that had been, at that stage, corrected -
17 well, not corrected, but it had been spotted, and that
18 it was accepted that it was an error. That is my
19 understanding of the issue.

20 250 Q. Were transcripts available to the Commissioner in 13:32
21 relation to Module 1 at that meeting? I think
22 Ms. Ryan --

23 A. Module 1 yes?

24 251 Q. -- my understanding of what Ms. Ryan said was, she
25 brought transcripts to the second meeting with the 13:33
26 Commissioner, which happened --

27 A. Yeah.

28 252 Q. Or were there transcripts at that meeting?

29 A. Yeah, I think there was transcripts at the meeting

1 available. But the Commissioner got the transcript as
2 well, particularly for day 2 she got them.

3 253 Q. Yes.

4 A. Yeah.

5 254 Q. So she would have been aware from the transcript? 13:33

6 A. Yeah.

7 255 Q. And do you know when that happened?

8 A. Well, I sent them to the Commissioner's private
9 secretary the day I got them, so it would have been
10 maybe that evening or the following day, I'm not sure. 13:33
11 It might have been the Monday. I can't exactly
12 remember from sitting here now, but it was a short time
13 after it.

14 256 Q. It might be an appropriate time. Just in relation to
15 the routine with the transcripts, do you know what type 13:33
16 of a system was set up in relation to the availability
17 of transcripts?

18 A. I think the transcripts were coming to the State
19 solicitor and she was forwarding to me, them to me, and
20 they were coming electronically and by hard copy, and 13:33
21 at some occasion my email was clogged with these
22 transcripts. I had a lot of emails in the system, in
23 addition to --

24 257 Q. Your normal emails?

25 A. -- my normal work, and these were voluminous files that 13:34
26 were coming in as well. So that was the system,
27 really. It was on a day-to-day basis, as such. There
28 was no method or structure.

29 258 Q. So they were given to you on a day-to-day basis?

1 A. Yes. Sometimes I wouldn't get them for a couple of
2 days, sometimes I'd get them the next day or that
3 evening.

4 259 Q. Okay.

5 A. Yeah. 13:34

6 260 Q. And did you give them to the Commissioner?

7 A. Yeah. I would have given the, what would you call it,
8 the controversial ones to the Commissioner, yes.

9 261 Q. And did they include all of Module 1?

10 A. I would nearly say they did. I definitely gave -- I 13:34
11 checked to see was day 2 given to the Commissioner and
12 it was, and I purposely checked that one. The other
13 ones, I can't remember, you know. But I would say if
14 there was anything controversial in them, they would
15 have been sent to the private secretary -- 13:35

16 262 Q. Okay.

17 A. -- who was Superintendent Walsh at the time.

18 263 Q. Now, I think there was a further consultation then on
19 the 3rd of the 11th, is that correct?

20 A. That's right, yes. 13:35

21 264 Q. And the typewritten version appears at page 3945 of the
22 materials.

23 A. Which booklet is that?

24 265 Q. Sorry, the typed version.

25 A. I don't have the hard copies, sorry. 13:35

26 266 Q. No, it's on the screen, but you can work from your
27 hand -- your own --

28 A. I don't have them. They were on separate sheets.

29 267 Q. Yes.

1 A. Yeah, yeah.

2 268 Q. That is fine. I think it's volume 7, sorry.

3 A. Volume 7.

4 269 Q. Page 3945.

5 A. 3945. Yes. 13:36

6 270 Q. Now, I think what first of all appears, just to the
7 right, is "Malpractice cover up, etcetera"?

8 A. Yes.

9 271 Q. And I don't know if you could assist me in --

10 A. I think the consultation started with the legal team 13:36
11 and the issue of -- Mr. Smyth started to speak at the
12 consultation and he was outlining, you know, obviously,
13 what was likely to happen and what the issues were that
14 that had arisen in the course of the hearings to date,
15 and the issue of malpractice obviously was something 13:37
16 that had been discussed at the consultation. And the
17 cover-up, I'm not 100% sure what that means, but I
18 presume it means that there was a suggestion that there
19 might have been a cover-up.

20 272 Q. I should have asked you, Chief Superintendent, who was 13:37
21 at that consultation?

22 A. Em, the legal team, Ms. Ryan and myself and the
23 Commissioner. Maybe Inspector McNamara might have been
24 there as well, I'm not sure. I don't think so.

25 273 Q. We just see on the right-hand side -- the left-hand 13:37
26 side, it says:
27 "Standing over allegation of motivation."

28 A. Yes.

29 274 Q. So if you could maybe expand on where that note came

1 out of, please.

2 A. I think that's what counsel had uttered to the
3 Commissioner, that the motivation issue was still a
4 live issue within the confines of the work of the
5 Commission, with respect to his brief here and his 13:38
6 case.

7 275 Q. And what about the words "standing over"? You see,
8 motivation seems to be there in my reading of that, and
9 it's your note, Chief Superintendent --

10 A. Yes. 13:38

11 276 Q. -- so perhaps you could explain it, but it is an
12 allegation of motivation. So I don't quite
13 understand --

14 A. Yeah.

15 277 Q. -- what it means. 13:38

16 A. Look, it might be my use of language --

17 278 Q. Yes.

18 A. -- in taking a note. It mightn't be the appropriate
19 word that was uttered, or whatever. But my
20 understanding of it was that the motivation issue was 13:38
21 still a live issue for counsel at that particular
22 stage.

23 279 Q. All right.

24 A. That is my understanding of what went on.

25 280 Q. And when you say it's a live issue, maybe perhaps it 13:38
26 was something to be decided at that stage, whether
27 Sergeant McCabe had a good motivation or a bad
28 motivation?

29 A. Well, that was matter for the Commission to decide. I

1 think the issue here was - it could be one or the
2 other, obviously - but it was a matter for the
3 Commission to make a decision on, and that was
4 discussed at the meeting, that that was really a matter
5 for the Commission to make its mind up about that. 13:39

6 281 Q. Yes. But presumably in order for the Commission to
7 make up its mind about it --

8 A. Yes.

9 282 Q. -- it had to be presented with some sort of evidence,
10 either way, am I right about that? 13:39

11 A. Yeah, of course, yeah.

12 283 Q. Yes.

13 A. Yeah.

14 284 Q. So it would appear from this that the suggestion is
15 maybe it wasn't good motivation in relation to Sergeant 13:39
16 McCabe?

17 A. No, mala fides was never suggested, it was never
18 suggested, ever, as a motive, exclusively. It was
19 motivation for dealing with -- for making all of these
20 issues, and the particular concern was the corruption 13:39
21 allegations.

22 285 Q. Okay. Well, you see in the very next line --

23 A. Yes.

24 286 Q. -- it would appear that mala fides --

25 A. Yeah. 13:40

26 287 Q. -- from reading this?

27 A. Yeah.

28 288 Q. And this is just totally on an ordinary reading of the
29 note.

1 A. Yes.

2 289 Q. "(Mala fides) --"

3 A. Yes.

4 290 Q. "-- bad faith, would the Commissioner consider
5 withdrawing." 13:40

6

7 So if you could explain how that came up?

8 A. Yes. I don't have the -- could I go to the original
9 copy of the actual note, please?

10 MR. MCDOWELL: It's at 3944. 13:40

11 MS. LEADER: Thank you.

12 A. Now, if you see the way the note is written.

13 291 Q. Yes.

14 A. Unfortunately, I typed the note, and that is obviously
15 a typing style on the computer. 13:40

16 292 Q. Yes.

17 A. You see the way that it is depicted in the actual
18 handwritten note is different? I wrote it all as one
19 line on the typed version, but you can see here that
20 it's written in lines underneath each other. And 13:40

21 obviously counsel had raised the matter that mala fides
22 had come up in some format in the Commission itself,
23 and I wrote the word "bad faith" beside that because
24 that was the meaning of that word. It was a legal
25 term. And it was my, basically, prompt as to what we 13:41

26 were talking about here; in other words, I was putting
27 it in layman's language what the issue was. And
28 counsel was -- well, I suppose he was laying the ground
29 for the following day, as to what was likely to come up

1 in the course of the Commissioner's evidence. And he
2 was saying that, you know what I mean, the issue could
3 be brought up, and that it is a matter that arose
4 obviously on day 2 because it was within the confines
5 of the transcript. That's my understanding of it. And 13:42
6 I'd say counsel, in preparation for that consultation,
7 had been studying the transcripts on the day in
8 question.

9 293 Q. Well, I suppose --

10 A. In preparation for that meeting, I would say. 13:42

11 294 Q. -- counsel can, I suppose, answer for themselves.

12 A. Yeah, sorry. Okay, yeah.

13 295 Q. But just on a normal reading of that sentence --

14 A. Yes.

15 296 Q. -- it would appear that "(mala fides) bad faith". 13:42

16 A. Yes.

17 297 Q. And then the next line is:

18

19 "Would the Commissioner consider withdrawing?"

20 A. Yeah. 13:42

21 298 Q. So it would appear to me that there was that issue?

22 A. Yes.

23 299 Q. And that it had to be taken back now?

24 A. And I can understand --

25 300 Q. And you're saying something differently? 13:42

26 A. Exactly.

27 301 Q. Yes.

28 A. And I can understand, reading that, at first glance you
29 could come to that interpretation, but it wasn't, it's

1 my note-taking style, okay?

2 302 Q. Yes, okay.

3 A. And if I was to be correct about it, there should be a
4 line between the sentence "mala fides" and "bad faith",
5 there should be a space line there, and then the next 13:43
6 issue: "would the Commissioner consider withdrawing?"
7 That is a separate issue. It's not linked to the same
8 issue. It's not a continuous sentence. That is my
9 point. The typed version that I typed at the time
10 doesn't reflect my note. 13:43

11 303 Q. All right. So what was the Commissioner considering
12 withdrawing if it wasn't connected --

13 A. She might be asked would she consider withdrawing the
14 motivation issue, is my understanding.

15 304 Q. And then if we go to the next line? 13:43

16 A. Yes. That's: "Obviously, whistleblowers may not
17 always be right."

18 305 Q. Yes.

19 A. "But we must listen to them."
20 And I think, obviously, whistleblowers, they have a 13:43
21 very important part, you know, in society and they
22 are -- it is important that we listen to them. I think
23 that point was being made at that meeting. That is my
24 understanding.

25 306 Q. Do you think that was Commissioner O'Sullivan making 13:44
26 that point?

27 A. Well --

28 307 Q. Or do you know? Can you remember?

29 A. I can't remember. It could have been counsel or it

1 could have been Commissioner O'Sullivan.

2 308 Q. Then we see the next line, you will see:

3 "But the matter of mala fides was --" is it? "-- a

4 matter for the Commission."

5 A. Yes. 13:44

6 309 Q. Or "is a matter for the Commission"?

7 A. "Is a matter for the Commission."

8 310 Q. "Is a matter for the Commission"?

9 A. Yes. And that was counsel's view here, and I

10 distinctly remember that, that it was counsel's view 13:44

11 that if there was a finding of mala fides, that that

12 was a matter for the Commission to make that finding.

13 311 Q. Yes. But I suppose I will go back to this again, Chief

14 Superintendent, that that view can only be put out

15 there if there is material to base that view on? 13:44

16 A. Yes.

17 312 Q. If you understand what I am saying?

18 A. I understand, yes, yes.

19 313 Q. And the material that that view was being floated on --

20 A. Yes. 13:45

21 314 Q. -- was coming from counsel instructed by the Garda

22 Commissioner?

23 A. Yes.

24 315 Q. Do you understand?

25 A. Yes. 13:45

26 316 Q. So, I mean, really, was mala fides in the mix at this

27 stage, is what I am trying to get to the bottom of?

28 A. No, I think it was an issue where counsel was telling

29 the Commissioner what was likely to happen and that the

1 finding of -- if there was a finding of mala fides, if
2 there was, that that was a matter for the Commission
3 and that they would make that decision, it was a matter
4 for them, that is what he was relaying to the
5 Commissioner in the course of the conversations. And 13:45
6 that's my recollection of that meeting.

7 317 Q. Okay. well, maybe if we just go down another line and
8 we see there, it seems to be in brackets:
9 "Letter from --"

10 A. An Garda Síochána. 13:46

11 318 Q. "-- AGS", sorry. "Via CSSO to the Commission."
12 Do you know what that was about?
13 A. I think that's about the letter of the 18th May, that
14 that was discussed as well, obviously.

15 319 Q. Okay. 13:46
16 A. This letter, the controversial letter that we're
17 talking about, obviously that had come up as well in
18 the course of the consultation, that this issue might
19 arise as well, that the Commissioner may be questioned
20 about that, is my understanding of that. 13:46

21 320 Q. And if we just go across with that, we have "advices in
22 writing"?

23 A. Yes. And I think that refers to the letter of 15th
24 May.

25 321 Q. The email? 13:46
26 A. Yes.

27 322 Q. From counsel?
28 A. Yes.

29 323 Q. well, I suppose if we go back to the letter of the 18th

1 May again.

2 A. Yes.

3 324 Q. What was put forward in that letter, be it by mistake,
4 misunderstanding, or specific instructions, or
5 otherwise, it did put mala fides/bad faith -- 13:46

6 A. Yeah.

7 325 Q. -- right to the very front of Sergeant McCabe's
8 complaints?

9 A. Yes.

10 326 Q. Yes? 13:47

11 A. But I think it was -- at that time it was understood
12 that that was a mistake and that that had been
13 corrected and accepted in the Commission, and that
14 matter obviously may come up in the course of
15 cross-examination or questioning of the Commissioner, 13:47
16 and obviously counsel was, you know, preparing the
17 Commissioner for that eventuality, is my understanding.

18 327 Q. Yes. So maybe, and this is a suggestion, Chief
19 Superintendent, again, the suggestion to withdrawing
20 the issue -- 13:47

21 A. Yeah.

22 328 Q. -- in relation to bad faith was connected in to the
23 letter of the 18th May and maybe there was a suggestion
24 there that there would be a formal acknowledgment by
25 the Commissioner that bad faith was not an issue? 13:47

26 A. No, I think these were likelihoods that were -- these
27 were issues that were likely to arise within the
28 Commission, and counsel was preparing the Commissioner
29 for eventualities that would arise. So I think my

1 recollection of the (mala fides)/bad faith issue was,
2 that counsel was saying -- was relaying this in the
3 meeting to the Commissioner, that that had come up,
4 obviously, and obviously another issue then was that
5 the Commissioner could be asked would the Commissioner 13:48
6 consider withdrawing, and not mala fides now, but on
7 the issue of motivation.

8 329 Q. On the issue of motivation.
9 A. That's what I'm saying. Because I could understand why
10 somebody would read that and connect the two of them 13:48
11 together.

12 330 Q. Yes.
13 A. But that is my note-taking. If I was doing that now
14 again, this minute, there would be a line between those
15 two as separate bullet-points. That is the point I am 13:48
16 making here.

17 331 Q. So I'm just a little bit confused, Chief
18 Superintendent.
19 A. Sorry.

20 332 Q. But at the outcome of that meeting, was mala fides 13:49
21 still floating around in the Commission --
22 A. No, the Commissioner never instructed on mala fides.

23 333 Q. Yes.
24 A. The Commissioner never instructed on that, and I'm
25 clear on that. 13:49

26 334 Q. Yes.
27 A. There was never instructions with respect to bad faith
28 or mala fides at all from the Commissioner.

29 335 Q. So the issue of motive was still floating?

1 A. Yes, yes. The motive issue was an issue, but it was a
2 matter for the Commission itself to decide whether or
3 not the motive came about as a result of mala fides or
4 bona fides. That was purely a matter for the
5 Commission.

13:49

6 336 Q. So, Chief Superintendent, was the position, so, is
7 that, look, this is what was going on in Bailieboro,
8 Cavan, at the time, and maybe Sergeant McCabe wasn't
9 behaving very well in relation to the issue, the
10 aftermath of the D investigation, he was making
11 complaints, and, as I understand the position to be,
12 exaggeration, some not being upheld, and all the rest,
13 but we're not mentioning bad faith, but that is a
14 matter for you to deal with?

13:50

15 A. I think it was always the Commissioner's view that the
16 complaints were made, you know what I mean, that there
17 were -- there was never an issue of mala fides or bad
18 faith here. They were accepted that they were genuine
19 complaints. The ultimate aim here was to get to the
20 truth as to whether or not the complaints were correct.
21 Was there evidence to show that they would be
22 sustained? That was always a concern. And the
23 ultimate aim here was to get to the truth of all of
24 these issues, to listen, and to allow the people who
25 were being accused as well an opportunity to deal with
26 the issues themselves and to put their versions
27 forward, and then whatever the decision was of the
28 Commission, that the Commissioner herself would deal
29 with that, and, if there was consequences for any

13:50

13:50

13:50

1 party, that they, in turn, that the Commissioner would
2 have to deal with the fallout of that, and that was the
3 ultimate aim of all of this.

4 337 Q. You see, I'm going to suggest to you, Chief
5 Superintendent, that it is a somewhat artificial 13:51
6 distinction to take away motive and bad faith and
7 totally separate those two issues once you put motive
8 into the mix?

9 A. Well, I'm guided by the legal advisers. It's a matter
10 for the counsel to deal with that issue, and I have to 13:51
11 be led by counsel in relation to the advices that are
12 given, so I can't -- I don't have a view on that. It's
13 not my role, as a liaison officer, to have a view on
14 that.

15 338 Q. Just, I suppose, for the sake of completeness, I should 13:52
16 go through the rest of the notes. I think it says --

17 A. "Derek Byrne report to Fachtna Murphy, 30th January
18 2009."

19 339 Q. That referred to, was it a part of --

20 A. I'm not sure what that might have been. That was to do 13:52
21 with the Confidential Recipient, as far as I'm
22 concerned, and that Assistant Commissioner Byrne had
23 been appointed to deal with those complaints and that
24 there was obviously some sort of report back to him,
25 who at the time was the Commissioner, and the 13:52
26 Confidential Recipient was communicating directly with
27 the Commissioner, as was the protocol at the time.

28 340 Q. And the next?

29 A. "(Relinquished the gagging order). Correspondence

1 Ciaran Kelly."

2
3 Obviously there was another issue. Obviously the
4 penalty points issue was -- I'm not sure was it before
5 or after this, whatever it was, but it must have been 13:53
6 before, but there was a controversial issue with the
7 previous commissioner and about this so-called gagging
8 order that was in situ with respect to Sergeant McCabe
9 and the controversies that surrounded all of that, and
10 obviously that was flagged as a prospective issue that 13:53
11 could arise.

12 341 Q. I think, in any event, at the Commission that day, it
13 appears Mr. Justice O'Higgins dealt with the matter of
14 motivation?

15 A. Yes. At the outset. 13:53

16 342 Q. Yes. Were you surprised by that?

17 A. Well --

18 343 Q. Did it take you unawares?

19 A. I was expecting -- I was expecting it to be another
20 tense day, like it was on day 2. And Mr. Justice 13:54
21 O'Higgins commenced proceedings and he then sought
22 clarification on these issues, and counsel just dealt
23 with those issues, and you can see from the transcripts
24 what arose in those proceedings. So I think when all
25 of the consultations were completed then, I must say, 13:54
26 when the Commissioner gave her evidence, it was issues
27 that -- it wasn't the day that I was expecting, it was
28 a lot more placid, and it basically focused on the
29 issues as to what she was there to talk about, which

1 was her capacity as Assistant Commissioner HRM and the
2 decisions that she made at that time. And when it was
3 over, you know, there was a sense of relief on my
4 behalf that there hadn't been another flare-up of
5 issues, that the matter had been resolved, I presume, 13:55
6 from the interaction between counsel and the Judge, and
7 that was it.

8 344 Q. I think we've gone through that section of the
9 transcript --

10 A. Yes. 13:55

11 345 Q. -- with Ms. Ryan already. Just finally, you had cause
12 to prepare a report in relation to these matters in
13 2016?

14 A. Yeah.

15 346 Q. Yes. 13:55

16 A. A year later.

17 347 Q. And I think that was after the O'Higgins Report was
18 actually published?

19 A. Yes. What number is that?

20 348 Q. I think it's volume 8 at 4029. 13:55

21 A. An email?

22 349 Q. No, sorry, I will just get the correct reference for
23 you. I think it's at page 4221.

24 A. Pardon?

25 350 Q. 4221 in volume 8. No, sorry -- 13:57

26 CHAIRMAN: This is after the 6th May 2016? It must be.

27 MS. LEADER: Yes, it's after -- it relates to the

28 instructions issue again, Judge. Sorry, I have just

29 lost the page. Yes, it's 4055. Sorry, Chief

1 Superintendent.

2 A. No. Sorry, Ms. Leader.

3 351 Q. Yes.

4 A. It must be a different volume, is it?

5 352 Q. Yes, 4101. Sorry, it's the wrong volume of material. 13:57

6 A. Sorry?

7 353 Q. 4101. I think this one is correct, Chief

8 Superintendent.

9 CHAIRMAN: Is this volume 8? It is?

10 MS. LEADER: Yes. 13:58

11 A. No.

12 354 Q. 4101, it's a letter from the Chief State solicitor's

13 Office forwarding us --

14 A. Sorry.

15 355 Q. -- a schedule of documents that had been referred to in 13:58

16 Inspector McNamara's report?

17 A. Yeah.

18 356 Q. And apparently there were materials prepared in May

19 2016 in relation to the issue of the Commissioner's

20 instructions the previous May? 13:58

21 A. Yeah.

22 357 Q. And it would appear that there are two letters sent by

23 you in relation to that matter?

24 A. Right.

25 358 Q. To the private secretary to the Garda Commissioner, 13:58

26 which appear at page 4104.

27 A. Yes.

28 359 Q. And you're relating to the -- it's an undated letter

29 and it doesn't appear to be signed, but it may very

1 well have been. And it summarises the matter. Maybe
2 if you could read it out, but I think it's your letter?

3 A. The full letter? Okay.

4 360 Q. well, "The first meeting with counsel..."

5 A. "The first meeting with counsel for the Garda 13:59
6 Commissioner took place on 11th May 2015. At the
7 meeting matters, falling within the terms of reference
8 of the Commission of Investigation were discussed. It
9 was considered that urgent meetings were required with
10 the various witnesses concerned that were presented by 13:59
11 the Commissioner's legal team. The Commissioner's
12 instructions to counsel were to pursue the truth and to
13 assist the Commission in investigating -- of the
14 Commission of Investigation" -- sorry.

15 13:59

16
17 "-- to pursue the truth and to assist the Commission of
18 Investigation to establish the facts. Meetings were
19 scheduled on the 12th and 13th May 2015 and matters
20 pertinent to each witness were discussed. During the 13:59
21 course of the meetings, counsel was at pains to
22 establish the reasons/triggering factor for all of
23 Sergeant McCabe's complaints."

24
25 Do you want me to read the rest of it? 14:00

26 361 Q. Yes. And then in relation to the consultation, "In the
27 course of consultations", I think?

28 A. Sorry, you want me to continue, is it?

29 362 Q. Yes.

1 A. "In the course of consultations, it transpired that the
2 then-Inspector Cunningham had conducted an
3 investigation wherein Sergeant McCabe had been
4 involved. A meeting was held in Mullingar Garda
5 Station with Inspector Cunningham and Sergeant McCabe 14:00
6 by appointment on the 25th August 2008. Inspector
7 Cunningham was accompanied to the meeting by
8 Sergeant Yvonne Martin. An ancillary but important
9 issue arose at the meeting in Sergeant McCabe advised
10 Inspector Cunningham that the only reason he made the 14:00
11 complaint to Superintendent Cunningham was to force him
12 to allow Sergeant McCabe to have full DPP directions in
13 respect of the said investigation conveyed to him.
14 Notes were taken at the meeting and countersigned by
15 Sergeant Martin and a detailed report of the meeting 14:00
16 was prepared by Superintendent Cunningham and its
17 contents agreed with Sergeant Martin and forwarded to
18 Chief Superintendent Rooney. In this regard and during
19 the course of proceedings in pursuit of the truth and
20 establishing the facts, while being fair and balanced 14:01
21 to all witnesses, a submission was made by counsel for
22 the Garda Commissioner to introduce to the Commission
23 of Investigation the reasoning for Sergeant McCabe's
24 complaints in the first instance. Counsel for the
25 Garda Commissioner was requested by the Commission of 14:01
26 Investigation to set out a chronology of the issues
27 pursued to assist the Commission of Investigation in
28 establishing the facts. This request was complied with
29 on 18th May 2015 when a document was provided to the

1 Commission of Investigation which included references
2 to the meeting in Mullingar and ancillary matters
3 recorded by Inspector Cunningham and agreed by Sergeant
4 Martin arising at that meeting. The Commission of
5 Investigation instructed counsel for the Garda 14:01
6 Commissioner to provide to Sergeant McCabe's counsel,
7 Mr. McDowell, with a copy of the document. Following
8 further discussions, the Commission of Investigation
9 proceedings adjourned. It transpired that the
10 Commission of Investigation had been provided with [as 14:02
11 read] Sergeant McCabe with a tape recording of the
12 meeting in Mullingar on 25th August 2008. The
13 Commission of Investigation got a tape transcribed but
14 declined to allow matters arising in relation to the
15 ancillary issue concerning Sergeant McCabe to be 14:02
16 discussed at the hearings. A discussion ensued as to
17 what were the exact instructions of the Garda
18 Commissioner. A heated exchange took place at the
19 Commission of Investigation in this regard. Arising
20 from the document provided to the Commission of 14:02
21 Investigation, counsel for Sergeant McCabe argued that
22 Sergeant McCabe's character was under attack. The
23 proceedings adjourned to confirm instructions. Counsel
24 sought instructions as to tab B. Consequently, the
25 Commissioner's instructions were confirmed in line with 14:02
26 those advised at the commencement of the Commission of
27 Investigation and there the matter rested. However, on
28 day 29, 4th November 2015, Judge O'Higgins sought
29 clarification on the Commissioner's instructions.

1 Mr. Colm Smyth, for the Garda Commissioner, clarified
2 the position, which is contained in the transcript of
3 day 29 of the hearings. It must be noted that counsel
4 for the Garda Commissioner had no control of witnesses
5 called to give evidence at the Commission of 14:03
6 Investigation. That was a power that was laid solely
7 within the remit of the Commission of Investigation.
8 In addition, permission had to be obtained from the
9 Commission of Investigation to cross-examine
10 witnesses." 14:03

11 363 Q. And that was your summary of what happened?
12 A. Yeah. And just, that report arose from a meeting that
13 took place in May 2016, and at that time there was a
14 series of --

15 364 Q. I think there was a public -- 14:03
16 A. There was media outcry about the whole thing.

17 365 Q. Yes, media outcry in relation --
18 A. I remember I was brought to a meeting in Garda HQ with
19 all the various players and I was -- supplied that
20 report. 14:03

21 366 Q. Okay. So that's your report in relation to the -- a
22 summary of the instructions?
23 A. Yes.

24 367 Q. And I think there are various back-up documents with
25 that; there's a chronology in relation to what you have 14:04
26 been talking about here for the past day, during the
27 proceedings?
28 A. Yes.

29 368 Q. And it goes through the transcripts in detail in

1 relation to the matter.

2 CHAIRMAN: Well, was this prepared because of the media
3 controversy or was it prepared because the report had
4 been published and the Commissioner --

5 MS. LEADER: There was, I think, both of those. 14:04

6 CHAIRMAN: Two reasons?

7 MS. LEADER: Two reasons - the report and a media
8 controversy.

9 A. Well, no, the Commission had to complete its work and
10 then there was a series of newspaper articles that 14:04
11 arose, and the matter then found traction, and it's my
12 understanding there was a significant media and
13 political storm arose as a result of it and I was asked
14 to attend a meeting in Garda HQ, and all the various
15 senior managers of the organisation attended that 14:05
16 meeting, and I was asked to prepare a report based on
17 that.

18 CHAIRMAN: Just before you go on, if you don't mind,
19 just if we go back to -- yes, well, it is actually that
20 page. There may be some people wondering, one would 14:05
21 hope perhaps there were, as to what the complaint was
22 to Superintendent Clancy. And that, of course, was in
23 relation to what had happened in the courthouse, what
24 had happened on the streets of Bailieboro and how he
25 was getting on or not getting on with the D family, the 14:05
26 sergeant of -- the father was the sergeant with whom he
27 to work.

28 A. Yes.

29 CHAIRMAN: It wasn't anything about any operational

1 matters.

2 A. No, no.

3 CHAIRMAN: It was all about the aftermath of how the D
4 family reacted to the DPP's direction. It was nothing
5 to do with any other officer misbehaving. 14:05

6 A. No. It was -- and I need to explain this, Judge, is
7 that, when the controversies arose, I got a phone call
8 to be in the Deputy Commissioner's office at two
9 o'clock on a particular day, maybe the day before this,
10 or whatever. And at that meeting I was -- there was a 14:06
11 number of parties. The meeting was chaired by the
12 Deputy Commissioner. And I was basically grilled in
13 relation to what had happened in the Commission. And I
14 wrote the report then based on that for the
15 Commissioner, of that meeting. 14:06

16 CHAIRMAN: Yes. But am I right in thinking the
17 complaint to Chief Superintendent Clancy, about which
18 Sergeant McCabe didn't want anything to be done, he
19 didn't want anyone to be prosecuted, was, he had been
20 traduced, I use the word again today, in the District 14:06
21 Court by Mrs. D.

22 A. Yes.

23 CHAIRMAN: He had been chased down the street by Ms. D,
24 who'd made the complaint.

25 A. Yes. 14:06

26 CHAIRMAN: And then he was supposed to have some kind
27 of a working relationship with another sergeant in the
28 general area, which of course was very difficult, and
29 his idea was, look, if the DPP's letter saying there

1 was never an assault, there was never a sexual assault,
2 even if any of this is true, despite the credibility
3 issues, if that letter had been circulated. So it was
4 about what had happened vis-à-vis the D family and him.

5 A. Yes. 14:07

6 CHAIRMAN: It was not about senior officers, or
7 anything else like that.

8 A. Yes, of course, of course.

9 CHAIRMAN: That can easily be got wrong.

10 A. Yeah. 14:07

11 CHAIRMAN: It's another detail that could be got wrong.
12 And I'm not saying you got it wrong here --

13 A. Yes.

14 CHAIRMAN: -- but it is open to misinterpretation, if
15 you don't know the background. 14:07

16 A. Yes. Sorry.

17 CHAIRMAN: No, I am not criticising you for that, you
18 understand?

19 A. Yeah, okay. Thank you, Judge.

20 369 Q. MS. LEADER: I suppose just one matter in relation to 14:07
21 that report. There's no reference to the
22 Commissioner's actual instructions on the 14th May --
23 yes.

24 A. Well, the Commissioner was at the meeting the day
25 before. 14:08

26 370 Q. Yes.

27 A. And I was conveying this report to, you know what I
28 mean, give an account as to what had happened, and
29 maybe it was a misunderstanding or it might have been

1 an understanding between myself and the Commissioner
2 that she was aware of at that time.

3 371 Q. That she was aware of that?
4 A. Yeah. But the Commissioner did attend the meeting that
5 I was advised to attend on that day. 14:08

6 372 Q. Now, included with that bundle of documentation that
7 the Tribunal received is a letter which you would
8 appear to have written to Ms. Ryan in May 2016. It's
9 at page 4116 of the materials. You refer to -- did
10 that letter actually go to Ms. Ryan? Because there was 14:08
11 a report prepared, we know that.

12 A. I don't know. I presume it did, but I don't know. I
13 can't -- I can't say for definite if it did or not. I
14 don't even know the context in which I wrote this
15 letter. 14:09

16 373 Q. Okay.
17 A. I can't remember.

18 374 Q. So essentially you were asking counsel to prepare a
19 report contextualising the Byrne/McGinn, which was the
20 Garda investigation -- 14:09

21 A. Yes.

22 375 Q. -- into Sergeant McCabe's complaints?
23 A. It may have arose as a result of that meeting, that I
24 was asked to get this chronology put into order --

25 376 Q. Yes. 14:09
26 A. -- to give some semblance of understanding to -- well,
27 I can remember now actually, I think the report was to
28 go to the Minister, as the Minister at the time was
29 looking for a briefing from the Commissioner in respect

1 of what had gone on, and that's why the meeting was
2 called in Garda HQ, and it was to get a complete and
3 utter comprehension of what had gone on, and counsel's
4 contribution was obviously to give some sort of
5 summation with respect to the issues itemised here, as 14:10
6 they would have had a very good knowledge of it, is my
7 understanding.

8 377 Q. Okay. So there were -- three things were to be
9 considered: the Byrne/McGinn report, Mr. Guerin's
10 report and Mr. Justice O'Higgins' report? 14:10

11 A. Yes.

12 378 Q. And then if we go to the next page, there's a report,
13 which I understand was prepared by you, Chief
14 Superintendent, re the O'Higgins Commission of
15 Investigation? 14:10

16 A. Yes.

17 CHAIRMAN: What page are we on, Ms. Leader?
18 MS. LEADER: Sorry, Judge. 4117.
19 CHAIRMAN: It's down the way --
20 MS. LEADER: Yes. 14:10

21 A. I think that is a draft of something, so...
22 379 Q. It's a draft, is it?
23 A. Yeah, that's all.

24 380 Q. Because in the second paragraph, we see there that the
25 issue of complaints to and complaints against -- 14:10

26 A. Yeah.

27 381 Q. -- again gets mixed up?
28 A. Yes.

29 382 Q. We see:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

"At the meeting which was held in Mullingar Garda station on 29th August 2008."

A. 25th.

383 Q. 25th, sorry. Yes.

14:11

"Inspector Cunningham was accompanied to this meeting by Sergeant Martin. Inspector Cunningham advised counsel that an ancillary but important issue arose at the meeting in that Sergeant McCabe advised Inspector Cunningham that the only reason he made the complaint against Superintendent Clancy was to force him to allow Sergeant McCabe to have the full DPP directions in respect of said investigation conveyed to him. Notes were taken."

14:11

14:11

Etcetera. So I don't know if you can explain that?

A. I think it might be explaining, you know what I mean, what had been portrayed at the Commission. I think that's -- I don't know. It was a draft letter. It never went anywhere in the sense that it wasn't my final report, as such. It was just a draft, which was not direct. Like, I don't even --

14:11

CHAIRMAN: Do you do your own typing?

A. Sometimes I do and sometimes I don't.

14:12

CHAIRMAN: Did you type this?

A. I can't remember. I can't remember.

384 Q. MS. LEADER: I think the actual report that was submitted is the report that you read out in full --

1 A. Okay.

2 385 Q. -- at the beginning, and that gets it right?

3 A. Right. Okay.

4 386 Q. Am I correct in saying --

5 A. Yeah. 14:12

6 CHAIRMAN: Was this -- I mean, again, we've had, sorry

7 for interrupting, but we have had word -- I know word

8 processing is great, and all the rest of it, and

9 cutting and pasting --

10 A. Yeah. 14:12

11 CHAIRMAN: -- is great, but it can happen that you cut

12 and paste something from somewhere else.

13 A. It could, yeah.

14 CHAIRMAN: And is that what happened here?

15 A. I would think so. You can see there -- 14:12

16 CHAIRMAN: You think this is May 2016, do you?

17 A. I think.

18 CHAIRMAN: Well, you could have hardly sat down and

19 typed this through yourself and made that mistake,

20 could you? 14:12

21 A. I can't remember, Judge. You can see there even in my

22 own notes, that I made mistakes in typing my own notes

23 from my written notes, so, you know.

24 CHAIRMAN: It looks like a very professionally typed

25 piece of work. I mean, there's no capital-letter 14:13

26 disease happening, for instance.

27 A. I can't explain, Judge, I can't explain.

28 CHAIRMAN: Do you think you pasted it from something

29 else?

1 A. It is possible I did.

2 CHAIRMAN: I just, I don't recognise that actual
3 wording as happening in other documents, that's the
4 only thing.

5 A. I can't remember, Judge. I possibly did. I can't 14:13
6 remember.

7 CHAIRMAN: Yes.

8 A. It's a draft, it's only a draft. It's not a final
9 report, as such.

10 387 Q. MS. LEADER: And just in or around that time, Chief 14:13
11 Superintendent, it would appear that you emailed once
12 again the advice of counsel from the afternoon of the
13 15th May --

14 A. Okay, I would have attached that.

15 388 Q. -- to the Commissioner? 14:13

16 A. I would have attached that, of course.

17 389 Q. Yes.

18 A. Like, it'd really be -- up until then, those documents,
19 the significance of them today, that was the
20 realisation at that particular time, that these were 14:13
21 going to be very relevant documents that I had, the
22 letter of the 15th May, my notes of the 15th May in my
23 diary. All of these items were -- at that stage, I was
24 relying on these to recollect what had happened at that
25 particular time. 14:14

26 390 Q. Yes.

27 A. And at this stage, we were a year on here, and, you
28 know, the importance of all these documents were --
29 they were very important to me, I can tell you, in the

1 situation that had then arisen, because I was going to
2 have to account for what was going on here.

3 391 Q. Okay. And I think that email appears at page 4157 of
4 the materials. So we have counsel forwarding the email
5 on the 15th May 2015. 14:15

6 A. Yes.

7 392 Q. And then on the 17th May 2016 you forwarded it on to
8 the Commissioner --

9 A. Yes.

10 393 Q. -- as requested? 14:15

11 A. Yes.

12 394 Q. Okay.

13 A. And, you see, because this came such a pivotal issue
14 that was being -- it was -- there were serious
15 accusations that were being made, that there were -- 14:15
16 serious public concern was arising, the public disquiet
17 with respect to all of this was becoming very prevalent
18 and there was a requirement of the Commissioner to
19 provide a report to the Minister or the Secretary
20 General of the Department, as to give the Garda version 14:15
21 of all of these issues, and these materials were
22 being -- were compiled or being prepared for the
23 compilation of that report. And I was at that meeting
24 in Garda HQ at the outset to explain and to assist the
25 people that were going to formulate that report, with 14:16
26 an understanding of what went on. And I sent it all to
27 the Commissioner's office, and they then, in turn,
28 compiled the reports that went to the Department, I
29 understand. I never saw those after that. But after

1 that, I think the Commissioner, you know, dealt with
2 the matter.

3 MS. LEADER: Thank you very much, Chief Superintendent.

4 CHAIRMAN: Can I just ask before you start,
5 Mr. McDowell, what are we doing about other witnesses 14:16
6 today, Mr. McGuinness?

7 MR. MCGUINNESS: The position, Chairman, is we had
8 scheduled one further witness for today, and obviously
9 it's an issue of time. I think it is unlikely that if
10 we start the witness, that we will finish the witness. 14:17
11 It will depend on perhaps the attitude taken by parties
12 at this point in time. I know Mr. McDowell is going to
13 be some time with this witness, I can't say how long.
14 He may have a clearer view now himself.

15 CHAIRMAN: We're not ganging up on you, Mr. McDowell. 14:17
16 It's not to put pressure on you. I just want to know,
17 because it is courteous just to tell people where they
18 are at, that's all. That's the only thing I am
19 concerned about. And I appreciate, look, that during
20 this week, I was engaged in two other things. I 14:17
21 couldn't help that.

22 MR. MCDOWELL: I know.

23 CHAIRMAN: So we have fallen behind.

24 MR. MCDOWELL: First of all, could I ask how long it is
25 proposed to sit this afternoon so that I -- 14:17
26 CHAIRMAN: well, I am afraid it's a bit like a piece of
27 string. I mean, if I feel I'm going to finish a
28 witness, I'd prefer to sit here until seven o'clock
29 rather than come back another day, you know?

1 MR. MCDOWELL: No, I'm not asking that. I'm just
2 trying to ascertain whether it's proposed to go on to
3 another witness or not. And if the Tribunal is going
4 to rise at, say, 4:30, I don't think we are going to go
5 on to another witness, and that witness should be 14:18
6 released, is what I am saying.

7 CHAIRMAN: Okay. Well, I am going to rise at 4:30 or
8 5:00 in the ordinary way, just depending on how much
9 progress we are getting through.

10 MR. MCDOWELL: That is what I sought, that the Tribunal 14:18
11 was unlikely to sit late to start another witness.
12 That is all I am saying.

13 MR. MURPHY: Well, Chairman, can I say I respectfully
14 agree with Mr. McDowell in terms of it would be better
15 to start with the next witness at the beginning of 14:18
16 Monday.

17 CHAIRMAN: Yes. Well, I mean, it's all very well to
18 say kind of sit late, or whatever, but I'm supposed to
19 be taking in every word and, frankly, there comes a
20 point where I can't do any more, so the limit is 4:30 14:18
21 or five o'clock. I know I have exceeded that until six
22 o'clock on occasions, but that has been under protest
23 from my own mind.

24 MR. MCDOWELL: No, Judge, I was only asking when the
25 Tribunal envisaged rising this afternoon so that I 14:19
26 could help you with the question as to whether a
27 witness should be excused. I think the witness should
28 be excused, if you ask me.

29 CHAIRMAN: Yes, well, of course you should be excused

1 today, Chief Superintendent, but -- so let's try and
2 get through as much as we can. I would prefer to
3 finish this witness today so that we are actually
4 finished with the witness today.

5 MR. MURPHY: Chairman, in those circumstances can we 14:19
6 understand that the next witness will not be called
7 until Monday?

8 CHAIRMAN: Well, it looks like that, doesn't it,
9 Mr. Murphy?

10 MR. MURPHY: Thank you. 14:19

11

12 CHIEF SUPERINTENDENT FERGUS HEALY WAS CROSS-EXAMINED BY

13 MR. MCDOWELL:

14

15 395 Q. MR. MCDOWELL: Thank you. Chief Superintendent Healy, 14:19
16 could I ask you a couple of general questions at the
17 outset. As I understand it, you were not only the
18 liaison officer between An Garda Síochána and the
19 O'Higgins Commission, but you were also the person who
20 was effectively the eyes and ears of the Commissioner 14:20
21 and the person chosen by her to relay her instructions
22 to counsel, is that right?

23 A. Well, my job was a liaison officer, Mr. McDowell, a
24 liaison between the Commission and --

25 396 Q. And the Gardaí? 14:20

26 A. -- the Commissioner, and my role involved a multitude
27 of tasks.

28 397 Q. Yes. Well, I mean, I did ask you -- I mean, first of
29 all, you were to liaise between An Garda Síochána and

1 the O'Higgins Commission, isn't that right?

2 A. Yes.

3 398 Q. And secondly, you were to be the senior member of An
4 Garda Síochána there, with a view to being in a
5 position to tell the Commissioner what was going on at 14:21
6 the Commission, is that right?

7 A. Yeah, I was telling her what was going on, yes.

8 399 Q. And thirdly, you were the chosen conduit for
9 instructions from the Commissioner to her legal team if
10 such instructions were needed, is that right? 14:21

11 A. Yes. As it happened, it evolved that way. At the
12 outset, I would say it wasn't, you know what I mean,
13 specifically outlined to me, but it evolved that way in
14 the course of the proceedings.

15 400 Q. And as I understand it, there were a number of 14:21
16 consultations with persons who were proposed to be
17 witnesses in the week coming up to the commencement of
18 the Commission's hearings on Thursday, the 14th May
19 2015?

20 A. There was a number of consultations, yes. 14:22

21 401 Q. And at those consultations you participated as the
22 Commissioner's representative, is that right?

23 A. Well, I was present at those consultations, yes.

24 402 Q. As the Commissioner's representative?

25 A. As liaison officer. 14:22

26 403 Q. Sorry, when you use the phrase 'liaison officer', there
27 is one function, which is liaising with the Commission,
28 liaison officer between An Garda Síochána and the
29 Commission?

1 A. And as I said, it was a multitude of roles.

2 404 Q. Yes.

3 A. It was multifaceted, rather.

4 405 Q. In what capacity were you sitting in on the
5 consultations with witnesses whom the Commission had 14:22
6 indicated it wanted to call?

7 A. Well, I organised the consultations.

8 406 Q. Yes.

9 A. I was present during them with respect to, I suppose,
10 my role as a liaison officer, and if there was issues 14:23
11 arising that needed to be attended to, I attended to
12 them.

13 407 Q. And you took notes, as we know?

14 A. Well, I did, I took a note here and there, yes.

15 408 Q. Do you agree or disagree with what has been stated in 14:23
16 evidence here with Annmarie -- by Annmarie Ryan, to the
17 effect that the question of motivation on the part of
18 Sergeant McCabe crystallised on the 13th May at the end
19 of a meeting with counsel?

20 A. I would say that, at that stage, counsel had formulated 14:24
21 a view in their mind.

22 409 Q. And do I understand that you agreed on that occasion to
23 seek, on the 14th May, the Commissioner's authority to
24 question Sergeant McCabe's motivation?

25 A. Well, counsel had requested me to seek instructions 14:24
26 from the Commissioner.

27 410 Q. Yes.

28 A. And I had been endeavouring to contact the
29 Commissioner.

1 411 Q. Now, could I stop you there and say -- ask you to
2 indicate what did counsel exactly ask you to obtain by
3 way of instructions from the Commissioner?
4 A. Counsel was saying that the motive issue and the
5 credibility issue were the matters that needed 14:24
6 instructions on.
7 412 Q. And what were they asking you to ask the Commissioner
8 about those issues?
9 A. They were asking me to get instructions from the
10 Commissioner to proceed, based on the fact that I think 14:25
11 Mr. Smyth was of the view that the Commissioner was the
12 employer here of both parties, those members of officer
13 rank and of course Sergeant McCabe, and that he was of
14 the view and advising that the motivation and the
15 credibility issue was, I suppose, to the centre of 14:25
16 where he was going, and that, given the Commissioner
17 was the employer of the individuals concerned, that the
18 Commissioner had to be consulted with her view that
19 this was okay to do this.
20 413 Q. I see. So he was seeking a general authority for him 14:26
21 to challenge the motivation and credibility of Sergeant
22 McCabe, is that right?
23 A. I think he used the word he wanted instructions, from
24 me.
25 414 Q. Yes. To do what, though? 14:26
26 A. To go ahead with the motivation and to go ahead and
27 test the credibility of Sergeant McCabe.
28 415 Q. I know you are using the phrase to go ahead with the
29 motivation and credibility, but it was, was it not, to

1 ask questions of witnesses with a view to challenging
2 the motivation and credibility of Sergeant McCabe,
3 wasn't that why he was seeking your instruction -- or
4 her instructions?

5 A. He was seeking instructions, as far as I was concerned, 14:26
6 from the Commissioner --

7 416 Q. Yes.

8 A. -- to pursue this line.

9 417 Q. What line, though?

10 A. The motivation of Sergeant McCabe for making -- to test 14:26
11 the motivation of Sergeant McCabe and the credibility
12 of him making the complaints.

13 418 Q. I see. So he was seeking instructions to ask questions
14 of witnesses, questioning the motivation of Sergeant
15 McCabe and his credibility, is that right? 14:27

16 A. As I said, he was seeking the motivation and permission
17 or instructions to test the motivation and the
18 credibility of what Sergeant McCabe was alleging here,
19 and that, based on the consultations that he had
20 conducted with the various witnesses, that that is what 14:27
21 he wanted instructions on from the Commissioner, and I
22 took it that he wanted the Commissioner's instruction
23 on that.

24 419 Q. And when you went to the Commissioner, which was
25 either -- was it later that night or the following day? 14:27

26 A. It was the 14th.

27 420 Q. The 14th.

28 A. I rang her.

29 421 Q. The 14th, yes. What did you ask the Commissioner for

1 instructions on? what was Ms. O'Sullivan actually
2 asked to authorise?

3 A. well, if I can refer to it in my note?

4 422 Q. Yes.

5 A. I had explained to the Commissioner that counsel was 14:28
6 seeking instructions to deal with the motivation and
7 the credibility issue for making the complaints and I
8 explained to her the background to all of this, as to
9 the trigger question that was posed, and the starting
10 point for all these issues and that counsel was of the 14:28
11 view that they had to go back to the beginning of all
12 of these issues and that they were to -- based on what
13 they were advising, they were seeking instructions to
14 proceed with the motivation and the credibility issue.
15 And I outlined to the Commissioner that the McCarthy 14:29
16 module was starting the following -- or had started
17 that day and that counsel was seeking these.

18 423 Q. well, in fairness to the Commissioner, is that the
19 language you used with her, that counsel were seeking
20 instructions to proceed with the motivation and 14:29
21 credibility issue, or did you explain it more --

22 A. We had a conversation. Sorry, we had a conversation
23 around what had gone on in relation to the
24 consultations, and I explained the background to all of
25 this and how we came to this decision and that counsel 14:30
26 were seeking instructions to go ahead with this. And
27 the Commissioner said, well, based on the advice, if
28 counsel are advising, well then we would go down this
29 way.

1 424 Q. Yes. Well, in relation to the factual background, I
2 think you've said in evidence that she was aware of it
3 by other means, isn't that right?
4 A. Aware of which, now?
5 425 Q. The Ms. D allegation, the Sergeant McCabe issues. 14:30
6 A. No, I think she would have been aware of the history of
7 all of these issues.
8 426 Q. Yes.
9 A. This matter had been going on since 2007, and we were
10 now in 2015, so -- 14:30
11 427 Q. So she didn't need to have the factual background
12 explained to her, isn't that right?
13 A. Well, I was explaining how counsel had, during the
14 consultations, continued to ask the trigger question,
15 as to what was the starting point and counsel was at 14:31
16 pains to say that we have to go back to the start here.
17 428 Q. Yes. And when you say the trigger question or the
18 trigger point, are you saying what was it that
19 triggered off complaints about poor policing by
20 Sergeant McCabe in the Bailieboro district? 14:31
21 A. I think counsel was endeavouring to establish what
22 started all this.
23 429 Q. Well, I asked you the question --
24 A. Sorry.
25 430 Q. -- when you say -- when you use the phrase 'the trigger 14:31
26 question' or what triggered off complaints, was that
27 about poor policing by Sergeant McCabe in the
28 Bailieboro district?
29 A. No, it was about more than that, it was about the

1 corruption allegations as well, because as I referred,
2 this document was the subject of debate during the
3 consultations or in between the consultations,
4 whatever.

5 431 Q. But was it discussed at the consultations, because your 14:32
6 note doesn't seem to suggest that?

7 A. No, look, my recollection of it was, and the reason I
8 remember it is because there was a debate at the time
9 as to whether or not that document should have been in
10 the core booklet or not, that is why I remember it. 14:32

11 432 Q. Yes.

12 A. And counsel was obviously reading it with interest to
13 see, you know what I mean, the extent of the issues
14 that were pertinent here.

15 433 Q. And when you say there was a debate as to whether it 14:32
16 should be in the core booklet or not, was somebody at
17 these meetings of the view that it was irrelevant to
18 the terms of reference?

19 A. It was -- my recollection of it was that, obviously
20 counsel was reading the core booklet. 14:33

21 434 Q. Yes. But you said there was a debate as to whether it
22 should be in the core booklet or not.

23 A. Yeah.

24 435 Q. I'm asking you who was suggesting to you that it should
25 be and who was suggesting it shouldn't be? 14:33

26 A. Well, it was a general conversation that this document
27 was here, and the question was being asked, well, my
28 God, should have it have been in it or not? But
29 anyhow, it's in it, and it provided certain

1 information. That is my recollection of what went on.

2 436 Q. Yes. And was that debate centring on the issue as to
3 whether it was relevant or not?

4 A. No, I don't remember that.

5 437 Q. Well, if it was relevant, you'd imagine it would be in 14:33
6 the core booklet, and if you thought it shouldn't be in
7 the core booklet presumably it would be because you
8 thought it was irrelevant?

9 A. But I think the fact that it was in the core booklet,
10 maybe the Commission felt it was relevant. 14:34

11 438 Q. Yes.

12 A. Counsel was surprised, I think, that is my memory of
13 it, that the document was there.

14 439 Q. I see. So can we take it that counsel, as far as you
15 could gather -- 14:34

16 A. That's my recollection.

17 440 Q. -- was questioning the relevance of that document to
18 the module they were about to start with?

19 A. No, look, I'm not a legal expert, but certainly that
20 issue was mooted at the meeting. 14:34

21 441 Q. Yes. Now, can we take it that the Commissioner's
22 go-ahead to you of the 14th May was a verbal go-ahead
23 in general terms?

24 A. This was a telephone conversation, it was verbal, yes,
25 and it lasted about 20 minutes, the telephone call. 14:35

26 442 Q. Did you have any discussion with the Commissioner about
27 whether the matter was one of sensitivity and whether
28 it was wise or unwise to go down this road?

29 A. No. I was relaying the message of counsel to the

1 Commissioner and the Commissioner agreed it was on the
2 advice of counsel then that's where we're going.

3 443 Q. I see. So there was no discussion about the
4 sensitivity of the matter between yourself and the
5 Commissioner and there was no discussion as to whether 14:35
6 it was wise, in the light of that sensitivity, to go
7 down this road?

8 A. Not to my recollection, no.

9 444 Q. I see. And am I right in thinking that you conveyed
10 the outcome of your discussion with the Commissioner to 14:36
11 counsel on the morning of the 15th?

12 A. That's correct, yeah.

13 445 Q. And due to logistical problems, you didn't have an
14 opportunity to tell Ms. Ryan about it?

15 A. Em, I obviously must have met counsel first when I went 14:36
16 to the Commission that morning and had a conversation
17 to that effect, and counsel had come to me, seeking the
18 instructions. I remember counsel was, you know,
19 adamant that I get the instructions, and I went back to
20 him with them, and there was obviously a pressing need 14:36
21 to get the instructions at that stage because the
22 Commission itself had commenced.

23 446 Q. Yes.

24 A. And on the morning of the 15th, I conveyed those to
25 counsel. I heard Ms. Ryan say that she wasn't aware at 14:36
26 the time, you know.

27 447 Q. Yes. And it would appear that nobody warned Chief
28 Superintendent Rooney that this issue was about to
29 arise if his statement to this Tribunal is correct?

1 A. Well, I'm not aware, I'm not aware of what counsel said
2 to Mr. Rooney, or whatever, Chief Superintendent
3 Rooney. I can't remember.

4 448 Q. On the 14th May, you heard your counsel cross-examining
5 Lorraine Browne, the driver of the bus in the 14:37
6 Kingscourt incident, about whether she was encouraged
7 by Sergeant McCabe or Sergeant Regina McArdle to go to
8 GSOC with her dissatisfaction, isn't that right?

9 A. Well, yeah. I'm not sure of the chronology of the
10 evidence, but -- 14:38

11 449 Q. Well, you can take it that she gave evidence on that
12 first day.

13 A. Yeah.

14 450 Q. And you heard her being cross-examined --

15 A. I think I did, yeah. 14:38

16 451 Q. -- by Mr. Smyth, isn't that right --

17 A. Yes.

18 452 Q. -- about whether she was encouraged by either of the
19 two sergeants, or Sergeant McCabe in particular, to go
20 to GSOC? 14:38

21 A. If it's in the transcripts, it's in the transcript.
22 I'm not sure. Look, I don't want to answer a question
23 that I can't -- you know --

24 453 Q. You can't recall that?

25 A. It's not -- I don't want to say. I'm aware of the 14:38
26 cross-examination and the examination of Ms. Browne.
27 CHAIRMAN: Well, it is enough to say if it is in the
28 transcript, it is in the transcript. You probably
29 don't remember?

1 454 Q. MR. MCDOWELL: You can't recall at this stage.
2 Therefore, I mean, you're probably going to give me the
3 same answer; the reason why that line of questioning
4 was put to the witness, did you consider that was
5 legitimate, having regard to motivation -- 14:39
6 A. Mr. McDowell --
7 455 Q. -- or disaffection on the part of Sergeant McCabe?
8 A. I think that question is a matter for counsel.
9 456 Q. We will come to that later, because counsel, as we
10 know, prepared submissions about these matters and you 14:39
11 saw all those submissions?
12 A. Mr. McDowell, I was asked to do a job. I did it.
13 457 Q. I accept that.
14 A. I conveyed it back to counsel, and the rest was over to
15 counsel. 14:39
16 458 Q. We know that when former Chief Superintendent Rooney,
17 retired Chief Superintendent Rooney was called to give
18 evidence, that, for the first time, Mr. Smyth asked him
19 questions concerning his dealings with Sergeant McCabe
20 in the context of the DPP directions concerning the 14:40
21 Ms. D allegation. You were there when that happened,
22 is that right?
23 A. I was there, yes.
24 459 Q. And you heard the objection that was taken to this line
25 of questioning, isn't that right? 14:40
26 A. Yeah, and I have read it in the transcript.
27 460 Q. And it was taken firstly by Mr. Gillane and then by
28 myself on behalf of Sergeant McCabe, isn't that right?
29 A. That's right, yes. Yeah.

1 461 Q. And it was at that point that the question of whether
2 the Commissioner had actually authorised that line of
3 questioning to be proceeded with by counsel, was raised
4 before the Commission for the first time, isn't that
5 right? 14:41

6 A. Sorry, could you repeat that again?

7 462 Q. It was at that point that the question of whether the
8 Commissioner had actually authorised that line of
9 questioning to be raised with Sergeant McCabe was dealt
10 with before the Commission for the first time? 14:41

11 A. I think you yourself raised the issue.

12 463 Q. Yes.

13 A. Yeah. The objection.

14 464 Q. And it was in that context that you sought instructions
15 from the Commissioner, isn't that right? 14:41

16 A. Well, I was again instructed, myself, to seek
17 reconfirmation of the instructions issued --

18 465 Q. I see.

19 A. -- the previous night.

20 466 Q. And who instructed you to seek that confirmation? 14:41

21 A. Counsel.

22 467 Q. I see. And you then made a number of phone calls, and
23 we won't go into the difficulty of contacting the
24 Commissioner, with the Commissioner, with a view to
25 seeking her clear instructions on this matter, is that 14:42
26 right?

27 A. I explained to her that, yeah, they were my
28 instructions, yes.

29 468 Q. Whose idea was it to ask for a written advice from

1 counsel on the issue?

2 A. It was either mine or the Commissioner's, I'm not sure.
3 I requested it of counsel.

4 469 Q. You requested it of counsel?

5 A. Yes. 14:42

6 470 Q. And can you tell the Chairman, was it at the request of
7 the Commissioner or was it at your own suggestion that
8 it should be formalised?

9 A. I think it might have been the Commissioner, I'm not a
10 100% sure. It was either myself or the Commissioner in 14:43
11 the course of the conversation that we had. Certainly,
12 I went to counsel and I asked counsel for the
13 instructions in writing.

14 471 Q. I see. During that recess, when you were having
15 difficulty contacting the Commissioner, you were led to 14:43
16 believe that she was in contact with the Department of
17 Justice on the issue, is that right?

18 A. In the course of the conversation that I had with the
19 Commissioner, the Commissioner informed me she was
20 ringing the Department. 14:43

21 472 Q. About this issue?

22 A. She just said she was ringing the Department, and I
23 took it that it was the Department of Justice.

24 473 Q. And was it about this issue?

25 A. It was following on, it was -- I would say it was, yes. 14:43
26 It was my understanding it was, yes.

27 474 Q. Yes. I mean, she wasn't ringing them up to talk about
28 the annual budget or something like that?

29 A. No. But she could have been speaking about other

1 matters or she may have come from everything else, but
2 it was certainly my understanding that she was going to
3 speak about this issue.

4 475 Q. I see. And you relayed that to Ms. Ryan, that you
5 thought that she had been in contact with the 14:44
6 Department, is that right?

7 A. Yes. Just the context of that, obviously you can
8 imagine the pressure at that particular time, and
9 Ms. Ryan was coming into the room to see did I have an
10 answer for her. 14:44

11 476 Q. Yes.

12 A. And I advised Ms. Ryan what was going on.

13 477 Q. And did she indicate whether she was seeking the advice
14 of the Department on what she should do?

15 A. She made the comment to me that 'I am going to ring the 14:45
16 Department', and then that was it.

17 478 Q. I see.

18 A. I didn't have a discussion with her about what she was
19 going to say or what she was going to do, or anything
20 like that. 14:45

21 479 Q. I see.

22 A. It was a single remark to me.

23 480 Q. Now, I think you made a note some time around that
24 time --

25 A. Yes. 14:45

26 481 Q. -- of what the Commissioner said to you, isn't that
27 right?

28 A. Yes.

29 482 Q. I think that note is to be found, I just want to be

1 clear about it --

2 A. I have it here.

3 483 Q. I wonder would you look at page 694 in Volume 1B.

4 A. Yes.

5 484 Q. And your note says, halfway down the page: 14:46

6

7 "Commissioner sought time to speak to DOJ, then

8 returned with instructions that we:

9 1. In light of the developments on the front that

10 Sergeant McCabe had issues with --" can you read that? 14:47

11 A. "Now working in Mullingar."

12 485 Q. " -- now working in Mullingar and his welfare."

13 A. "Could we seek a deferral until we seek advice."

14 486 Q. "Could we seek a deferral until we seek advice."

15 A. Yes. 14:47

16 487 Q. Could we stop there and say, who did you understand she

17 was going to seek advice from if she had a team of

18 counsel in front of her?

19 A. It meant -- my understanding of this was that she was

20 seeking a deferral to buy time here and to get advice 14:47

21 in relation to the issues again, because of the

22 situation.

23 488 Q. From the team of counsel who were there or from the

24 Attorney General's office or from the Department?

25 A. Oh, no, from the counsel that was there dealing with 14:48

26 this.

27 489 Q. Pardon?

28 A. From counsel.

29 490 Q. I see.

1 A. Yeah.

2 491 Q. But she had their advice, did she not?

3 A. Well, she may have wanted more advice, Mr. McDowell.

4 492 Q. I see. Well, she'd very terse advice on the subject,
5 if I may put it that way, isn't that right? 14:48

6 A. Yeah, well --

7 493 Q. And if I read that, tell me if I am being misguided,
8 she said that because of the point of view of the
9 issues relating to Sergeant McCabe, the fact that he
10 had moved to Mullingar, his welfare, that that issue 14:48
11 was something she wanted to put into the balance as to
12 whether she should go after him on the subject of
13 motivation or allow her counsel to do it?

14 A. No. My note of that is what the Commissioner said to
15 me at that particular time, the rationale for the 14:48
16 adjournment.

17 494 Q. I see. Well, then can you read the next paragraph,
18 please.

19 A. "Commissioner then rang a second time and advised that,
20 on reflection, that if it came out in the course of the 14:49
21 questioning, then counsel could explore it and it was
22 her view that if he (counsel) was advising that we
23 explore the area of motive and that it was necessary,
24 then she was inclined to give instructions to him to
25 explore this issue. It would be remiss of her not to 14:49
26 instruct him to proceed. Therefore, the Commissioner
27 instructed counsel to pursue that specific line of
28 questioning."

29 495 Q. Okay. Can we stop at the first portion of that:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

"The Commissioner rang a second time and advised that, on reflection, that if it came out in the course of questioning, then counsel should explore it."

A. Yeah. 14:50

496 Q. Can we stop there and say what did you understand that to mean?

A. Well, I think the context of all of this is that we have to remember that I was getting the messages from the Commission that there was no adjournment happening here. 14:50

497 Q. Yes.

A. And despite the best efforts, I was being told go back, and I was in the process of doing that when I got this phone call again from the Commissioner and I understood it to be that she had reconsidered the matter and that she was now saying if this had come out in the course of the Commission itself, then we should proceed. 14:50

498 Q. I'm just curious to know does the word "if" there mean since, that since it had come out in the course of questioning -- 14:50

A. No.

499 Q. -- you should go on with it, or is it being suggested that if it arose, if this issue of motivation arose, counsel should pursue it? 14:51

A. This was a continuation of the phone call I had with her the previous night, and that's what she said to me, it's my recollection of what she said to me. You know, it's my recollection of what she said to me. It

1 mightn't be verbatim, what she said to me in that quote
2 there, but it's what I wrote down. Like, I went back
3 to my office and I sat down and I wrote that.

4 500 Q. That was the sense of what she said to you?
5 A. It was the sense of what she said to me, yeah. 14:51

6 501 Q. And I'm just trying to work out what, actually, you
7 yourself understood it to mean. Was it because,
8 because it has arisen, let's go on with it, or it
9 should only be pursued if it arises in the course of
10 questioning? 14:51

11 A. Well, look, I think there was a lot of pressure with
12 respect to the decision that had been made. It was a
13 difficult decision --

14 502 Q. Yes.
15 A. -- I have no doubt. And the Commissioner wanted time 14:52
16 to reflect on this by seeking advices, is my
17 understanding. And then, in the course of me going to
18 counsel to tell them to get an adjournment, I got this
19 phone call from the Commissioner, so she obviously had
20 reconsidered it and advised to go ahead, because I had 14:52
21 told her that the possibility of getting an adjournment
22 was very slim, but yet I was still being instructed to
23 go and get an adjournment, and this -- and that's why
24 when I said the Commissioner then rang a second time,
25 so it was -- I was on hoof here between solicitor and 14:52
26 myself and the Commissioner, and I got the impression
27 that the Commissioner had reflected on what she had
28 been asking for and decided to go with the advices.

29 503 Q. So in the end what you are saying is that she had

1 decided, we'd better plough ahead with this?

2 A. well, you know, I'm just -- you know, I can't explain
3 her thought processes here. I'm only second-guessing
4 it. But I'm just telling you what I -- my discussion
5 with her, what it entailed. I was told, I was told 14:53
6 initially to seek an adjournment and then I was told to
7 go ahead.

8 504 Q. I see.

9 A. The constructions were re-confirmed.

10 505 Q. And therefore, she wasn't saying you should only pursue 14:53
11 this line if the matter arises otherwise in the course
12 of questioning?

13 A. It's just my reflection of -- my recollection of what
14 was said to me at that particular time, you know what I
15 mean. It's two-and-a-half years ago. Like, I can't 14:53
16 nit-pick the issue any further than that, than to say
17 what I remember. That's my note of what I wrote at the
18 time.

19 506 Q. Had you been present when Mr. Justice O'Higgins made
20 his opening statement? 14:54

21 A. I don't think I was that day. I don't think I was
22 there.

23 507 Q. I see.

24 A. You see, I was trying to get my material ready for
25 this. I was late to this, this Commission. 14:54

26 508 Q. So you weren't made aware either by counsel or Ms. Ryan
27 that Mr. Justice O'Higgins had said that if anybody was
28 going to criticise anybody else at the Commission, they
29 had to seek his permission first --

1 A. No.

2 509 Q. -- and set out the factual basis for that before they
3 did so?

4 A. I don't remember that, Mr. McDowell. I think, my only
5 recollection on that, on that particular point, was 14:55
6 when you made it yourself, that you were entitled to
7 the notification.

8 510 Q. Yes.

9 A. And I think the word the Judge used was 'ambush' --

10 511 Q. Yes. 14:55

11 A. -- I think.

12 512 Q. Yes.

13 A. Yeah.

14 513 Q. I think in his opening statement he said nobody was
15 going to be ambushed. 14:55

16 A. But I think he referred to that.

17 514 Q. He referred to it a second time.

18 A. At a later time.

19 515 Q. You're right, you're right, yeah.

20 A. Yes. 14:55

21 516 Q. So at no point prior to this line of questioning with
22 Chief Superintendent Rooney was permission sought from
23 Mr. Justice O'Higgins to commence this line of
24 cross-examination about Sergeant McCabe's motivation
25 and at no time was it considered that we'd better set 14:55
26 out the factual basis on which we proposed doing this,
27 as directed by the Chairman of the Commission?

28 A. It's not in the transcript, and I take it that it
29 didn't happen, but it's not there. I have read the

1 transcript.

2 517 Q. Yes. So are we to take it then that you could see --
3 you weren't in any way upset or surprised when
4 Mr. Smyth started this line of cross-examination
5 without notice to the witness or to the Commission 14:56
6 itself?

7 A. As I said, I don't think I was there at the very
8 beginning, and the tenet of what you are asking me
9 here --

10 518 Q. No, I'm talking at a later stage; when he asked the 14:56
11 questions of Chief Superintendent Rooney, I think you
12 were there then?

13 A. No, but I don't think the resonance of what you are
14 saying dawned on me, you know what I mean, because I
15 wasn't there at the beginning. 14:56

16 519 Q. Very well, then. So it's clear that Ms. Ryan, one of
17 her most immediate requests to you was that she should
18 have a consultation with herself, counsel and the
19 Commissioner, in relation to this matter?

20 A. Well, Ms. Ryan was after proceedings. 14:57

21 520 Q. Sorry?

22 A. Sorry, you're talking about at that particular time?

23 521 Q. Yes. That she was -- her immediate reaction was to
24 seek to consult with the Commissioner about this
25 matter? 14:57

26 A. Well, I don't know. I don't remember her saying that
27 to me there and then, do you know what I mean?

28 522 Q. Did she ask you to arrange a consultation?

29 A. Well, she was pressing for -- over the weekend,

1 definitely, after the event, she was asking me for
2 consultations, but I relayed that message to the
3 Commissioner and unfortunately the Commissioner wasn't
4 available. And after that, you know what I mean, I
5 don't have any more to offer.

14:58

6 523 Q. Did you impress upon the Commissioner the urgency of
7 Ms. Ryan's request?

8 A. I had said it to her, and the Commissioner's response
9 to me was that she was otherwise engaged, and I wasn't
10 in a position to question the Commissioner about that,
11 you know what I mean? But certainly I had conveyed it
12 to the Commissioner.

14:58

13 524 Q. I see. And did you tell the Commissioner that you were
14 now going to have to organise the writing of a letter
15 setting out the factual basis upon which Sergeant
16 McCabe's motivation was going to be challenged?

14:58

17 A. No, what I had said to the Commissioner was that we
18 were required to prepare a letter to provide
19 notification to counsel, as requested by the
20 Commission, and that we were about to do that.

14:58

21 525 Q. Yes.

22 A. And so the Commissioner was informed that this was an
23 assignment that we had to do within the Commission and
24 the counsel was going to deal with that.

25 526 Q. I see. And at any point was it thought fit by anyone
26 to include the Commissioner in on the circulation of
27 the letter so that she might be aware of what was going
28 to be done in her name?

14:59

29 A. Well, at that stage we were endeavouring to organise

1 everybody with respect to the task at hand, and I was a
2 point of contact in that respect.

3 527 Q. You see, it would appear from the evidence of Ms. Ryan
4 and from yourself to date, that the drafts that were
5 prepared of that letter over the weekend were 15:00
6 circulated to a number of persons. They were
7 circulated to who? To you --

8 A. I suppose --

9 MR. MURPHY: Sorry, Chairman, I think this witness is
10 in the same position as Ms. Annmarie Ryan -- 15:00

11 A. Yes.

12 MR. MURPHY: -- in relation to the same issue, and I
13 would ask for your direction, Chairman, on this point,
14 please.

15 MR. McDOWELL: Judge, I think, already, you ruled in 15:00
16 relation to this, that the logistics of who was on the
17 circulation list was not a matter of privilege.

18 CHAIRMAN: Is it privilege that is concerning you,
19 Mr. Murphy?

20 MR. MURPHY: Sorry, Chairman, if it is confined to the 15:00
21 fact of the circulation. I had just apprehended that
22 perhaps it was a line of questioning that was going to
23 go into other matters that were covered by privilege.
24 If that boundary was respected by My Friend, I don't
25 object -- 15:00

26 CHAIRMAN: You're not objecting?

27 MR. MURPHY: -- to I think what Mr. McDowell has
28 referred as the logistical issues.

29 CHAIRMAN: I don't think it is a matter of privilege

1 that someone gets a statement of facts and says 'I
2 agree with this statement of facts'.
3 MR. MURPHY: Absolutely. It is more, I think, the
4 content of those communications --
5 CHAIRMAN: Yes. It is a matter of privilege if someone 15:01
6 gives a solicitor statement of facts orally or in
7 writing --
8 MR. MURPHY: Sure.
9 CHAIRMAN: -- and says, look, will I be found guilty of
10 murder on the basis of what I've just told you? That 15:01
11 is a different thing.
12 MR. MURPHY: May it please you, Chair.
13 528 Q. MR. McDOWELL: We know that you received the drafts
14 that counsel were working on, isn't that right? I
15 thought you said you did? 15:01
16 A. Well, it's not as simple as you put it. Okay, there
17 was a -- the letter was to be drafted, and, as I said
18 in my direct evidence, that two of the contributors of
19 the letter were dealt with directly with the legal
20 team. The third contributor -- 15:02
21 529 Q. And let's be clear about that, that is Chief
22 Superintendent -- former Chief Superintendent Rooney
23 and Inspector or Superintendent Cunningham?
24 A. Superintendent Cunningham, yes.
25 530 Q. They were dealt with directly by the legal team, is 15:02
26 that right?
27 A. They were, yes.
28 531 Q. And were you circulated with the drafts?
29 A. I got the first draft of the letter on the Saturday

1 evening.

2 532 Q. Yes.

3 A. Which basically consisted of the contribution of the
4 two contributors.

5 CHAIRMAN: I'm just wondering about this, as to whether 15:02
6 legal professional privilege arises at all, I mean, in
7 this context, because you know the Supreme Court drew a
8 distinction between legal assistance and legal advice.

9 MR. MCDOWELL: Yes.

10 CHAIRMAN: Drawing up a contract is not -- it does not 15:02
11 attract the privilege, but getting advice in relation
12 to the implications of the contract does. But I don't
13 think we're straying outside what we ought to be

14 straying outside. No one is asking what happened in
15 the consultation; it's just was a statement of facts 15:03
16 addressed in consequence of a consultation. I think
17 that is okay. I don't think there is a problem there.

18 MR. MURPHY: Certainly, Chairman. But I think that the
19 content would be covered by privilege, legal
20 professional privilege. It's more than just mere legal 15:03
21 assistance.

22 CHAIRMAN: The contents certainly could if it is
23 brought into being for the purpose of legal advice.

24 MR. MURPHY: Yes.

25 CHAIRMAN: If it is for the purpose of putting a 15:03
26 statement of facts for the purpose of legal advice, if
27 it is for the purpose of preparing for litigation, all
28 of those issues. But merely being circulated on a
29 statement of fact or meeting a lawyer and asking the

1 lawyer to take down a statement of fact, is, I think, a
2 different thing. I think it is a different thing
3 anyway, Mr. Murphy, because, I mean, a person who is
4 not a lawyer could do that for you.
5 MR. MURPHY: well, I think the context in which it is 15:03
6 happening is clearly closely connected to an
7 apprehended event which is akin to litigation.
8 CHAIRMAN: No, it is as well to be careful.
9 MR. MURPHY: Yes.
10 CHAIRMAN: But I think at the moment we're not there. 15:04
11 MR. MURPHY: Thank you, Chairman.
12 533 Q. MR. MCDOWELL: Can I ask you to go to page 762, if you
13 would, please.
14 A. Sorry, what volume are we in?
15 534 Q. It's in book -- 15:04
16 A. Pardon?
17 535 Q. -- 2A, I think.
18 A. 762.
19 536 Q. 762.
20 A. Yes. 15:04
21 537 Q. I think although there's some script missing on the top
22 left-hand corner, it's "Motivation behind McCabe" is
23 the full handwritten heading. And beside that is a
24 note made on the Saturday:
25 15:05
26 "16/5/15 spoke to Fergus Healy at 9:30pm. I pointed
27 out my two concerns. I asked him to speak to Michael
28 Clancy and get his views before we send it to Noel and
29 Colm. He will come back to me in the morning."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

That would be the Sunday morning, isn't that right?

A. Yes, that's correct.

538 Q. So when you it wasn't as simple as I suggested, are you saying that it had to go Superintendent Clancy first? 15:05

A. Yeah, I suppose Chief Superintendent Rooney and Superintendent Cunningham were in the Commission when this request was made.

539 Q. Yes.

A. And they were aware of what was to be done. 15:05

540 Q. Yes.

A. And they dealt directly with counsel in respect of that matter, or the legal team.

541 Q. Yes.

A. Superintendent Clancy -- Chief Superintendent Clancy wasn't there. 15:06

542 Q. Yes.

A. He wasn't involved in Module 1 at all, and I was tasked with contacting him and advising him of what was required, and I did that, and that's the context in which that handwritten note refers. 15:06

543 Q. Anyway, the email that we are looking at there, the typewritten part of it, is addressed to yourself and Annmarie Ryan, isn't that right?

A. Yes. 15:06

544 Q. And it's -- we needn't go through it all, but it emphasises that:

"It is of the utmost importance that the content be as

1 factually accurate as possible, such that there are no
2 misstatements and nothing that cannot be backed up by
3 oral or documentary evidence with the exception of the
4 facts alleged, recited or admitted by McCabe himself."

15:07

5
6 Now, you realised that this was an important document,
7 did you?

8 A. Of course.

9 545 Q. And I'm just wondering, since Ms. Ryan proffered it but
10 the Attorney General's office thought it was better not
11 to receive it, why it was that you couldn't send it on
12 to the Commissioner? You would have had the
13 Commissioner's email, wouldn't you?

15:07

14 A. This was -- I think that was nine o'clock that night.

15 546 Q. Yes. But, I mean, at some stage during the weekend
16 surely you could have just simply forwarded it to the
17 Commissioner for information?

15:07

18 A. This -- what I -- the first draft of that document that
19 I received was only a portion of the document.

20 547 Q. Yes.

15:08

21 A. It was -- it didn't include the portion for
22 Superintendent Clancy -- Chief Superintendent Clancy.

23 548 Q. I see.

24 A. It was only the contribution, as I understood it, from
25 Superintendent Cunningham and from Chief Superintendent
26 Rooney.

15:08

27 549 Q. Yes.

28 A. So it was a working document. It wasn't in any way
29 complete.

1 550 Q. I see. Well, on Monday, on the following Monday, the
2 18th, did it occur to you, when it was actually sent,
3 to tell the Commissioner this is what -- this is the
4 substance of what counsel is actually now going to do
5 on your behalf at this Commission? 15:08

6 A. As I say, the Commissioner was advised on the Friday
7 that we were going to do this, and the document was
8 prepared. We were working on the document right up
9 until 1:45 or two o'clock in the morning on Sunday
10 night/Monday morning, and at that stage I had agreed, 15:09
11 with respect to a few minor amendments, with the
12 content of the document, and, the following morning,
13 Ms. Ryan arrived to the Commission with it, and at that
14 stage the matter was so, it was progressing at such a
15 rate that there wasn't even an opportunity to do this 15:09
16 with the Commissioner.

17 551 Q. Even for her information, to keep her informed of what
18 precisely counsel was interpreting her instructions as
19 allowing them to do, surely it was important?

20 A. But I think, Mr. McDowell, you have to appreciate the 15:09
21 time pressures that we were under to deal with this
22 matter. It was -- we were working on this to the very
23 late hours of the morning. There was a number of
24 contributors involved in it. It was important to have
25 the content of it correct, I appreciate all of that, 15:10
26 and that process was ongoing, and, like, we were
27 working seriously long hours, dealing with this, and,
28 at the same time, we were trying to address the issues
29 for the Commission itself, which were, you know, going

1 to flow from that and flow from the work of the
2 Commission, and at the same time, the Judge was very
3 critical of the disclosure process in relation to the
4 whole thing. So you can imagine the difficulties that
5 we were facing at that particular time.

15:10

6 552 Q. Even after the event, when the horse had bolted, so to
7 speak, in terms of what you had been pressurised into
8 doing by the time constraints, was there any reason why
9 you wouldn't have informed the Commissioner as to what
10 you were doing in her name?

15:11

11 A. But as I said, if -- the Commissioner was the employer
12 here in all of these matters. The contributors were
13 the people with the facts. This was a notification
14 that was being provided to counsel and it was being
15 circulated for the benefit of counsel representing
16 other parties --

15:11

17 553 Q. Yes.

18 A. -- as -- by way of a notification to all the parties
19 concerned, as to what was coming down the line.

20 554 Q. Yes.

15:11

21 A. And that's all it was. It wasn't -- the evidence
22 itself hadn't been adduced at the Commission. It was,
23 as you requested yourself at that hearing, it was
24 advance notice of these issues.

25 555 Q. I see. Well, the first two lines of the letter, we can
26 see that on page 771, state:

15:11

27
28 "As directed by the Judge in the course of the hearing
29 on Friday, 15th May 2015, we hereby provide the factual

1 issues to be put to Sergeant Maurice McCabe."
2
3 was it your understanding that your counsel was
4 notifying the Commission that these were the facts that
5 were to be put to Sergeant McCabe when and if he gave 15:12
6 evidence?
7 A. It's my understanding that it was a notification
8 required by counsel representing the parties. It was
9 an advance notice of the issues that were pertinent to
10 the Commission. And it was my understanding that, to 15:12
11 avoid a situation where an accusation of ambush could
12 be provided --
13 556 Q. Yes.
14 A. -- that it was an advance notice of that.
15 557 Q. And that all of these facts were to be put to Sergeant 15:13
16 McCabe if he gave evidence?
17 A. Well, I don't know if all the facts, but that it was
18 advance notice of the issues that would arise. It was
19 a matter for counsel to decide what to put to Sergeant
20 McCabe. That was left to counsel to do that. 15:13
21 558 Q. I see. So the phrase "the factual issues to be put to
22 Sergeant McCabe" means factual issues which may or may
23 not be put to Sergeant McCabe at the discretion of
24 counsel, is that what you are saying?
25 A. No, I'm just saying that the purpose of my 15:13
26 understanding of it was that the document was
27 forewarning for the information of counsel at the
28 request of the Commission and upon insistence of
29 counsel of being given advance notice, and that was the

1 purpose of the document, as far as I was concerned. It
2 was my understanding. Maybe I misunderstood that, but
3 I was sitting at the back of the room when this request
4 was made and it was my understanding that that is what
5 we were doing here. We were paraphrasing what the 15:14
6 issues were, as such.

7 559 Q. Well, we knew that you had been warned by counsel that
8 every word of it had to be capable of being stood over?
9 A. It was my understanding that that was the case.

10 560 Q. Yes. And could I put to you what appears at paragraphs 15:14
11 14 and 15 of the letter on page 774:
12
13 "Sergeant McCabe was unhappy with the outcome of the
14 decision of the Director of Public Prosecutions."
15 15:15

16 That's not right, is it?
17 A. Well, as I said --
18 561 Q. But you now know that is wrong?
19 A. Pardon?
20 562 Q. That he was not unhappy with any decision of the DPP? 15:15
21 A. I'm only -- I can't comment, because this was written
22 back in May 2015.

23 CHAIRMAN: Yes. That is the paragraph I referred to
24 when I said there is one other paragraph that's clearly
25 wrong, and that is what I was thinking about, yes. 15:15

26 563 Q. MR. McDOWELL: I mean, that paragraph was deeply
27 misleading and very, very damaging to Sergeant McCabe,
28 because it's saying:
29

1 "Sergeant McCabe was unhappy with the outcome of the
2 decision of the Director of Public Prosecutions because
3 he believed the decision ought to have completely
4 exonerated him rather than recording that there was not
5 sufficient evidence to proceed against him." 15:15

6 A. Well, I can only assume that -- I can only -- based on
7 the contributions that were made by the parties
8 concerned and the preamble with respect to the accuracy
9 issue, it was my belief at that time that that document
10 was accurate. I had no reason to believe that it 15:16
11 wasn't accurate otherwise.

12 564 Q. The next paragraph reads:

13
14 "In or about the same time, Sergeant McCabe presented
15 Superintendent Clancy with a series of operational 15:16
16 issues for his attention -- "

17
18 And this is the important point here:

19
20 " -- which were of a type which would normally have 15:16
21 been dealt with by the sergeant in charge of the
22 station."

23
24 In other words, that he was raising, for his superiors,
25 matters which he ought to have been dealing with 15:16
26 himself in the ordinary course?

27 A. As I said, it was my understanding that the document
28 was accurate, and the three contributors here were the
29 officer ranks in that Garda division at that time.

1 565 Q. Yes.

2 CHAIRMAN: Sorry for intervening, Mr. McDowell, but I

3 don't know the extent to which you went into the D case

4 or not. I don't know if you ever saw the DPP's letter

5 of the 5th April -- 15:17

6 A. I saw that, yes.

7 CHAIRMAN: -- 2007.

8 A. I would have seen it.

9 CHAIRMAN: At some stage.

10 A. At some stage. 15:17

11 CHAIRMAN: But prior to this?

12 A. Em --

13 CHAIRMAN: Even when you were up in that division?

14 A. I think I might have seen it, I might have read it

15 briefly when I was dealing with the GSOC matter, I 15:17

16 think I might have seen it at that time.

17 CHAIRMAN: Yes.

18 A. But not --

19 CHAIRMAN: Not since then?

20 A. I was aware that there was a doubt as to whether or not 15:17

21 there was an offence at all here.

22 CHAIRMAN: Yes.

23 A. To that effect.

24 CHAIRMAN: I mean, it is too easy for some of these

25 details to get mixed up. Sergeant McCabe was not 15:17

26 unhappy with the contents of the letter. As far as I

27 know, it had been read to him by the State solicitor on

28 an informal basis --

29 A. Yes.

1 CHAIRMAN: -- and they were -- as would quite often be
2 the case, sergeants and State solicitors are on a
3 friendly basis with each other. And then it wasn't a
4 question -- I don't think anyone ever went back to the
5 DPP and said, would you give a fuller explanation or 15:18
6 would you allow this to go around? Instead, I think
7 the Gardaí, in saying, well, this can't go around, were
8 basing it on what was then the DPP's directive. That
9 is as I understand the plain facts. And a lot of it,
10 it's very easy for it to become garbled, but it is in 15:18
11 this --

12 A. But I think at that time, I wasn't aware whether
13 Sergeant McCabe was unhappy or not. I wasn't aware of
14 that.

15 566 Q. MR. McDOWELL: So if counsel got that impression, it 15:18
16 was nothing that you had told them at consultation?

17 A. No. These were -- I told them nothing in the
18 consultation.

19 567 Q. And the Commissioner never told them that?

20 A. Sorry, I didn't tell them anything in the consultation. 15:18

21 568 Q. Are you sure you didn't tell them about the background,
22 because you were aware of the background yourself?

23 A. On the 11th May --

24 569 Q. Yes.

25 A. -- there is no doubt I did. 15:18

26 570 Q. Yes.

27 A. But after that, I didn't. I wasn't contributing at all
28 here.

29 571 Q. But you didn't tell them any of this, that he was

1 unhappy with the DPP's directions?

2 A. No. As I said, the three contributors for this
3 document were Chief Superintendent Clancy and Rooney
4 and Cunningham.

5 CHAIRMAN: Well, I mean, again, it could be someone 15:19
6 putting the thing down totally wrong. Sergeant McCabe
7 was unhappy with the outcome of the decision of the
8 Director of Public Prosecutions, and the decision could
9 refer to the decision not to circulate, but as it's
10 stated it's clearly wrong. 15:19

11 MR. McDOWELL: It's clearly wrong.

12 572 Q. And then paragraph 15 implies that Sergeant McCabe had
13 decided to, coincidentally, make complaints to
14 Superintendent Clancy, there was a series of
15 operational issues for his attention which he would 15:19
16 normally have dealt with himself. Did you read that at
17 the time?

18 A. As I said, the contributors of the document --

19 573 Q. No, but did you read that yourself at the time?

20 A. I would have read it, but I had no knowledge -- this 15:19
21 was, remember, the 15th May.

22 574 Q. Yes.

23 A. It was -- the first I became in contact with any of
24 this issue was on the 15th, that day --

25 575 Q. Yes. 15:20

26 A. -- you know what I mean? So I was at a stage where I
27 was relying completely on the account of other
28 people --

29 576 Q. Yes.

1 A. -- to ensure the accuracy of it, but I wasn't in a
2 position to dispute this.

3 577 Q. Well, I was going to come that. Given your own limited
4 knowledge of what was in this letter, I take it that
5 you told the other contributors to the process that you 15:20
6 had been warned that every word of it had to be capable
7 of being stood over?

8 CHAIRMAN: I get that, Mr. McDowell. It is perfectly
9 clear.

10 A. It was written in the foreword. 15:20

11 MR. MCDOWELL: Sorry, Judge?

12 CHAIRMAN: I do get that. It is perfectly clear.

13 578 Q. MR. MCDOWELL: Then in the next paragraph, and then
14 Sergeant McCabe is particularly surprised by this, so I
15 must put it to you: 15:20
16

17 "Sergeant McCabe sought an appointment to see Chief
18 Superintendent Colm Rooney and this was facilitated in
19 June/July 2007. At the meeting Sergeant McCabe
20 expressed anger and annoyance towards the Director of 15:21
21 Public Prosecutions."

22 A. Again, the contributor --

23 579 Q. And we know that former Chief Superintendent Rooney
24 retracted that under cross-examination.

25 A. As I said, the 15th May -- 15:21

26 580 Q. Yes.

27 A. -- the issues were presented to me as they were. And,
28 quite rightly, the issue of accuracy was raised, and I
29 was of the view that it was accurate, because I wasn't

1 in a position to dispute it otherwise.

2 CHAIRMAN: I mean, Mr. McDowell --

3 MR. MCDOWELL: I don't want to labour the point.

4 CHAIRMAN: -- at the end of the day, what can people do
5 more than this: you sit down, you have a consultation, 15:21
6 you make notes, you draw up a document, and then if
7 there is a liaison person, there is a liaison person,
8 or the solicitor circulates it to all the people who've
9 told you what they say the facts are.

10 MR. MCDOWELL: Yes. 15:22

11 CHAIRMAN: And you say, look, if there is anything in
12 this that is wrong, please correct me.

13 MR. MCDOWELL: Yes.

14 CHAIRMAN: You circulate it, all of them come back with
15 a tick, yes, and then you put it in. 15:22

16 MR. MCDOWELL: Yes.

17 CHAIRMAN: Nobody can fault anybody for doing that. I
18 mean, that is the right thing to do.

19 MR. MCDOWELL: No, I'm not faulting the witness.

20 581 Q. The question that I putting to you, and it is not a 15:22
21 criticism of yourself, is that you had to, in the
22 circumstances, given your own limited knowledge,
23 delegate the issue of accuracy to the people who were
24 actually giving instructions to the barristers, isn't
25 that right? 15:22

26 A. Of course, of course, yes.

27 582 Q. And that was Colm Rooney and Noel Cunningham, isn't
28 that right?

29 A. Yeah, and Michael Clancy.

1 583 Q. Sorry, and Clancy.
2 A. Yes. And I dealt with Clancy directly.
3 584 Q. Yes. And again, now you say in retrospect, having
4 looked at paragraph 18 -- and maybe you would look at
5 paragraph 18. 15:23
6 A. 19 or 18?
7 585 Q. 18.
8 A. Yes.
9 586 Q. It could not have been the case, if you take 18 and 19
10 together, that Inspector Noel Cunningham could have 15:23
11 been deputed the task of investigating complaints
12 against Superintendent Clancy, isn't that right?
13 A. Well, logic would stand to reason that an inspector
14 doesn't investigate a superintendent.
15 587 Q. Any garda reading that, and I'm not criticising you, 15:23
16 because you were relying on others, and I accept that,
17 but any garda reading that carefully to see was it
18 line-by-line correct and could we stand over everything
19 in it, would immediately have said that it was highly
20 improbable that an inspector would be asked to 15:24
21 investigate complaints against a superintendent?
22 CHAIRMAN: well, it is also very hard to know what
23 exactly was Inspector Noel Cunningham actually
24 investigating. Investigating what?
25 MR. McDOWELL: well, that is the -- 15:24
26 CHAIRMAN: I mean, he had already investigated the D
27 matter, and, as far as I can see, he had done so to a
28 very high level of competence, and now what is he
29 investigating? None of it makes a great deal of sense.

1 588 Q. MR. MCDOWELL: Arising out of that observation by the
2 Chairman, you had a fairly clear background
3 understanding of the D allegation and the rest of it,
4 isn't that right, because you had been a local officer?
5 A. I was aware of -- that there was a criminal 15:24
6 investigation.
7 CHAIRMAN: Yes, but I think, Mr. McDowell, in fairness
8 to Chief Superintendent Healy, and I would say the same
9 thing myself, I felt I was only on top of it when I
10 read the whole thing. 15:25
11 MR. MCDOWELL: Yes.
12 CHAIRMAN: And that is what you actually need to do.
13 MR. MCDOWELL: Oh, it is labyrinthine on occasions.
14 CHAIRMAN: Well, on occasion perhaps it is, but, I
15 mean, it doesn't take that long, it takes maybe half an 15:25
16 hour, but you really have to read the whole thing.
17 Maybe you did or didn't, I don't know, Chief
18 superintendent.
19 A. You know what I mean, as I say, the document was a
20 working progress document. 15:25
21 589 Q. MR. MCDOWELL: I'm not saying it was unreasonable of
22 you to trust and rely on others to get things right.
23 A. Yes.
24 590 Q. I'm not suggesting that that would be an unreasonable
25 position. That'd be fanciful on my part. But what I 15:25
26 am suggesting to you is this: that you didn't see
27 anything untoward about the proposition that it was in
28 the course of a meeting with Superintendent Cunningham
29 that Sergeant McCabe admitted that the only reason he

1 was making the complaints against Superintendent Clancy
2 was to force him to allow Sergeant McCabe to have the
3 full DPP's directions conveyed to him?

4 A. Look, as I said, the accuracy issue was a matter for
5 the contributors.

15:26

6 591 Q. Yeah.

7 A. I presumed.

8 CHAIRMAN: Some of it reads on a farcical basis at this
9 point. I mean, here is an inspector investigating a
10 chief superintendent, for instance. And then the
11 question is, it's the same inspector who actually
12 investigated the D case.

15:26

13 A. I know.

14 CHAIRMAN: Investigated very competently. And then the
15 next thing is, well now what's he investigating? I
16 mean, it doesn't make any sense. Whereas if you go
17 back and you read the letter earlier on, it's clear
18 that the complaint by Sergeant McCabe was about what
19 had happened to him in consequence of the D family;
20 namely, being chased down the street in Bailieboro,
21 being pointed out in Bailieboro District Court, having
22 apparently to retreat upstairs in the Garda station
23 because people were shrieking downstairs and the fact
24 that then he had to work with him side by side. I
25 mean, that is what the complaint was.

15:26

15:26

15:27

26 A. Yes.

27 CHAIRMAN: And certainly an inspector could look into
28 that.

29 A. Yes.

1 CHAIRMAN: Or a sergeant, or anybody. But he was also
2 making it clear, if you actually read the thing, that
3 he didn't want any action taken because he felt enough
4 harm had been done. This thing here, I mean, it is
5 just -- 15:27

6 A. I understand. But the circumstances at which the thing
7 was evolving at that time, was that we were completely
8 depending on other people for their accuracy, and that
9 was the situation that arose at that time. And you
10 know, as I say, we were doing 40 things at the same 15:27
11 time.

12 592 Q. MR. MCDOWELL: Yes.

13 A. And the contributions, as quite rightly put forward,
14 were a requirement to ensure accuracy. I presumed it
15 was accurate. Maybe it was, you know what I mean, it 15:28
16 was something I didn't notice it, but I presumed it was
17 accurate based on what the others -- those people were
18 saying.

19 CHAIRMAN: well, I mean, your position was, you were
20 pressurised in relation to discovery, there was a whole 15:28
21 load of things going on.

22 A. Yes.

23 CHAIRMAN: You felt the right thing to do was to get
24 counsel to meet with the witnesses --

25 A. Yes. 15:28

26 CHAIRMAN: -- get them to take notes as to what they
27 were saying, and then, as a very reasonable precaution,
28 send the completed document to everybody to say is this
29 right or is this wrong. And you would have expected,

1 sorry, that is wrong, to come back, or would you mind
2 correcting paragraph 10, or whatever, but you never got
3 that. They were all happy to stand over it,
4 apparently.

5 A. That is the situation that prevailed at the time. 15:28

6 593 Q. MR. MCDOWELL: Well, can we shorten it by saying this:
7 If that paragraph 19 had the word "against" taken out
8 of it and "to" put into it, right, so that it reads "In
9 the course of this meeting, Sergeant McCabe advised
10 Superintendent Cunningham that the only reason he made 15:29
11 the complaints to Superintendent Clancy was to force
12 him to allow Sergeant McCabe to have the full DPP's
13 directions conveyed to him", well, apart from the fact
14 that is also wrong --

15 A. Yeah. 15:29

16 594 Q. -- but I'm not going to get stuck on that. But the
17 more important point I want to put to you is this: it
18 could not have been, by any conceivable stretch of the
19 imagination, a good ground to challenge Sergeant
20 McCabe's motivation, if it was right? 15:29

21 A. As I said, counsel were overseeing the content of the
22 document.

23 595 Q. And I've got to suggest to you that the only way that
24 all of those first 18 paragraphs could be made look
25 relevant to the Commission was to suggest that the 15:30
26 complaints which the Commission was investigating were
27 motivated by a desire to force Superintendent Clancy to
28 do what Sergeant McCabe wanted to do with the DPP's
29 direction. That was the only way in which Mr. Justice

1 O'Higgins should even hear about it at all?

2 A. Mr. McDowell, I was facilitating this, the preparation
3 of this document, and the content of it was a matter
4 for the contributors, who are required to ensure its
5 accuracy. I relied on those people, and the counsel 15:30
6 that were dealing with them, to ensure that it was
7 accurate.

8 596 Q. Yes, but I mean --

9 A. And that was the situation that I found myself in at
10 that time. 15:30

11 CHAIRMAN: I think what Mr. McDowell is saying, look,
12 if you even look at the word "force him to", I actually
13 read the relevant document, and what it simply does is
14 set out a reasonable man's case as to why this should
15 be an exception to the normal rule that people don't 15:31
16 get the letters from the DPP when they've complained
17 that they are the victim of an offence, nor does the
18 accused get it. I can't see in any way that this was
19 the kind of letter which grabbed someone's arm, put it
20 up behind their back and then started twisting it. It 15:31
21 was simply, if you like, in the context of a
22 submission, look, this is what's happened to me, this
23 is how I feel about it, I'm going to have to go forward
24 in the future, and I think, therefore, in the context
25 of that, releasing the letter to me and to the D family 15:31
26 is the right thing to do. That is as I read it.
27 There's no element of forcing in it.

28 A. But, look --

29 597 Q. MR. MCDOWELL: Are you saying, and I'm not going to

1 criticise you if you are saying it, are you saying that
2 you weren't aware of the content of that letter that
3 they were relying on to Superintendent Clancy? You had
4 not seen it?

5 A. I hadn't seen that letter at all. 15:31

6 598 Q. I see.

7 A. I hadn't seen the report, or anything, so, like, I was
8 in the dark on this.

9 599 Q. Yes.

10 A. I was depending on other people to be accurate here 15:32
11 so --

12 CHAIRMAN: And you were also dealing with discovery and
13 all kinds of other things.

14 A. You have to have a certain level of trust that people
15 do things rightly, you know what I mean. 15:32

16 600 Q. MR. MCDOWELL: I fully accept that point.

17 A. Yeah.

18 601 Q. And I'm not criticising you for trusting other people,
19 but I am suggesting to you that you were effectively
20 acting for the Commissioner in this matter, and that if 15:32
21 you trusted them, she was trusting them?

22 A. But I think the point is that we had a legal team
23 overseeing them.

24 602 Q. Yes. well, trusting the process?

25 A. And the process that was in place to deal with these 15:32
26 issues.

27 603 Q. Yes.

28 A. You know, so, like, in my view, that's what was going
29 on here, to prepare this document, and I can't put it

1 any more than that.

2 604 Q. Yes. I see. Because, you see, what I am suggesting to
3 you, in effect, in relation to this letter, was that it
4 would appear that the lawyers trusted the witnesses who
5 they conferred with, and you trusted the output of the 15:33
6 lawyers and the witnesses they conferred with to set
7 out accurately and in a totally correct way the basis
8 on which Sergeant McCabe's motivation was going to be
9 challenged, isn't that right?

10 A. Well, there was obviously a level of trust -- 15:33

11 605 Q. Yes.

12 A. -- you know what I mean. Everybody is responsible for
13 their own actions.

14 CHAIRMAN: And you had a further level of trust --

15 A. Yes. 15:33

16 CHAIRMAN: -- which was, I'm circulating the letter --

17 A. Yes.

18 CHAIRMAN: -- I'm warning you that if you get any facts
19 wrong, there'll be trouble. Well, here we are two
20 years later and there is trouble. But they came back 15:33
21 to you saying, yes, it's accurate. But it's not.

22 A. No, it's not.

23 CHAIRMAN: Much of it reads like a complete load of
24 nonsense, quite frankly.

25 A. I was dealing with a time limit that this had to be 15:33
26 prepared for Monday morning.

27 606 Q. MR. MCDOWELL: Yes.

28 A. And the time span that we had to deal with it --

29 607 Q. You had to trust others, didn't you?

1 A. Of course, of course, I had to.

2 608 Q. And the Commissioner had given you the function of
3 trusting others. She wasn't saying, I want to see any
4 letter or come back to me with any particular strategy.
5 The Commissioner was trusting you to ensure that her 15:34
6 instructions were properly carried out?

7 A. Well, she was trusting counsel to ensure that her
8 instructions were --

9 CHAIRMAN: I presume she was trusting in the legal
10 system. 15:34

11 A. Yes.

12 CHAIRMAN: And the fact that the legal system has a
13 process whereby barristers don't make stuff up.

14 A. Yes.

15 CHAIRMAN: Solicitors don't make stuff up. They get 15:34
16 the facts from the people.

17 A. Yes.

18 CHAIRMAN: And then you ask the people, if you're
19 careful, would you mind checking these facts that I'm
20 now going to rely on. 15:34

21 A. Yes.

22 CHAIRMAN: And that's what everybody does.

23 A. And that's what was done here.

24 CHAIRMAN: And the Commissioner never saw this letter,
25 as far as you're telling me. 15:34

26 A. No, because the -- the Commissioner didn't see it.

27 CHAIRMAN: Well, maybe if she had seen it she would
28 have said, what's an inspector doing investigating a
29 chief superintendent and what are they investigating

1 them about?

2 A. She may have picked up on that, but you have to
3 understand the difficulties with respect to
4 coordinating all the parties concerned, the timeframe
5 involved, the level of detail in the document, the 15:35
6 length of the document, the extent of it, there's a
7 huge amount of variables here, in this letter, and, you
8 know, as I say, people make mistakes, errors occur, but
9 people were reminded to be accurate and, as you say,
10 that's what we were doing. 15:35

11 609 Q. MR. McDOWELL: Well, let's move on towards the
12 afternoon of that day, I think it was the afternoon,
13 and Sergeant McCabe is being cross-examined on foot of
14 this letter. And it is put to Sergeant McCabe on day 3
15 of the Commission's hearing that he had informed both 15:36
16 Superintendent Cunningham and Sergeant Yvonne Martin,
17 who is the innocent victim in all of this, that the
18 only reason he made complaints against Superintendent
19 Clancy was to force him to -- to force his hand on the
20 DPP's issue, the DPP issue. That was done in oral 15:36
21 evidence, wasn't it?

22 A. I think it's in the transcript, yeah.

23 610 Q. And Superintendent Cunningham and former Chief
24 Superintendent Rooney were present when counsel put
25 that to Sergeant McCabe and heard Sergeant McCabe say 15:36
26 absolutely false. Do you remember that happening?

27 A. Well, I was -- it's in the transcript, yes.

28 611 Q. Did either of them come to you that evening and say,
29 hold it, there's a car crash about to take place here,

1 counsel is putting a completely wrong version to
2 Sergeant McCabe, that isn't what we meant and that
3 isn't what we told counsel?

4 A. They may not have come to me, they may have gone to
5 counsel, I don't know, but certainly I can't remember 15:37
6 what arose after that. But counsel was questioning the
7 witnesses and putting issues to them, so it was a
8 matter for counsel to deal with that.

9 612 Q. And Superintendent Cunningham was giving evidence on
10 day 4, and his evidence was interrupted because the 15:37
11 letter which the Chairman referred to wasn't available
12 and hadn't been made available to counsel for Sergeant
13 McCabe?

14 A. Sorry, now, I don't follow.

15 613 Q. The 2008 letter, do you remember that? 15:38
16 CHAIRMAN: The letter about the D family, is it?
17 MR. MCDOWELL: Yeah, that letter.
18 CHAIRMAN: Yes.
19 MR. MCDOWELL: Because it wasn't available.
20 CHAIRMAN: The one about the courtroom -- 15:38
21 MR. MCDOWELL: Yes.
22 CHAIRMAN: -- and the street in Bailieboro, et cetera.
23 MR. MCDOWELL: Yes, exactly, all that thing.

24 A. I'm not following. I don't follow what you are saying.

25 614 Q. Sorry, I am suggesting that he was giving evidence 15:38
26 about -- in line with this letter when the absence of
27 that letter, the report on which he was relying of his
28 own dealings with Sergeant McCabe, was brought to his
29 attention and the matter was adjourned so that it could

1 be produced?

2 A. Sorry, now, I'm lost here.

3 615 Q. Okay. You know that Superintendent Cunningham was
4 claiming that he had made a report of a meeting he had
5 in Mullingar with Sergeant McCabe? 15:39

6 A. Well, I am aware that he wrote a report after the
7 letter, after the meeting.

8 616 Q. And you know that he claimed that its contents had been
9 approved by Sergeant Yvonne Martin?

10 A. Well -- 15:39

11 617 Q. Which is not true?

12 A. Well, okay, right.

13 618 Q. And you know that on day 4 --

14 CHAIRMAN: Well, as I understand it again so she's not
15 dragged into this, Sergeant Martin wrote her own 15:39
16 report, which everybody accepts is accurate --

17 MR. McDOWELL: Yes.

18 CHAIRMAN: -- except for people who don't do their
19 research.

20 MR. McDOWELL: Yes. 15:39

21 619 Q. And then Superintendent Cunningham was giving evidence
22 about having produced a report when the report itself,
23 the production of that report was required and he was
24 stood down as a witness. Did you know that?

25 A. I don't, I don't -- 15:40

26 CHAIRMAN: Well, you're coming to a point,
27 Mr. McDowell, and I will understand it even if Chief
28 Superintendent Healy perhaps doesn't.

29 MS. LEADER: I think the relevant transcript references

1 start at page 1130 of Volume 4 of the materials.

2 MR. MCDOWELL: Well, I don't want to waste the
3 witness's time if he is reading the transcript for the
4 first time. It won't help.

5 CHAIRMAN: Your point is what, Mr. McDowell? 15:40

6 620 Q. MR. MCDOWELL: My point is this: That at that time
7 there was a discussion in the Commission about
8 Superintendent Cunningham's report and its not being
9 available to counsel for Sergeant McCabe and he was
10 stood down as a witness. And I am asking, was there 15:40
11 some reason why the error in paragraph 19 was not noted
12 at that point?

13 A. I can't recall.

14 CHAIRMAN: In other words, the point I think being made
15 to you is this: there were people in the court, they 15:41
16 heard this, the exchange; the only reason you made a
17 complaint was to force the hand about releasing the
18 DPP's directions, they didn't correct it, and then
19 there was a further opportunity when a witness was
20 giving evidence when there would have been a break. 15:41

21 MR. MCDOWELL: Yes.

22 CHAIRMAN: And that witness could have spoken to that.
23 And what Mr. McDowell is asking you in short form is,
24 did the witness come to you and say, look, there's been
25 a bit of a mistake about this and I would like to 15:41
26 correct it as soon as possible?

27 A. I can't remember, I can't remember. I don't know.

28 CHAIRMAN: If something like that had happened, I
29 presume it would -- it might stand out.

1 A. At what stage I became aware that there was a mistake,
2 I can't remember.
3 MR. MCDOWELL: I see.
4 A. I can tell you today I did know that there was a
5 mistake, right? 15:41
6 621 Q. But you knew that --
7 A. And it was explained to me that the word "to" should
8 have been where the word "against" was.
9 622 Q. Yes. And that became apparent, did it not, on 24th
10 June, which was day 5 of the hearing? 15:41
11 A. I think on day 5 it was cleared up by
12 Superintendent Cunningham.
13 623 Q. And was day 5 the first occasion on which you were
14 aware of the mistake?
15 A. I can't -- I can't remember if it was that day. I 15:42
16 might have known before that, but certainly on that
17 date I was aware.
18 624 Q. Well, it seems -- it seems that up 'til that date --
19 A. I can't remember.
20 625 Q. -- Mr. Smyth wasn't aware of the error, because he had 15:42
21 to be convinced of the error by Mr. Justice O'Higgins?
22 A. Like I said, you know what I mean, that's a matter
23 for --
24 626 Q. But, in any event, I'm suggesting to you, Chief
25 Superintendent, that it was only on the 24th June, day 15:42
26 5 of the hearing --
27 A. Yes.
28 627 Q. -- when the existence of Sergeant McCabe's
29 tape-recording came to light and when

1 Superintendent Cunningham was to be recalled for, I
2 think the third time, if not -- that it was admitted
3 that there was a mistake in paragraph 19 of the letter?
4 A. I think on day 5 --
5 628 Q. Yes. 15:43
6 A. -- Superintendent Cunningham cleared up the issue.
7 With respect to the tape matter inside in the
8 Commission, there was a lot of confusion as to what was
9 going on in the Commission. The matter was adjourned.
10 We didn't -- 15:43
11 CHAIRMAN: I think I know the history and, you know,
12 having read the transcripts --
13 A. Yes.
14 CHAIRMAN: -- I am hearing an awful lot of stuff I
15 actually know already, but surely we have cleared this 15:43
16 up.
17 629 Q. MR. McDOWELL: The point I'm putting to you is this:
18 that in the meantime, we know, and we will just go to
19 it very briefly, I don't want to waste your time or the
20 Tribunal's time, but that, in the meantime, counsel had 15:43
21 been asked to draw up submissions in respect of the
22 first module, and had done so on the 11th June?
23 A. There was submissions made on the 11th June, yes.
24 630 Q. Well, perhaps we could just go to those submissions
25 now. 15:44
26 CHAIRMAN: And the submissions also contain this,
27 that's the point you're making?
28 631 Q. MR. McDOWELL: The submissions not merely contain it --
29 but if I can just come to the submission.

1 A. Yes, I know the point you're making. It contains
2 the -- I was here yesterday with Ms. Ryan's evidence.
3 632 Q. Yes. So can we take it that by 11th June nobody was
4 ringing the alarms bells either in relation to this
5 matter? 15:44
6 A. The submission one was -- at that stage I had received
7 a copy of it, and in the course of examining it --
8 633 Q. Yes.
9 A. -- I had read it for factual accuracy, and it was my
10 understanding I believe at the time that that was my 15:44
11 understanding then.
12 634 Q. You see, what I am suggesting to you is, that, on the
13 evidence, the submissions were also circulated and
14 nobody seemed to notice that it was now being suggested
15 in very clear terms that Superintendent Clancy's 15:45
16 failure to support Sergeant McCabe about the policing
17 issues, that that complaint was motivated solely by
18 Sergeant McCabe's dissatisfaction with the question of
19 the DPP's ruling being made available to the D family?
20 A. There is a lot of information there, sorry. 15:45
21 635 Q. Okay. We will take it bit by bit.
22 A. No, no, I understand. You're asking me was it on the
23 11th June --
24 636 Q. Yes.
25 A. -- the submission that was made. 15:45
26 637 Q. They repeat the error and make it more clear?
27 A. It was my understanding at that time when the
28 submission was made that it was accurate, because I had
29 read it for factual accuracy and I was of the

1 understanding that counsel had, we'll say, had -- would
2 have had legal oversight of it --

3 638 Q. Yes.

4 A. -- with respect to its submission. And that's my
5 recollection of it.

15:46

6 639 Q. What I am asking you, because it is important, is: Can
7 we agree that it is highly unlikely that, before the
8 11th June, the erroneous nature of what had been put to
9 Sergeant McCabe in the witness box was known to counsel
10 who drafted those submissions?

15:46

11 A. At what stage, sorry, now?

12 CHAIRMAN: In other words, he's asking you at what
13 stage was the alarm bell rung that, look, we've got
14 something wrong.

15 MR. McDOWELL: And I'm putting it to you that it
16 couldn't have been before 11th June because they
17 wouldn't have repeated the mistake.

15:46

18 A. I don't know, I don't know. I think my reflection of
19 it was that at that time when the submissions were
20 made, that they were accurate. And you know what I
21 mean, it would be my view of it, if I had known it
22 wasn't accurate, I wouldn't have cleared it.

15:46

23 640 Q. Yes. Exactly. And those submissions were circulated
24 to a number of people, including Noel Cunningham, isn't
25 that right?

15:47

26 A. Yes.

27 641 Q. And I am suggesting to you that it was only when it
28 became clear that a recording had been made of the
29 Mullingar meeting, and it was only when, for the first

1 time, the report of that meeting was furnished to the
2 Commission, that the suggestion that Sergeant McCabe
3 was motivated in his complaints by the failure to
4 comply with his wishes in relation to the DPP's
5 directions, it was only then that that was acknowledged 15:47
6 as an error by Mr. Smyth?

7 A. I don't know Mr. Smyth --

8 642 Q. Well, you remember, you were there when --

9 A. I can't account for that, Mr. McDowell.

10 643 Q. You were there when Mr. Justice O'Higgins pointed it 15:48
11 out to him; you remember what was read out today about,
12 at first blush, it appears to me that you've got this
13 wrong?

14 A. Mr. McDowell, what was going on here between counsel
15 and Mr. Justice O'Higgins was a matter between counsel 15:48
16 and the Commission. I was sitting down the back of the
17 room, and sometimes issues would go over my head, you
18 know what I mean, sometimes they wouldn't. But I can
19 certainly say that that is a matter between counsel and
20 the Commission, as far as I was concerned. 15:48

21 644 Q. Well can we look at this question from Sergeant
22 McCabe's point of view, just very briefly. He was told
23 on the 18th May, in written form, that he had only made
24 these allegations against Superintendent Clancy because
25 of his grievance about the DPP's directions issue, and 15:49
26 it was put to him on that day that that was the case.
27 And it was put to him in writing that
28 Superintendent Cunningham would say that and that he
29 would be corroborated by Sergeant Yvonne Martin.

1 CHAIRMAN: Who never said any such thing, just, by the
2 way.

3 MR. MCDOWELL: Who never said any such thing, indeed,
4 Judge. That was put to him, and it was put to him
5 effectively as the reason why he should not -- his
6 evidence should not be accepted and as to why he was
7 ill-motivated in making all of these complaints. You
8 realise that now?

15:49

9 A. Well, obviously when the mistake was noticed, I mean,
10 we know that today to be the position. The document,
11 at the time when it was ruled inadmissible by the
12 Judge, I certainly wasn't aware of it then, 18th May.

15:50

13 645 Q. Now, can you tell me then, did you inform the
14 Commissioner on or after 24th May that a major mistake
15 had been made and that the instructions to pursue
16 Sergeant McCabe's motivation had been grounded on a
17 major factual error in writing, confirmed in
18 cross-examination and confirmed in written submissions,
19 did you ever let Commissioner O'Sullivan know that that
20 had happened?

15:50

21 A. It was my understanding, I may have -- it is my
22 understanding that the letter was ruled inadmissible,
23 and that's it as far as I was concerned. So, as I said
24 at the beginning, the letter was a notice advising
25 counsel and it was ruled inadmissible by the Judge, and
26 that was it, as far as I was concerned.

15:51

27 CHAIRMAN: Well, the answer would seem to be no?

28 A. Yeah.

29 CHAIRMAN: If I understood what you've just said and

1 what you'd said previously, you put in the letter. How
2 accurate it was, you were depending upon --

3 A. Others.

4 CHAIRMAN: -- lawyer --

5 A. Yeah.

15:51

6 CHAIRMAN: And client communication. You were the
7 liaison person. Once it was ruled inadmissible by the
8 Judge, well, your attitude was, it's not something to
9 bother the Commissioner with, or was it, or did you
10 feel you ought to say.

15:51

11 A. Well, I may have said it to the Commissioner in the
12 conversations that we had. I can't remember exactly,
13 you know what I mean.

14 CHAIRMAN: But, I mean, you'd have had to actually get
15 the context and point it out so that the person talking
16 to would grasp you --

15:51

17 A. Well, at what stage, I can't remember, but certainly
18 the document was ruled inadmissible, and, as far as I
19 was concerned, it was a document that was there to
20 notify counsel, and that -- it was matter for counsel
21 then to get over these issues with respect to that
22 document and what was contained in it, that they would
23 continue on with their case.

15:52

24 CHAIRMAN: But the question is actually pretty
25 important. Do you specifically remember discussing
26 this letter with the Commissioner and saying --

15:52

27 A. Well --

28 CHAIRMAN: -- we put in a letter and it's turned out it
29 is inaccurate in one very major respect?

1 A. No, I would have -- when it came to my attention, I
2 would have brought it to her notice, yes. You see, my
3 understanding of this letter was that it was a notice
4 to advise counsel of the issues that would arise in the
5 course of the modules, right the way through the 15:53
6 modules.
7 CHAIRMAN: well, it's not, it's not that.
8 A. That was my understanding.
9 CHAIRMAN: Think of it more as a charge sheet. So
10 you're going to be cross-examined, you're a witness, 15:53
11 you're going to be cross-examined, and this is the kind
12 of stuff we're going to use in relation to
13 cross-examining you. That is what it is, in effect.
14 So it is like -- it's fairness, it's like telling him
15 in advance -- 15:53
16 A. Yes.
17 CHAIRMAN: -- this is the stuff we have up, there's a
18 factual inaccuracy in it, a number, but one pretty
19 major one, two -- well, more than that. So did you
20 ever say to the Commissioner, look, we put in that on 15:53
21 your behalf but unfortunately it contains a string of
22 errors and here are the errors and I'm going to tell
23 what you they are; did you ever have that conversation?
24 A. Specifically about it, I could have had the
25 conversation. I can't recollect with clarity or detail 15:53
26 that I did. I can't remember.
27 CHAIRMAN: well, I mean, the alternative is, you had a
28 chat about the subject, which is a different thing.
29 A. You see, to me, the document, when it was presented,

1 was problematic, and the Judge ruled it inadmissible,
2 and that's how he dealt with it, as far as I was
3 concerned. That didn't mean the problem didn't go
4 away, because it was a matter for counsel then to
5 address these issues of giving notice to counsel in
6 whatever way --

15:54

7 CHAIRMAN: No, I'm not getting any further in relation
8 to that.

9 A. Sorry.

10 CHAIRMAN: No, I'm not blaming you for that, Chief
11 Superintendent.

15:54

12 A. Yeah.

13 CHAIRMAN: I mean, just, I have no further information.

14 MR. MCDOWELL: I know you're doing your best, Chief
15 Superintendent, but I want to suggest to you that it is
16 a the matter of importance whether the Commissioner
17 understood that although the factual basis for the
18 assault on Sergeant McCabe's credibility and motivation
19 had been seriously flawed, it was nonetheless going to
20 be continued on different grounds, which was change of
21 heart or change of demeanour, general grievance, and
22 that that was going to be the basis on which the
23 challenge to his motivation was continued thereafter.

15:54

15:55

24 A. But as far as I was concerned, that was a matter for
25 counsel to deal with that.

15:55

26 646 Q. I see. But did you think that you should tell the
27 Commissioner about this changing of horses in
28 mid-stream?

29 A. But I was only asked to give the -- to get the

1 instructions. I got the instructions. I gave it back
2 to counsel, and it was a matter for counsel to deal
3 with these issues. These were issues that were arising
4 within the Commission. They were highly technical
5 legal issues that counsel was employed to deal with, 15:56
6 and, as far as I was concerned, they were dealing with
7 it, and if counsel wanted me to come back to the
8 Commissioner with whatever message, I would have done
9 it. That was all, that was my role here.

10 CHAIRMAN: Yes. You seem to be the kind of man who, if 15:56
11 you were having a heart operation, you would prefer not
12 to stay awake to see what the surgeons were doing.

13 A. Exactly.

14 CHAIRMAN: You'd leave it to them.

15 A. I think most people would be the same. 15:56

16 647 Q. MR. MCDOWELL: I see. And tell me, did this problem
17 ever arise at any of your consultations with the
18 Commissioner in the summer or the early autumn of 2015,
19 the fact that this had happened, or was it kept away
20 from her? 15:57

21 A. As I said, I've said what -- my recollection of what
22 happened at those consultations was outlined. There
23 were notes that I took of what happened. I don't think
24 there was any deliberate intention ever to do that, as
25 far as I understood it, but, at the same time, I wasn't 15:57
26 conducting the consultations. The counsel was leading
27 the consultations with the Commissioner and I was there
28 as a, you know, as a bystander to a degree at that
29 stage when she was there, and I never noticed anything

1 untoward with respect to those consultations.
2 648 Q. On day 3, I will ask the Tribunal, I don't want to
3 waste too much time on this, at page 181, 182 and 183
4 of the transcript, Mr. Smyth says:

5
6 "He will, as I say, as I understand it, the 15th and
7 17th October there were two incidents anyway, some
8 encounter or something. Following on from that you
9 raised with Superintendent Clancy the issue of -- "

15:58

10
11 And Mr. Justice O'Higgins said:

15:58

12
13 "I think you will have to be a bit more specific."

14
15 And Mr. Smyth said:

15:58

16
17 "I have to be careful that I don't trespass into all
18 sorts of various -- can I put it to you this way, did
19 you have a meeting, did you ask Superintendent Clancy,
20 did you raise with him --"

15:58

21
22 And Mr. Justice O'Higgins says:

23
24 "This is a month?"

25
26 And Mr. Smyth said:

15:58

27
28 "October 2007. You said you wanted to view the actual
29 written directions. You remember saying that to the

1 superintendent?"

2

3 And Mr. McCabe said, Sergeant McCabe said:

4

5 "That's not true, Judge.

15:59

6 Q. He will also say that you wanted the word, and I'm
7 putting this to you, that this is what you wanted and
8 you wanted to use your own word, exonerated by the
9 authority."

10

15:59

11 And Sergeant McCabe said:

12

13 "That's not true. And if you let me elaborate on that
14 I will."

15

15:59

16 And Mr. Justice O'Higgins said:

17

18 "Certainly.

19 A. Judge, that's not true. I recorded the meeting at
20 the time with Superintendent Clancy and I gave a
21 transcript of the tape over to the Byrne inquiry.

15:59

22

23 MR. SMYTH: I'm sorry?"

24

25 And Sergeant McCabe said:

15:59

26

27 "I gave a transcript of the recording over to the
28 Byrne/McGinn inquiry.

29 Q. What recording was that?

1 A. It was a recording that I taped in March of 2008.
2 It referred to that incident, and Mick Clancy said to
3 me on the tape, Maurice, do you remember what I was
4 going to do for you? I said yes. He said, well, I'm
5 not going to do it for you now. And I say okay." 16:00
6
7 So it was at that stage that the existence of -- on day
8 3, of recordings became known to you, is that right?
9 A. I didn't know what was going on at the Commission, to
10 tell you the truth. There was an adjournment. There 16:00
11 was a very long adjournment.
12 649 Q. Yes. To late June?
13 A. We're talking about day 3 here?
14 650 Q. Day 4 was the following day, I think, wasn't it? And
15 then day 5, it's mid-June, 24th June. 16:00
16 A. Day 3 was in May.
17 651 Q. Yes.
18 A. And at that time you're talking about the tape issue?
19 652 Q. Yes, that's --
20 A. At that particular time, I didn't know what was -- 16:00
21 there was a lot of uncertainty, as far as I was
22 concerned, as to what was going on. There was a void
23 of information with respect to what was going on and
24 there was a lot of people running around looking for
25 technical equipment, as far as I was concerned, and 16:01
26 there was a lot of these technical problems, and I was
27 uncertain as to what the hell was going on, to tell you
28 the truth.
29 653 Q. I see. Well, what I am really putting to you is, that

1 it was only after the existence of tapes came into view
2 that any appreciation of the actual words that were
3 spoken to Superintendent Cunningham was sought on your
4 side of the equation?

5 A. Mr. McDowell, I can't enlighten you on that. 16:01

6 654 Q. Did you alert the Commissioner to the fact that there
7 were tapes of meetings?

8 A. I can't remember. I cannot remember.

9 CHAIRMAN: Mr. McDowell, will you be much longer?

10 MR. MCDOWELL: I will be a little while longer. 16:01

11 CHAIRMAN: I mean, what does that mean?

12 MR. MCDOWELL: Well, I was going to go towards 4:30,
13 Judge. If you want to rise now I'm happy to do it.

14 CHAIRMAN: Well, you know --

15 MR. MCDOWELL: I want to ask you, if I may -- 16:02

16 CHAIRMAN: Sorry, Mr. McDowell, let's see. I mean, I
17 got estimates this morning and I suppose it's like
18 getting estimates from painters who are painting your
19 front room, is it like that? Is it going to be twice
20 what they say? 16:02

21 MR. MCDOWELL: Judge, no, I should finish by --

22 CHAIRMAN: I'm trying to be --

23 MR. MCDOWELL: There are other counsel after me.

24 CHAIRMAN: I know. I know. Mr. McDowell, it's not
25 directed at you. I mean, you will appreciate, there 16:02
26 are some things that certainly are clarifying --

27 MR. MCDOWELL: Yes.

28 CHAIRMAN: -- in my mind --

29 MR. MCDOWELL: what I propose to do --

1 CHAIRMAN: -- but, I mean, I know the transcript.
2 MR. MCDOWELL: What I propose to do, Judge, is to go
3 now to the October and November discussions.
4 CHAIRMAN: Yeah.
5 MR. MCDOWELL: The Tribunal may think that I'm stuck in 16:03
6 June, I'm not. I'm about to shift fairly rapidly to --
7 CHAIRMAN: Yes. Well, I once recall listening to a
8 sermon which had already lasted 20 minutes and we were
9 only on the first century, at that point.
10 MR. MCDOWELL: Judge, I am happy to leave it to Monday. 16:03
11 CHAIRMAN: Well, sorry, maybe we will go off transcript
12 for a moment. Do you think you will try and finish by
13 then?
14 MR. MCDOWELL: I will, yes. I hope I will, Judge.
15 655 Q. Just before we get there, you did hear what I quoted 16:04
16 Mr. Justice O'Higgins as saying on day 3, today, that
17 this was an attack on Sergeant McCabe's integrity and
18 that he was not to be believed as a witness. That is
19 what he understood was being the case that was being
20 made to him? 16:04
21 A. Well, there was, from the text, you know what I mean --
22 from the transcript.
23 656 Q. From the transcript?
24 A. Yeah.
25 657 Q. You heard that? 16:04
26 A. I read the transcript, yeah.
27 658 Q. And that is what you understood was going on. You
28 don't remember counsel saying no, no, no, you got that
29 wrong, that's an excessive view of what we are saying

1 about Sergeant McCabe, nothing like that?

2 A. These were matters for counsel, do you know what I mean
3 in dealing with these issues.

4 659 Q. I see.

5 A. I can't put it any further, Mr. McDowell. 16:04

6 660 Q. But when we come to November of 2015, 3rd November,
7 there are two meetings which are concerned with the
8 fact that the Commissioner is going to be giving
9 evidence, isn't that right?

10 A. Yeah. The first one is on the 20th October, and I 16:05
11 think the Commissioner was scheduled to give evidence
12 at that time, but it was deferred until November.

13 661 Q. And quite reasonably there was an apprehension that she
14 might be asked to deal with the instructions she had
15 given on motivation way back in May? 16:05

16 A. That was in the October meeting?

17 662 Q. At the October meeting and at the November meeting.

18 A. As I say, the Commissioner was there to give evidence
19 with respect to her capacity as Assistant Commissioner
20 HRM. 16:05

21 663 Q. Yes?

22 A. And obviously there was a concern that these matters
23 might be put to the Commissioner, which was -- she was
24 now on a different capacity.

25 664 Q. And on that, on the second day, the day before she gave 16:06
26 evidence, you've stated that -- I just want to get a
27 clear statement from you, as to what you believed was
28 the significance of your note about withdrawing the
29 allegation of bad faith?

1 A. There was, there was never an allegation of bad faith.
2 665 Q. What did you note was to be withdrawn or could be
3 withdrawn?
4 A. That she could be asked about withdrawing from her
5 position that she'd taken. 16:06
6 666 Q. What position was that?
7 A. As I said, the instructions issued to counsel was the
8 motivation and the credibility issue.
9 667 Q. On motivation and credibility, that she might be asked
10 to withdraw on that? 16:06
11 A. Yeah. That was my understanding, yeah.
12 668 Q. Yes. And are you also then saying that the discussion
13 of mala fides, bad faith, on that occasion was not in
14 relation to anything, any suggestions that had been
15 made on behalf of the Commissioner? 16:07
16 A. The Commissioner never suggested that. She never
17 suggested mala fides, ever.
18 669 Q. I see. Mr. Justice O'Higgins you heard today --
19 A. Yeah.
20 670 Q. -- said there's been an attack on Sergeant McCabe's 16:07
21 integrity and that his evidence was not to be accepted
22 as true.
23 A. On day 2 or day 3 are you talking about?
24 671 Q. Day 3. That is what he said, this is the gravamen of
25 what is being said about your client? 16:07
26 A. All I can say is that I conveyed the instructions to
27 counsel. What happened in the Commission on day 2 was
28 a matter between counsel and the Judge and the rulings
29 that were to flow therefrom. And counsel was to deal

1 with those issues as far as I was concerned. On the
2 3rd November the Commissioner was at a consultation and
3 it was in the course of preparing her for that, that
4 this issue arose about mala fides.

5 672 Q. I see. 16:08

6 A. And that's all it was. It was a case that there was a
7 brief issue about it, that's all.

8 673 Q. And when we come to mala fides is a matter for the
9 Commissioner --

10 A. No. 16:08

11 674 Q. -- for the Commission rather --

12 A. Yes.

13 675 Q. -- what did you understand that observation, I presume
14 from counsel, to be?

15 A. It was that if there was -- it was a matter for the 16:08
16 Commission to come to that conclusion.

17 676 Q. That who was acting mala fides?

18 A. No, but if there was a finding of mala fides, that's
19 all.

20 677 Q. Yes. Against whom? 16:09

21 A. I presume that it was a matter that counsel was
22 advising the Commissioner with respect to the
23 Commission's function and that they in turn would come,
24 make a decision on mala fides if there was --

25 678 Q. Are you seriously suggesting, chief superintendent, 16:09
26 that it wasn't about Sergeant McCabe, that that was --

27 A. No, I'm not suggesting that. I'm not suggesting that
28 for any minute. I'm saying that, I'm saying that what
29 it says is that it is a matter for the Commission to

1 decide the outcome. And they could have a finding of
2 mala fides. They may not. At that stage nobody knew.
3 And that's all the Commissioner was --

4 679 Q. In respect of whom or what?

5 A. There was no mention of bad faith in consultations. 16:09

6 680 Q. Sorry, it's clear that there was a mention of mala
7 fides at the consultations because you noted it as
8 being happened?

9 A. There was, there was.

10 681 Q. Yes? 16:09

11 A. The words were uttered, right.

12 682 Q. Yes. And who uttered them, please?

13 A. Well, counsel did.

14 683 Q. And who was that?

15 A. Mr. Smyth. 16:10

16 684 Q. Yes. And did he say that mala fides was a matter for
17 the Commission?

18 A. Subsequently, my note reflects --

19 685 Q. Yes?

20 A. -- that the advices of counsel was -- obviously the 16:10
21 Commissioner is not a legal expert either, but the
22 counsel was advising the Commissioner that the
23 Commission -- it was a matter for the Commission to
24 make that decision.

25 686 Q. But a decision that who was acting mala fides or in bad 16:10
26 faith?

27 A. Sure, they might find that about anybody, Mr. McDowell.

28 687 Q. I see.

29 A. It would include Sergeant McCabe of course. But you

1 know that was a matter for the Commission.

2 688 Q. I see. I just want to be clear, that you believe that
3 what was said by Mr. Smyth was that he was not making
4 the imputation of bad faith against Sergeant McCabe but
5 that it was something that the Commission might well 16:11
6 find, is that the point?

7 A. Sorry, can you repeat that?

8 689 Q. Did you understand Mr. Smyth to be telling the
9 Commissioner that he wasn't and she wasn't making an
10 imputation of bad faith against Sergeant McCabe but 16:11
11 that it was nonetheless something that the Commission
12 might find on the evidence?

13 A. No. I think it was a case that the mala fides words
14 were uttered at the Commission on day 2 but that it was
15 a matter for the Commission to make finding in that 16:11
16 respect.

17 690 Q. Of bad faith?

18 A. No, but that was a matter -- it was a possible outcome.
19 That is what the point is.

20 691 Q. I understand, but I'm asking you, and I'm asking you to 16:11
21 be careful and to think it through: Do you believe
22 that Mr. Smyth was informing the Commissioner that
23 although he was not making an accusation of mala fides
24 against Sergeant McCabe, nonetheless it was still open
25 to the Commission to make such a finding? 16:12

26 A. It was a matter for the Commission to do, to decide on
27 those matters.

28 692 Q. To make such a finding?

29 A. It was a matter -- it was a point of information, that

1 it was a matter for the Commissioner to make a finding
2 if they did or not. That is what was uttered. It was
3 a point of information. It wasn't a suggestion or it
4 wasn't a comment with respect to a view of a particular
5 outcome, it was just a point of information. That's 16:12
6 all it was.

7 693 Q. You see, on the same note --

8 A. You have to appreciate that the people at the meeting
9 who are receiving the information were lay people.

10 694 Q. Yes? 16:12

11 A. Right, and the expertise was with counsel and counsel
12 was advising by way of a point of information what
13 could happen here.

14 695 Q. And I just wonder, well, first of all, the reference to
15 the Commissioner withdrawing something, what did that 16:13
16 refer to, to your recollection?

17 A. It was again that that question could be put to you in
18 cross-examination or it could be put to you, and my
19 understanding and recollection of it was that it
20 related to the direction that she'd given. 16:13

21 696 Q. Yes. And what did you understand the advice she was
22 being given on that matter, how did you understand it
23 to go?

24 A. You know what I mean, that was a question that I
25 suppose -- I don't know what the actual advice was to 16:13
26 tell you the truth, I can't remember what was said by
27 counsel, but it is just a note that I took of it at the
28 time.

29 697 Q. Well, you know that at the earlier --

1 A. These were possible questions that could be put to the
2 Commissioner.

3 698 Q. At the earlier meeting if she was asked about
4 motivation --

5 A. Yes. 16:14

6 699 Q. -- the possibility of pleading privilege --

7 A. Yes.

8 700 Q. -- as a grounds for not answering was considered, is
9 that right?

10 A. Yes, that's correct. 16:14

11 701 Q. So, on this second meeting, the eve of her giving
12 evidence --

13 A. Yes.

14 702 Q. -- are you saying that the word mala fides where it
15 appears in your note on two occasions was in no way
16 referable to Sergeant McCabe? 16:14

17 A. Well, I'm not saying that. I'm saying that --

18 703 Q. Well, how was it referable to Sergeant McCabe?

19 A. I'm saying that the words were uttered at the
20 Commission with the reference to mala fides -- 16:14

21 704 Q. Yes?

22 A. -- it was the first, was the first note. And the
23 second note was that the Commission could conclude a
24 finding of mala fides, but that was a matter for the
25 Commission. 16:14

26 705 Q. Yes.

27 A. That was my understanding of the matter.

28 706 Q. Well, I mean, it's sometimes very simple words get kind
29 of given exotic meanings because they're translated

1 into Latin, and mala fides is bad faith?

2 A. Yes, and that is why I wrote it in brackets beside it

3 Mr. Smyth -- sorry, Mr. McDowell.

4 707 Q. Yes. So, bad faith is a very simple concept, that if 16:15

5 somebody is making a complaint about poor policing, if

6 they are doing it in bad faith that is a very simple

7 concept, it doesn't have to be explained to lay people

8 at great length, does it?

9 A. No, sorry now, that was for my benefit --

10 708 Q. Yes? 16:15

11 A. -- in brackets in my note. It wasn't for anyone else's

12 benefit. It was for my benefit.

13 709 Q. Sorry, you're saying that you ought advice on this?

14 A. No, no, no. Sorry. Never did. It was my note of --

15 710 Q. Of what the meaning of mala fides was? 16:15

16 A. Yes, yes.

17 711 Q. I see. And you just noted that down?

18 A. I did. It was just a habit. A habit. That's all.

19 712 Q. I see. I'm just trying to ask you, if somebody makes

20 an accusation of poor policing standards out of ill 16:16

21 will or a sense of grievance against the Gardaí, do you

22 regard that as doing so in bad faith?

23 A. Personally?

24 713 Q. Yes.

25 A. People do things and they believe that they are correct 16:16

26 in doing that and that's their right. I would never

27 take umbrage with anybody doing -- making any

28 complaint. That is a matter specifically for the

29 individual and I'm sure that everybody acts, you know

1 what I mean, with the best of intentions.

2 714 Q. I appreciate that. But I'm asking you if I said to you
3 that you'd made an accusation of poor policing in Kerry
4 out of a sense of grievance against An Garda Síochána,
5 do you think I'd be accusing you of making that 16:16
6 complaint in bad faith?

7 A. well, that's a hypothetical situation.

8 715 Q. I know it is.

9 A. I don't like answering --

10 716 Q. It is what happened to Sergeant McCabe -- 16:17

11 A. I'm sorry --

12 717 Q. -- so let's remember --

13 A. I don't like answering questions in hypothetical
14 situations.

15 CHAIRMAN: well, again, suppose I come along and go I 16:17
16 go down to Rathmines Garda Station and I say there was
17 a burglary in my house and frankly the investigation
18 was a load of nonsense and they didn't take any
19 fingerprints, they didn't turn up for ten hours, they
20 didn't check the alarm system, they didn't give any 16:17
21 advice and frankly it's a load of nonsense that you
22 claim that there is any policing let's say in the south
23 Dublin area. Now there's two ways of approaching that;
24 saying, okay, the guy living up the road is a nutcase
25 and he's always making complaints about this, that and 16:17
26 the other and everything, but then you could say, well
27 secondly, even if he is, let's check out what the
28 detectives did - did they bring down their brushes?
29 Did they take fingerprints? Did they look at general

1 entry and exit into the house?

2 A. Yes.

3 CHAIRMAN: Did they give anti crime advice? And
4 whereas you might start off from a position the person
5 is a bit of a crank you might come to the conclusion 16:18
6 the facts are correct.

7 A. Yes.

8 CHAIRMAN: Now the problem is, I suppose, if you mix
9 those two things together, the way I have, you might
10 find yourself in a situation of not properly 16:18
11 investigating whether the facts are correct, because
12 you've reached a conclusion because of past history of
13 complaints --

14 A. Yes.

15 CHAIRMAN: -- that this is a person who is a serial 16:18
16 complainer, like we have serial litigants in the
17 courts --

18 A. Yes.

19 CHAIRMAN: -- who are always complaining about
20 everything. So that is what Mr. McDowell is asking 16:18
21 you. So if someone goes into a police station in Kerry
22 and says for the following factual reasons I think
23 policing in a particular district, let's say
24 Cahersiveen, is way below any standards in the country.
25 And you investigate that, and you find out well, the 16:18
26 man is right.

27 A. Yes.

28 CHAIRMAN: You don't need to look to investigate
29 whether he is right or wrong as to whether he is a

1 serial complainer or a bit of a fruit cake.

2 A. Yes.

3 CHAIRMAN: And that's the problem I suppose of mixing
4 the two things up. You need to be very careful as to
5 whether you are looking at the facts or whether you are 16:19
6 looking at the messenger of the facts. Am I right? Is
7 that in any way helpful?

8 718 Q. MR. MCDOWELL: I think so. I mean, what I am
9 suggesting is that let's forget about the Latin and
10 say, and ask ourselves, were Sergeant McCabe's 16:19
11 complaints made in good faith or bad faith? That was
12 an issue. That it was being put to him that he was
13 making them in bad faith for particular reasons.

14 A. Nobody ever put that to him. Nobody put that to him.

15 MR. MURPHY: Chairman, before the witness is required 16:19
16 to answer the question, I have to object to that
17 question because it is clear on the transcript that
18 Mr. Smyth didn't use those words, but the question is
19 being framed on the basis that he did.

20 MR. MCDOWELL: Judge -- 16:19

21 CHAIRMAN: Well, he says "motivation and character" and
22 the answer to that is:

23

24 "A. Motivation and character.

25 Q. Is that all the way through? 16:19

26 A. Right the way through."

27 MR. MURPHY: Motivation and credibility.

28 CHAIRMAN: No, no, he doesn't say that.

29

1 "You're attacking his motivation, you're attacking his
2 integrity."
3
4 Mr. Justice O'Higgins says that. Mr. Smyth answers:
5 16:20
6 "Right the way through.
7 MR. O'HIGGINS: Full stop?
8 MR. SMYTH: Full stop."
9
10 And then Mr. Justice O'Higgins says: 16:20
11
12 "So be it."
13 MR. MURPHY: There is a later passage on day 29, which
14 has been opened previously to the Tribunal, I think,
15 where Mr. Smyth addresses that issue specifically and 16:20
16 indicates that he never used the word mala fides and
17 says if the word integrity was used by him that was an
18 error.
19 CHAIRMAN: Was used by?
20 MR. MURPHY: By Mr. Smyth. 16:20
21 A. Mr. McDowell.
22 MR. MURPHY: That that was apparent.
23 CHAIRMAN: Sorry, Mr. Smyth said the word integrity was
24 used and that was in error?
25 MR. MURPHY: On day 29. The only two people who used 16:20
26 the word mala fides were Mr. McDowell and, in the
27 course of dialogue, the Chairman.
28 CHAIRMAN: Well, we can go back to R v. Christie 1916
29 Appeal Cases; if you say to someone in their presence

1 'oh, by the way didn't you murder so and so last night'
2 and they make no reply that's an admission. But here
3 the words are actually put:
4

5 "But you were attacking his motivation and you were
6 attacking his integrity? 16:21

7 A. Right the way through."
8

9 MR. MURPHY: And I would also explain, Chairman, that
10 the later transcript indicates what that position was, 16:21
11 that was said to the Chairman himself. But I just
12 think it is unfair to invite this witness into a
13 dialogue about what the meaning of a word is in
14 circumstances where that word wasn't used by the person
15 who is alleged to have used it. 16:21

16 CHAIRMAN: Yes. Well, I have done my best, Mr. Murphy,
17 including to the amusement of many, sending around a
18 passage from Cross and Wilkinson which I regard as
19 highly reliable.

20 719 Q. MR. McDOWELL: Well, Judge, can I put it this way to 16:21
21 you: Mr. Murphy is suggesting that bad faith was not
22 alleged against Sergeant McCabe. If the man conducting
23 the Commission of Investigation says that it's an
24 attack on your client's integrity and that he should
25 not be believed, that surely -- would you accept that 16:22
26 that is an accusation of bad faith?

27 A. This was a matter for counsel to deal with.

28 CHAIRMAN: Yes. No, look. Mr. McDowell, I think this
29 can be resolved by --

1 MR. MCDOWELL: Submissions.

2 CHAIRMAN: No, not resolved by submissions, but by
3 looking at the actual words used to Sergeant McCabe,
4 and I think it was on day 3.

5
6 "In the course of that meeting, sergeant, you advised
7 Superintendent Cunningham that the only reason you made
8 a complaint against Superintendent Clancy was to force
9 him to allow you to have the full authority directions
10 conveyed to you. 16:22

11 A. That is absolutely false."

12
13 Right, that is -- unless I hear submissions to the
14 contrary or can be otherwise convinced by other things
15 in the transcript, that is making a complaint not for a 16:22
16 purpose for which a complaint should be made. And the
17 question is then repeated:

18
19 "The only reason, and this will be the evidence of
20 Superintendent Cunningham, that you made those list of 16:23
21 complaints for Superintendent Clancy was that you
22 wanted to put pressure on Superintendent Clancy to get
23 the full directions from the authority conveyed to
24 you."

25
26 Answer to that, Sergeant McCabe: 16:23

27
28 "That is absolutely false. Absolutely."
29

1 To which Mr. Smyth says:

2
3 "Fair enough."
4

5 So, I mean, that's there. And that's it. He's not 16:23
6 accusing him of sexually abusing a child, but he is
7 saying you're putting pressure on a superintendent in
8 order to get what you want by making complaints. He
9 doesn't say that they're false, but by making
10 complaints. So, in other words, is it the case of the 16:23
11 person who goes and complains and it turns out they are
12 correct or is it the case of a person who is always
13 complaining and goes and makes complaints and it turns
14 out they are correct, or is it the case of a person who
15 is always complaining and makes complaints and they're 16:24
16 investigated and they're found to be incorrect? But
17 that's the basis of it. That's, it seems to me, the
18 pivot of the thing. I can read that for myself.

19 MR. MCDOWELL: Yes.

20 CHAIRMAN: And it's been read many times, including by 16:24
21 me.

22 MR. MCDOWELL: Just to be clear about who said what,
23 Judge, Mr. Justice O'Higgins says at line 24 on page
24 189 of the transcript, day 3, he says:

25
26 "But in a situation where it is asserted that the 16:24
27 motivation of your client is mala fides, that his
28 integrity is being attacked, it would seem to me to be
29 unfair on everyone if he wasn't allowed to deal with

1 these matters."

2

3 And I replied:

4

5 "Judge, I fully accept the characterisation as an 16:24
6 assertion that he is mala fides or whatever. That is
7 the assertion that is being made."

8

9 So there is no doubt that, and I'm suggesting to you
10 that -- 16:24

11 CHAIRMAN: I have had this problem before, and look,
12 even in the Commercial Court people actually produce a
13 transcript of a telephone conversation and I have to
14 have hours of evidence on both sides misinterpreting it
15 according to their own standards. So I can read black 16:25
16 and white.

17 MR. MCDOWELL: Exactly.

18 CHAIRMAN: And indeed, I have been in court for a few
19 years now and I think I can gather what is going on.
20 But I am happy to hear submissions or evidence on this. 16:25

21 720 Q. MR. MCDOWELL: I can shorten it by simply asking the
22 witness this: Do you accept the proposition that it
23 was repeatedly in the stated in the course of
24 proceedings that Sergeant McCabe's integrity was at
25 issue? 16:25

26 A. Do I accept that his integrity was at issue when,
27 sorry?

28 721 Q. Do you accept that as a proposition?

29 A. Not at all.

1 722 Q. The transcript speaks for itself?
2 A. The instructions, as I said, were the motive and the
3 credibility.
4 CHAIRMAN: well, the angle, as far as you were
5 concerned in all of this, was that the gentlemen in the 16:26
6 Gardaí were telling you, look, there was no trouble up
7 to a particular point but then we had the D
8 investigation --
9 A. Yes.
10 CHAIRMAN: -- and we had Sergeant McCabe making the 16:26
11 case that the DPP's directions which exonerated him
12 should have been circulated at least to two parties,
13 himself and the person alleging the wrong, and
14 thereafter the complaints started to use the word
15 snowball or that was the initiation of it. So when you 16:26
16 kept saying in evidence --
17 A. Yes.
18 CHAIRMAN: -- what counsel were intent on exploring was
19 where did all of this come from --
20 A. Yes. 16:26
21 CHAIRMAN: -- or what was the beginning of all of this,
22 that is what you were referring to --
23 A. Yes.
24 CHAIRMAN: -- and not to anything different it seemed
25 to me? 16:26
26 A. That's it, yes.
27 MR. McDOWELL: Thank you, chief superintendent. I'm
28 finished.
29 CHAIRMAN: Thanks, Mr. McDowell. Does anyone else have

1 any questions? I think we really ought to stop now.
2 MR. MURPHY: I will be very brief, Chairman, but I
3 would prefer to do it on Monday morning if that was
4 convenient to you.
5 CHAIRMAN: That's grand. So, I'm sorry to drag you 16:27
6 back, but that is the way it is.
7 MR. MURPHY: Chairman, I do believe on Monday I will be
8 no more than 15 to 20 minutes.
9 CHAIRMAN: Are there any other questions by anybody
10 else on Monday? 16:27
11 MR. MCCANN: I will have a minute or two of questions,
12 Judge, on Monday. Thank you.
13 CHAIRMAN: Ms. Gleeson?
14 MS. GLEESON: I don't have any questions.
15 CHAIRMAN: All right. Okay. So there it is. Monday 16:27
16 at ten o'clock.
17
18 THE HEARING THEN ADJOURNED UNTIL MONDAY, 22ND JANUARY
19 2018 AT 10:00AM
20
21
22
23
24
25
26
27
28
29

'15 ^[1] - 84:5
'ambush' ^[1] - 153:9
'general' ^[1] - 85:5
'liaison' ^[1] - 134:26
'oh' ^[1] - 212:1
'the' ^[1] - 139:25
'This' ^[3] - 74:25, 76:4, 76:25
'what' ^[1] - 73:4

1

1 ^[15] - 14:25, 15:4, 30:22, 38:20, 46:20, 50:19, 59:4, 59:9, 73:21, 93:17, 100:21, 100:23, 102:9, 148:9, 160:18
10 ^[3] - 71:26, 72:4, 176:2
100 ^[1] - 43:2
100% ^[2] - 103:17, 146:10
10:00AM ^[1] - 217:19
10:09am ^[1] - 48:13
10th ^[1] - 96:5
1104 ^[1] - 44:16
1105 ^[1] - 44:21
1130 ^[1] - 184:1
1133 ^[2] - 45:21, 45:23
11th ^[11] - 38:6, 77:4, 102:19, 118:6, 168:23, 186:22, 186:23, 187:3, 187:23, 188:8, 188:16
12 ^[1] - 22:20
12th ^[4] - 53:3, 66:12, 90:15, 118:19
13 ^[1] - 27:14
133 ^[1] - 4:5
1372 ^[1] - 48:8
1373 ^[2] - 48:15, 48:20
1374 ^[2] - 46:27, 47:15
1379 ^[1] - 48:7
13th ^[4] - 53:3, 66:12, 118:19, 135:18
14 ^[4] - 2:25, 60:12, 61:11, 165:11
1451 ^[1] - 50:27
1452 ^[1] - 49:6
1453 ^[1] - 51:1
1464 ^[2] - 60:15, 61:3
1470 ^[1] - 63:13

1497 ^[1] - 64:10
14th ^[17] - 52:11, 52:22, 66:1, 66:10, 66:16, 69:1, 69:11, 84:17, 95:21, 124:22, 134:18, 135:23, 137:26, 137:27, 137:29, 141:22, 143:4
15 ^[5] - 65:10, 94:11, 165:11, 169:12, 217:8
15/20 ^[1] - 87:16
1507 ^[1] - 26:22
1508 ^[1] - 27:8
15th ^[22] - 56:4, 56:5, 56:6, 69:3, 69:6, 69:11, 85:7, 85:9, 87:26, 95:21, 110:23, 129:13, 129:22, 130:5, 142:11, 142:24, 163:29, 169:21, 169:24, 170:25, 195:6
16 ^[1] - 1:6
16/5/15 ^[1] - 159:26
16th ^[1] - 93:22
17 ^[1] - 1:10
17th ^[3] - 91:10, 130:7, 195:7
18 ^[6] - 172:4, 172:5, 172:6, 172:7, 172:9, 176:24
181 ^[1] - 195:3
182 ^[1] - 195:3
183 ^[1] - 195:3
189 ^[1] - 214:24
18th ^[23] - 8:24, 42:3, 44:6, 44:28, 45:4, 59:11, 59:17, 61:7, 63:16, 67:24, 68:1, 68:5, 69:8, 79:26, 95:21, 100:13, 110:13, 110:29, 111:23, 119:29, 162:2, 189:23, 190:12
19 ^[14] - 14:3, 44:28, 45:3, 45:7, 61:8, 61:10, 63:16, 71:24, 72:1, 172:6, 172:9, 176:7, 184:11, 186:3
19-paragraph ^[3] - 7:7, 38:4, 38:22
1916 ^[1] - 211:28
1921 ^[1] - 1:10
19th ^[2] - 44:14, 57:26
19TH ^[2] - 1:18, 5:1
1:45 ^[1] - 162:9
1B ^[1] - 148:3

2

2 ^[17] - 3:6, 18:29, 26:22, 44:17, 85:11, 85:17, 93:2, 93:17, 97:21, 101:2, 102:11, 107:4, 115:20, 201:23, 201:27, 204:14
20 ^[4] - 65:10, 141:25, 199:8, 217:8
2007 ^[4] - 139:9, 167:7, 170:19, 195:28
2008 ^[8] - 45:13, 49:21, 57:28, 119:6, 120:12, 127:3, 182:15, 197:1
2009 ^[1] - 114:18
2014 ^[1] - 1:4
2015 ^[21] - 57:26, 60:13, 74:4, 74:21, 74:26, 75:6, 84:7, 84:8, 90:16, 95:4, 118:6, 118:19, 119:29, 120:28, 130:5, 134:19, 139:10, 163:29, 165:22, 194:18, 200:6
2016 ^[11] - 22:8, 75:11, 75:14, 75:15, 116:13, 116:26, 117:19, 121:13, 125:8, 128:16, 130:7
2017 ^[4] - 1:6, 1:10, 1:18, 84:4
2018 ^[2] - 5:1, 217:19
2022 ^[4] - 78:6, 78:9, 78:10, 81:29
2024 ^[2] - 80:22, 82:29
20th ^[3] - 95:8, 96:6, 200:10
21st ^[3] - 84:4, 88:26, 96:5
22ND ^[1] - 217:18
23 ^[1] - 27:24
2324 ^[2] - 90:7, 90:18
2327 ^[1] - 91:11
2337 ^[2] - 93:23, 93:25
24 ^[2] - 26:26, 214:23
24th ^[10] - 46:13, 46:14, 46:17, 60:13, 71:16, 71:18, 185:9, 185:25, 190:14, 197:15
25th ^[6] - 49:21, 57:28, 119:6, 120:12, 127:4, 127:5

26th ^[1] - 22:8
29 ^[5] - 3:5, 120:28, 121:3, 211:13, 211:25
29th ^[1] - 127:3
2A ^[2] - 11:22, 159:17
2C ^[1] - 60:12

3

3 ^[15] - 26:22, 38:7, 41:25, 75:13, 78:8, 181:14, 195:2, 197:8, 197:13, 197:16, 199:16, 201:23, 201:24, 213:4, 214:24
3.3 ^[2] - 34:19, 34:23
3.4 ^[1] - 6:13
3.5 ^[1] - 23:26
3.6 ^[1] - 23:26
30th ^[1] - 114:17
31 ^[1] - 52:5
32 ^[1] - 2:12
3821 ^[1] - 42:3
3834 ^[1] - 71:17
3851 ^[1] - 74:22
3919 ^[1] - 95:14
3944 ^[1] - 106:10
3945 ^[3] - 102:21, 103:4, 103:5
3rd ^[5] - 74:20, 76:15, 102:19, 200:6, 202:2

4

4 ^[10] - 11:27, 44:14, 44:16, 90:6, 90:18, 93:23, 182:10, 183:13, 184:1, 197:14
4/7/2015 ^[1] - 76:22
40 ^[2] - 93:29, 175:10
4029 ^[1] - 116:20
4055 ^[1] - 116:29
4072 ^[1] - 57:20
41 ^[1] - 4:4
4101 ^[3] - 117:5, 117:7, 117:12
4104 ^[1] - 117:26
4116 ^[1] - 125:9
4117 ^[1] - 126:18
4157 ^[1] - 130:3
4221 ^[2] - 116:23, 116:25
44 ^[1] - 1:18
45 ^[1] - 31:25
4:30 ^[5] - 84:9, 132:4, 132:7, 132:20, 198:12

4th ^[5] - 74:26, 75:6, 76:14, 76:16, 120:28

5

5 ^[17] - 26:29, 46:15, 46:17, 59:24, 59:27, 60:11, 61:3, 64:12, 70:2, 70:9, 71:19, 185:10, 185:11, 185:13, 185:26, 186:4, 197:15
5:00 ^[1] - 132:8
5th ^[3] - 48:9, 48:11, 167:5

6

6 ^[1] - 30:23
69 ^[1] - 49:9
694 ^[1] - 148:3
6:40 ^[2] - 74:26, 76:21
6th ^[6] - 80:3, 80:18, 81:6, 81:15, 82:2, 116:26

7

7 ^[3] - 2:13, 103:2, 103:3
70 ^[4] - 48:26, 49:3, 49:25
71 ^[1] - 51:5
72 ^[1] - 51:17
762 ^[3] - 159:12, 159:18, 159:19
771 ^[1] - 163:26
774 ^[1] - 165:11

8

8 ^[5] - 2:20, 3:14, 116:20, 116:25, 117:9

9

973 ^[1] - 11:21
9:30pm ^[1] - 159:26

A

ability ^[1] - 39:18
able ^[2] - 18:10, 95:19
above-named ^[1] -

1:27
absence [1] - 182:26
absolute [1] - 15:15
absolutely [10] - 10:2, 23:20, 28:29, 72:27, 90:4, 157:3, 181:26, 213:11, 213:28
absorb [1] - 39:19
abuse [4] - 8:17, 25:28, 40:9, 41:1
abused [1] - 9:3
abusing [1] - 214:6
AC [1] - 96:19
accept [20] - 5:20, 7:26, 7:28, 9:2, 12:5, 12:21, 13:6, 24:20, 28:1, 32:10, 38:8, 144:13, 172:16, 178:16, 212:25, 215:5, 215:22, 215:26, 215:28
accepted [15] - 5:24, 6:15, 11:11, 20:6, 20:18, 20:21, 22:2, 22:15, 37:2, 63:26, 100:18, 111:13, 113:18, 190:6, 201:21
accepts [6] - 6:21, 24:20, 37:6, 39:3, 39:6, 183:16
access [2] - 58:20, 62:10
accompanied [3] - 49:22, 119:7, 127:7
accounting [4] - 29:15, 39:26, 56:14, 215:15
accordingly [1] - 78:26
accords [1] - 96:14
account [7] - 11:15, 36:13, 89:17, 124:28, 130:2, 169:27, 189:9
accountability [1] - 18:2
accuracy [10] - 166:8, 170:1, 170:28, 171:23, 174:4, 175:8, 175:14, 177:5, 187:9, 187:29
accurate [16] - 161:1, 166:10, 166:11, 166:28, 170:29, 175:15, 175:17, 177:7, 178:10, 179:21, 181:9, 183:16, 187:28, 188:20, 188:22, 191:2
accurately [1] - 179:7
accusation [8] - 31:9, 40:9, 40:13, 164:11, 204:23, 207:20, 208:3, 212:26
accusations [2] - 24:6, 130:15
accused [4] - 28:27, 29:16, 113:25, 177:18
accuser [8] - 15:29, 23:2, 35:16, 35:17, 35:19, 35:27, 36:15, 36:17
accusing [2] - 208:5, 214:6
achieved [1] - 23:28
acknowledged [1] - 189:5
acknowledgment [1] - 111:24
ACT [2] - 1:4, 1:9
Act [2] - 35:21, 36:18
act [1] - 90:2
acted [2] - 6:19, 6:21
acting [7] - 5:29, 7:13, 7:26, 44:3, 178:20, 202:17, 203:25
action [3] - 1:28, 74:3, 175:3
actions [1] - 179:13
active [2] - 77:9, 77:11
acts [1] - 207:29
actual [11] - 46:10, 60:8, 106:9, 106:17, 124:22, 127:28, 129:2, 195:28, 198:2, 205:25, 213:3
adamant [1] - 142:19
add [1] - 32:12
addition [3] - 30:23, 101:23, 121:8
address [5] - 22:4, 23:17, 26:18, 162:28, 193:5
addressed [3] - 25:24, 158:16, 160:23
addresses [3] - 25:16, 47:10, 211:15
addressing [1] - 27:13
adduced [1] - 163:22
adequately [1] - 51:11
adjective [1] - 39:13
adjourned [4] - 120:9, 120:23, 182:29, 186:9
ADJOURNED [2] - 94:17, 217:18
adjournment [8] - 149:16, 150:10, 151:18, 151:21, 151:23, 152:6, 197:10, 197:11
admission [1] - 212:2
admissions [1] - 38:17
admitted [3] - 161:4, 173:29, 186:2
adumbrated [1] - 40:17
advance [9] - 19:17, 36:13, 95:5, 163:24, 164:9, 164:14, 164:18, 164:29, 192:15
adversarial [3] - 35:15, 35:26, 36:3
advice [25] - 30:6, 31:14, 57:14, 79:12, 129:12, 138:27, 142:2, 145:29, 147:13, 148:13, 148:14, 148:17, 148:20, 149:2, 149:3, 149:4, 158:8, 158:11, 158:23, 158:26, 205:21, 205:25, 207:13, 208:21, 209:3
advices [7] - 87:26, 87:27, 110:21, 114:11, 151:16, 151:28, 203:20
advise [2] - 60:7, 192:4
advised [15] - 23:14, 72:22, 78:26, 119:9, 120:26, 125:5, 127:8, 127:10, 147:12, 149:19, 150:2, 151:20, 162:6, 176:9, 213:6
advisers [1] - 114:9
advising [12] - 53:17, 54:7, 55:22, 136:14, 138:13, 138:28, 149:22, 160:19, 190:24, 202:22, 203:22, 205:12
advocate [1] - 56:18
affected [1] - 65:28
afraid [1] - 131:26
AFTER [1] - 95:1
aftermath [2] - 113:10, 123:3
afternoon [6] - 56:5, 129:12, 131:25, 132:25, 181:12
ago [3] - 8:17, 73:5, 152:15
agree [8] - 21:4, 21:24, 21:25, 21:28, 132:14, 135:15, 157:2, 188:7
agreed [9] - 8:19, 38:16, 41:17, 54:6, 119:17, 120:3, 135:22, 142:1, 162:10
agreement [2] - 27:2, 42:17
AGS [1] - 110:11
ahead [11] - 55:24, 73:29, 136:26, 136:28, 138:26, 141:22, 151:20, 152:1, 152:7
aim [3] - 113:19, 113:23, 114:3
air [2] - 16:19, 16:20
akin [1] - 159:7
alarm [3] - 92:28, 188:13, 208:20
alarms [1] - 187:4
alert [1] - 198:6
allegation [12] - 28:6, 29:5, 33:2, 33:16, 73:1, 103:27, 104:12, 139:5, 144:21, 173:3, 200:29, 201:1
allegations [14] - 8:17, 16:21, 23:25, 25:28, 26:6, 28:25, 41:1, 85:19, 85:22, 85:23, 85:25, 105:21, 140:1, 189:24
alleged [6] - 49:16, 72:10, 76:8, 161:4, 212:15, 212:22
alleging [4] - 23:21, 49:27, 137:18, 216:13
allied [1] - 30:4
allow [16] - 22:24, 24:12, 28:2, 72:25, 99:6, 99:11, 99:12, 113:24, 119:12, 120:14, 127:12, 149:13, 168:6, 174:2, 176:12, 213:9
allowed [6] - 31:14, 36:11, 36:19, 40:15, 88:19, 214:29
allowing [1] - 162:19
alluded [2] - 88:1, 93:10
alongside [1] - 42:23
alternative [1] - 192:27
ambivalent [2] - 6:18, 20:11
ambush [1] - 164:11
ambushed [1] - 153:15
amended [2] - 73:18, 73:27
amending [1] - 73:22
amendments [1] - 162:11
amount [2] - 76:9, 181:7
ample [1] - 65:14
amusement [1] - 212:17
ancillary [4] - 119:8, 120:2, 120:15, 127:9
AND [3] - 1:4, 1:5, 1:9
Andrew [1] - 90:28
anger [1] - 170:20
angle [1] - 216:4
ANGLESEA [1] - 3:5
Annmarie [7] - 5:19, 78:21, 88:8, 135:16, 156:10, 160:24
annoyance [1] - 170:20
annual [1] - 146:28
answer [15] - 5:22, 18:18, 19:4, 19:21, 69:13, 69:16, 79:22, 107:11, 143:22, 144:3, 147:10, 190:27, 210:16, 210:22, 213:26
answered [1] - 72:27
answering [3] - 206:8, 208:9, 208:13
answers [1] - 211:4
anti [1] - 209:3
anticipated [1] - 92:6
anxious [5] - 58:20, 64:21, 95:17, 95:22, 95:23
anyhow [1] - 140:29
anyway [5] - 20:9, 96:15, 159:3, 160:22, 195:7
apart [1] - 176:13
apologise [2] - 72:18, 74:10
apologise' [1] - 73:6
apologising [1] - 74:7
apology [2] - 73:8, 73:9
apparent [2] - 185:9,

211:22
appeal [6] - 7:2,
9:20, 11:6, 21:29,
23:24, 211:29
appear [36] - 44:15,
44:22, 45:20, 46:5,
46:8, 57:26, 60:16,
61:16, 63:23, 63:29,
64:2, 65:6, 71:17,
71:21, 72:12, 76:15,
91:11, 91:14, 92:16,
93:7, 93:9, 95:14,
99:26, 100:5, 105:14,
105:24, 107:15,
107:21, 117:22,
117:26, 117:29,
125:8, 129:11,
142:27, 156:3, 179:4
appearance [3] -
91:29, 92:29, 93:21
APPEARANCES [1] -
2:1
appeared [3] - 50:25,
56:12, 66:4
appearing [2] - 5:29,
95:26
applied [1] - 21:27
apply [1] - 15:6
appointed [3] -
49:17, 61:17, 114:23
appointment [2] -
119:6, 170:17
appreciate [17] -
16:10, 17:5, 17:23,
19:9, 25:7, 25:9,
25:26, 31:25, 88:11,
89:12, 131:19,
162:20, 162:25,
198:25, 205:8, 208:2
appreciation [1] -
198:2
apprehended [2] -
156:21, 159:7
apprehension [1] -
200:13
approach [1] - 34:23
approached [1] -
43:11
approaching [1] -
208:23
appropriate [3] -
45:29, 101:14, 104:18
appropriately [3] -
9:23, 9:27, 34:17
approved [1] - 183:9
approving [1] -
53:12
April [1] - 167:5
area [7] - 53:18,
54:8, 55:20, 98:2,
123:28, 149:23,
208:23
argued [1] - 120:21
argument [1] - 16:12
arise [9] - 43:29,
110:19, 111:27,
111:29, 115:11,
142:29, 164:18,
192:4, 194:17
arisen [4] - 95:19,
103:14, 130:1, 151:8
arises [6] - 6:3, 40:3,
40:4, 151:9, 152:11,
158:6
arising [12] - 24:23,
26:19, 66:15, 79:20,
88:7, 120:4, 120:14,
120:19, 130:16,
135:11, 173:1, 194:3
arm [3] - 14:7, 56:1,
177:19
arose [17] - 55:5,
59:9, 99:14, 107:3,
115:24, 119:9,
121:12, 122:11,
122:13, 123:7,
125:23, 127:9,
150:24, 175:9, 182:6,
202:4
ARRAN [1] - 2:12
arrange [1] - 154:28
arranged [4] - 84:24,
84:26, 93:22, 95:4
arranging [1] - 78:26
arrived [1] - 162:13
article [1] - 91:17
articles [1] - 122:10
articulated [2] -
81:18, 91:6
articulating [1] -
43:4
artificial [1] - 114:5
AS [3] - 5:1, 41:14,
95:1
ascertain [1] - 132:2
asleep [1] - 32:8
aspersions [10] -
5:21, 6:4, 6:7, 6:17,
7:3, 7:29, 8:2, 20:10,
36:29, 37:5
assault [4] - 31:3,
124:1, 193:18
asserted [2] - 14:29,
214:26
assertion [2] - 215:6,
215:7
assess [5] - 28:19,
28:22, 33:28, 34:4,
34:10
assessed [1] - 35:5
assessment [2] -
21:24, 31:17
assignment [1] -
155:23
assist [12] - 32:12,
75:5, 75:10, 81:3,
98:15, 98:18, 98:21,
103:9, 118:13,
118:17, 119:27,
130:24
assistance [3] -
64:9, 158:8, 158:21
assistant [2] - 96:24,
97:10
Assistant [6] - 20:13,
51:14, 98:9, 114:22,
116:1, 200:19
associate [1] - 26:27
assume [1] - 166:6
AT [1] - 217:19
attach [1] - 82:2
attached [6] - 10:16,
47:7, 78:14, 82:12,
129:14, 129:16
attack [9] - 7:15,
15:16, 16:15, 17:14,
19:3, 120:22, 199:17,
201:20, 212:24
attacked [1] - 214:28
attacking [4] - 211:1,
212:5, 212:6
attacks [1] - 20:7
attempt [1] - 9:2
attempted [1] - 49:19
attend [3] - 122:14,
125:4, 125:5
attended [3] -
122:15, 135:11
attention [10] -
17:16, 26:23, 63:19,
76:9, 78:22, 78:28,
166:16, 169:15,
182:29, 192:1
attitude [3] - 65:25,
131:11, 191:8
Attorney [2] -
148:24, 161:10
attract [1] - 158:11
August [5] - 49:21,
57:28, 119:6, 120:12,
127:3
authorise [2] - 67:5,
138:2
authorised [8] -
52:10, 52:16, 52:22,
67:27, 68:16, 69:11,
145:2, 145:8
authorising [1] -
53:21
authorities [1] -
41:20
authority [7] - 5:7,
72:25, 135:23,
136:20, 196:9, 213:9,
213:23
autumn [1] - 194:18
availability [2] -
70:20, 101:16
available [11] - 58:6,
58:22, 64:7, 100:20,
101:1, 155:4, 182:11,
182:12, 182:19,
184:9, 187:19
avoid [1] - 164:11
awake [1] - 194:12
aware [28] - 59:25,
73:22, 79:26, 101:5,
125:2, 125:3, 139:2,
139:4, 139:6, 142:25,
143:1, 143:25,
152:26, 155:27,
160:10, 167:20,
168:12, 168:13,
168:22, 173:5, 178:2,
183:6, 185:1, 185:14,
185:17, 185:20,
190:12
awful [1] - 186:14

B

back-up [1] - 121:24
backed [1] - 161:2
background [10] -
8:26, 12:16, 124:15,
138:8, 138:24, 139:1,
139:11, 168:21,
168:22, 173:2
backward [1] - 43:14
backwards [1] - 81:5
bad [29] - 14:5,
104:27, 106:4,
106:23, 107:15,
108:4, 111:22,
111:25, 112:27,
113:13, 113:17,
114:6, 200:29, 201:1,
201:13, 203:5,
203:25, 204:4,
204:10, 204:17,
207:1, 207:4, 207:6,
207:22, 208:6,
210:11, 210:13,
212:21, 212:26
badly [1] - 70:27
bail [1] - 13:20
Bailieboro [9] -
30:24, 49:15, 113:7,
122:24, 139:20,
139:28, 174:20,
174:21, 182:22
balance [1] - 149:11
balanced [1] -
119:20
BALDWIN [1] - 3:5
BARRETT [1] - 2:22
barristers [2] -
171:24, 180:13
base [1] - 109:15
based [19] - 35:12,
53:2, 53:8, 53:27,
54:1, 54:6, 54:28,
67:19, 70:19, 77:1,
93:13, 122:16,
123:14, 136:10,
137:19, 138:12,
138:27, 166:6, 175:17
bases [1] - 30:10
basic [1] - 29:5
basics [1] - 57:4
basing [1] - 168:8
basis [33] - 6:28, 8:7,
11:15, 17:13, 23:10,
25:10, 26:14, 28:6,
29:10, 29:12, 36:21,
37:16, 38:21, 41:2,
41:8, 55:22, 56:10,
93:5, 98:28, 101:27,
101:29, 153:2,
153:26, 155:15,
157:10, 167:28,
168:3, 174:8, 179:7,
193:17, 193:22,
210:19, 214:17
bay [1] - 43:28
became [9] - 14:4,
44:2, 58:6, 58:22,
169:23, 185:1, 185:9,
188:28, 197:8
become [1] - 168:10
becoming [3] -
82:28, 83:2, 130:17
beg [5] - 27:16,
45:15, 84:8, 90:18,
100:1
began [2] - 15:16,
56:24
begging [1] - 88:17
beginning [10] -
24:1, 44:21, 47:2,
128:2, 132:15,
138:11, 154:8,
154:15, 190:24,
216:21
behalf [12] - 15:26,
19:19, 23:5, 39:3,
44:3, 50:17, 50:21,
116:4, 144:28, 162:5,
192:21, 201:15

behaving [1] - 113:9
behaviour [2] - 51:8, 65:24
behind [5] - 29:25, 75:23, 131:23, 159:22, 177:20
belief [1] - 166:9
bell [1] - 188:13
bells [2] - 92:28, 187:4
below [2] - 47:6, 209:24
benefit [4] - 163:15, 207:9, 207:12
beside [3] - 106:23, 159:23, 207:2
best [11] - 5:11, 5:15, 5:16, 10:24, 14:1, 89:13, 89:15, 150:13, 193:14, 208:1, 212:16
better [5] - 74:17, 132:14, 152:1, 153:25, 161:10
between [21] - 12:24, 27:27, 31:7, 85:14, 97:26, 108:4, 112:14, 116:6, 125:1, 133:18, 133:24, 133:29, 134:28, 140:3, 142:4, 151:25, 158:8, 189:14, 189:15, 189:19, 201:28
beyond [2] - 68:16, 69:10
biased [2] - 10:20, 40:1
bid [1] - 49:29
big [2] - 70:25, 94:1
biscuit [1] - 87:16
bit [14] - 8:12, 13:14, 13:16, 37:8, 84:2, 96:22, 112:17, 131:26, 184:25, 187:21, 195:13, 209:5, 210:1
BL [9] - 2:7, 2:10, 2:16, 2:17, 3:1, 3:2, 3:2, 3:3, 3:11
black [1] - 215:15
blackmail [10] - 26:1, 26:2, 26:17, 28:5, 28:6, 41:20, 52:20, 54:16, 54:20, 63:20
blackmailing [4] - 21:15, 27:5, 27:10, 55:28
blaming [1] - 193:10
blind [1] - 32:7
blush [3] - 9:5, 26:9, 189:12
boil [2] - 25:19, 34:11
bolted [1] - 163:6
bona [2] - 6:21, 113:4
Book [2] - 14:27, 17:5
book [6] - 10:1, 11:21, 26:22, 31:28, 56:15, 159:15
booklet [10] - 53:10, 67:22, 102:23, 140:10, 140:16, 140:20, 140:22, 141:6, 141:7, 141:9
books [1] - 12:19
bother [1] - 191:9
bottom [5] - 42:4, 48:20, 67:3, 76:16, 109:27
boundary [1] - 156:24
box [4] - 45:7, 63:11, 64:13, 188:9
boyfriend [1] - 11:2
brackets [4] - 71:22, 110:8, 207:2, 207:11
brain [1] - 21:10
breached [1] - 79:3
break [3] - 91:24, 93:28, 184:20
BREFFNI [1] - 2:10
Bridewell [1] - 95:10
brief [13] - 17:28, 20:24, 21:17, 30:21, 40:18, 51:29, 52:5, 52:23, 53:11, 77:19, 104:5, 202:7, 217:2
briefing [2] - 53:17, 125:29
briefly [4] - 52:9, 167:15, 186:19, 189:22
bring [4] - 13:23, 64:8, 69:29, 208:28
bringing [2] - 76:8, 82:4
brings [2] - 5:25, 14:2
brought [16] - 63:19, 78:21, 80:6, 87:19, 92:24, 97:1, 97:6, 97:8, 97:21, 98:9, 100:25, 107:3, 121:18, 158:23, 182:28, 192:2
Browne [3] - 51:23, 143:5, 143:26
brushes [1] - 208:28
budget [1] - 146:28

BUILDING [1] - 2:24
bullet [3] - 30:23, 30:29, 112:15
bullet-point [2] - 30:23, 30:29
bullet-points [1] - 112:15
bundle [1] - 125:6
burglary [1] - 208:17
Burke [3] - 74:28, 74:29, 75:16
bus [2] - 51:25, 143:5
busy [1] - 70:16
but.. [1] - 73:16
buy [1] - 148:20
BY [12] - 1:5, 1:8, 2:11, 2:18, 2:23, 3:4, 3:12, 4:4, 4:5, 41:14, 133:12
BYRNE [1] - 3:2
Byrne [5] - 20:14, 51:15, 114:17, 114:22, 196:21
Byrne/McGinn [3] - 125:19, 126:9, 196:28
bystander [2] - 24:4, 194:28

C

Cahersiveen [1] - 209:24
cake [1] - 210:1
Callinan [1] - 29:6
cannot [4] - 12:5, 13:6, 161:2, 198:8
capable [2] - 165:8, 170:6
capacity [6] - 96:24, 96:28, 116:1, 135:4, 200:19, 200:24
capital [1] - 128:25
capital-letter [1] - 128:25
car [1] - 181:29
care [1] - 31:16
careful [6] - 29:21, 159:8, 180:19, 195:17, 204:21, 210:4
carefully [1] - 172:17
carried [1] - 180:6
case [51] - 5:7, 5:8, 5:10, 6:3, 6:6, 7:12, 7:21, 7:22, 10:11, 10:25, 12:5, 12:6, 12:11, 13:5, 13:7, 14:19, 15:25, 17:21, 18:9, 18:25, 19:28, 23:18, 32:4, 32:24, 32:28, 33:8, 34:14, 35:20, 53:11, 53:25, 56:2, 56:22, 64:3, 83:9, 104:6, 165:9, 167:3, 168:2, 172:9, 174:12, 177:14, 189:26, 191:23, 199:19, 202:6, 204:13, 214:10, 214:12, 214:14, 216:11
cases [2] - 31:18, 211:29
cast [6] - 5:21, 6:5, 6:17, 20:10, 37:5, 80:2
CASTLE [1] - 1:17
catastrophe [1] - 70:25
CATHERINE [1] - 3:3
caused [2] - 64:5, 69:9
Cavan [1] - 113:8
centre [3] - 33:27, 34:4, 136:15
centring [1] - 141:2
century [1] - 199:9
certain [6] - 10:2, 26:3, 40:7, 76:8, 140:29, 178:14
CERTAIN [1] - 1:4
certainly [27] - 12:2, 21:23, 27:28, 28:17, 58:19, 66:14, 69:5, 73:7, 74:10, 80:15, 89:7, 95:24, 98:6, 141:19, 146:11, 147:2, 155:11, 158:18, 158:22, 174:27, 182:5, 185:16, 189:19, 190:12, 191:17, 196:18, 198:26
certify [1] - 1:25
cetera [1] - 182:22
chain [1] - 81:25
Chair [1] - 157:12
chaired [1] - 123:11
CHAIRMAN [258] - 5:13, 5:17, 8:11, 8:14, 8:22, 8:27, 9:5, 9:19, 10:7, 11:6, 11:13, 11:23, 11:26, 12:8, 12:13, 12:16, 12:25, 12:29, 13:13, 13:25, 14:10, 14:14, 15:3, 15:11, 15:23, 16:4, 16:7, 16:19, 16:24, 17:3, 17:10, 17:15, 17:19, 17:23, 19:8, 19:26, 20:2, 20:9, 20:22, 20:24, 21:5, 21:9, 24:23, 24:29, 25:15, 25:17, 26:24, 28:14, 28:21, 28:29, 31:23, 32:15, 33:4, 33:7, 34:11, 34:20, 35:9, 37:28, 39:9, 39:17, 54:11, 54:19, 54:22, 54:25, 54:27, 55:6, 55:11, 55:14, 55:25, 55:28, 56:13, 56:28, 57:8, 57:11, 57:13, 60:14, 70:9, 71:7, 71:10, 72:18, 73:1, 73:11, 73:14, 88:7, 88:11, 88:14, 88:19, 89:7, 89:12, 89:18, 91:26, 93:27, 94:2, 94:7, 94:13, 116:26, 117:9, 122:2, 122:6, 122:18, 122:29, 123:3, 123:16, 123:23, 123:26, 124:6, 124:9, 124:11, 124:14, 124:17, 126:17, 126:19, 127:24, 127:26, 128:6, 128:11, 128:14, 128:16, 128:18, 128:24, 128:28, 129:2, 129:7, 131:4, 131:15, 131:23, 131:26, 132:7, 132:17, 132:29, 133:8, 143:27, 156:18, 156:26, 156:29, 157:5, 157:9, 158:5, 158:10, 158:22, 158:25, 159:8, 159:10, 165:23, 167:2, 167:7, 167:9, 167:11, 167:13, 167:17, 167:19, 167:22, 167:24, 168:1, 169:5, 170:8, 170:12, 171:2, 171:4, 171:11, 171:14, 171:17, 172:22, 172:26, 173:7, 173:12, 173:14, 174:8, 174:14, 174:27, 175:1, 175:19, 175:23, 175:26, 177:11, 178:12, 179:14, 179:16, 179:18, 179:23, 180:9, 180:12,

180:15, 180:18,
180:22, 180:24,
180:27, 182:16,
182:18, 182:20,
182:22, 183:14,
183:18, 183:26,
184:5, 184:14,
184:22, 184:28,
186:11, 186:14,
186:26, 188:12,
190:1, 190:27,
190:29, 191:4, 191:6,
191:14, 191:24,
191:28, 192:7, 192:9,
192:17, 192:27,
193:7, 193:10,
193:13, 194:10,
194:14, 198:9,
198:11, 198:14,
198:16, 198:22,
198:24, 198:28,
199:1, 199:4, 199:7,
199:11, 208:15,
209:3, 209:8, 209:15,
209:19, 209:28,
210:3, 210:21,
210:28, 211:19,
211:23, 211:28,
212:16, 212:28,
213:2, 214:20,
215:11, 215:18,
216:4, 216:10,
216:18, 216:21,
216:24, 216:29,
217:5, 217:9, 217:13,
217:15
Chairman [29] - 5:4,
9:1, 21:24, 29:2,
30:22, 32:12, 35:11,
41:11, 64:1, 74:6,
94:11, 131:7, 132:13,
133:5, 146:6, 153:27,
156:9, 156:13,
156:20, 158:18,
159:11, 173:2,
182:11, 210:15,
211:27, 212:9,
212:11, 217:2, 217:7
Chairman's [1] -
73:17
challenge [10] - 10:4,
10:8, 21:2, 21:20,
24:12, 25:21, 25:23,
136:21, 176:19,
193:23
challenged [5] -
11:17, 90:24, 92:21,
155:16, 179:9
challenging [2] -
10:14, 137:1
champagne [1] -
88:12
chance [1] - 24:7
change [11] - 24:17,
27:6, 27:20, 38:11,
64:5, 64:28, 65:4,
65:24, 193:20, 193:21
changed [3] - 52:24,
65:25, 66:4
changing [1] -
193:27
character [4] - 83:4,
120:22, 210:21,
210:24
characterisation [1]
- 215:5
characterise [1] -
24:3
characterised [1] -
23:26
charge [7] - 15:27,
37:15, 38:26, 90:8,
97:10, 166:21, 192:9
CHARLES [1] - 3:12
CHARLETON [2] -
1:12, 2:2
chased [2] - 123:23,
174:20
chat [1] - 192:28
check [2] - 208:20,
208:27
checked [2] -
102:11, 102:12
checking [1] -
180:19
CHIEF [5] - 2:18,
3:12, 4:3, 41:13,
133:12
chief [6] - 55:18,
69:16, 174:10,
180:29, 202:25,
216:27
Chief [70] - 15:19,
42:3, 44:15, 44:19,
44:26, 45:1, 45:22,
49:7, 49:17, 51:15,
53:20, 54:10, 57:24,
58:27, 61:6, 62:26,
66:6, 67:3, 68:6,
68:27, 70:24, 75:13,
76:17, 77:16, 79:23,
83:5, 84:10, 90:6,
92:19, 95:3, 97:13,
103:20, 104:9,
109:13, 111:18,
112:17, 113:6, 114:4,
116:29, 117:7,
117:12, 119:18,
123:17, 126:13,
129:10, 131:3, 133:1,
133:15, 142:27,
143:2, 144:16,
144:17, 153:22,
154:11, 157:21,
157:22, 160:6,
160:15, 161:22,
161:25, 169:3,
170:17, 170:23,
173:8, 173:17,
181:23, 183:27,
185:24, 193:10,
193:14
child [2] - 40:8,
214:6
choice [1] - 54:13
chosen [2] - 133:21,
134:8
Christie [1] - 211:28
CHRISTOPHER [1] -
3:10
chronology [4] -
119:26, 121:25,
125:24, 143:9
Ciaran [1] - 115:1
circulate [4] - 21:12,
52:27, 169:9, 171:14
circulated [21] -
14:27, 40:12, 42:24,
46:2, 47:17, 54:17,
56:2, 57:27, 58:5,
64:4, 81:8, 83:24,
124:3, 156:6, 156:7,
157:28, 158:28,
163:15, 187:13,
188:23, 216:12
circulates [1] - 171:8
circulating [2] -
41:21, 179:16
circulation [10] -
45:12, 45:28, 46:6,
52:26, 54:23, 55:8,
56:24, 155:26,
156:17, 156:21
circumstances [13] -
9:19, 10:17, 13:23,
15:13, 26:8, 30:9,
31:12, 40:23, 75:23,
133:5, 171:22, 175:6,
212:14
cited [1] - 7:22
claim [5] - 38:13,
97:29, 98:10, 208:22
Claim [1] - 14:28
claimed [1] - 183:8
claiming [2] - 21:15,
183:4
Clancy [51] - 16:26,
16:28, 16:29, 27:5,
27:6, 28:2, 29:7,
38:10, 41:19, 42:13,
49:16, 56:1, 61:18,
61:20, 62:1, 62:5,
62:21, 67:7, 67:25,
72:10, 72:24, 83:5,
122:22, 123:17,
127:12, 159:28,
160:5, 160:15,
161:22, 166:15,
169:3, 169:14,
171:29, 172:1, 172:2,
172:12, 174:1,
176:11, 176:27,
178:3, 181:19,
189:24, 195:9,
195:19, 196:20,
197:2, 213:8, 213:21,
213:22
Clancy's [1] - 187:15
clarification [3] -
69:27, 115:22, 120:29
clarified [2] - 69:3,
121:1
clarifying [1] -
198:26
clarity [2] - 39:2,
192:25
CLARKE [1] - 3:4
classic [1] - 33:3
clear [29] - 18:28,
19:2, 23:20, 35:14,
43:16, 44:2, 70:9,
70:11, 72:15, 73:2,
74:6, 112:25, 145:25,
148:1, 154:16,
157:21, 170:9,
170:12, 173:2,
174:17, 175:2,
187:15, 187:26,
188:28, 200:27,
203:6, 204:2, 210:17,
214:22
clear-up [2] - 70:9,
70:11
cleared [7] - 60:6,
61:23, 70:23, 185:11,
186:6, 186:15, 188:22
clearer [2] - 39:11,
131:14
clearly [11] - 11:9,
13:26, 22:23, 30:20,
35:29, 36:1, 159:6,
165:24, 169:10,
169:11
client [12] - 7:25,
7:27, 12:6, 13:6, 22:3,
23:4, 24:22, 88:15,
97:26, 191:6, 201:25,
214:27
client's [2] - 7:15,
212:24
clients [3] - 39:4,
47:17, 47:18
clogged [1] - 101:21
closely [1] - 159:6
coerce [1] - 38:11
coincidentally [1] -
169:13
Colm [12] - 44:15,
44:19, 74:25, 76:24,
78:14, 82:13, 84:9,
91:18, 121:1, 159:29,
170:18, 171:27
COLM [1] - 3:1
coming [17] - 35:19,
59:2, 67:15, 73:28,
73:29, 74:18, 86:25,
88:15, 96:28, 101:18,
101:20, 101:26,
109:21, 134:17,
147:9, 163:19, 183:26
commence [1] -
153:23
commenced [3] -
44:26, 115:21, 142:22
commencement [2]
- 120:26, 134:17
commences [2] -
60:12, 63:13
comment [8] - 26:28,
43:23, 48:28, 90:25,
91:2, 147:15, 165:21,
205:4
commenting [1] -
77:29
comments [1] - 47:8
Commercial [1] -
215:12
commission [1] -
34:28
Commission [194] -
6:20, 7:1, 9:24, 9:26,
10:9, 15:2, 16:1, 18:6,
18:8, 18:14, 18:19,
20:5, 21:3, 21:29,
22:2, 22:29, 23:5,
23:24, 23:29, 24:6,
24:8, 24:13, 25:20,
32:23, 35:5, 35:26,
36:9, 36:18, 36:28,
43:9, 43:18, 43:26,
44:9, 45:25, 46:16,
56:9, 60:7, 66:20,
68:4, 68:19, 68:26,
69:21, 70:15, 70:23,
71:6, 71:22, 71:24,
71:26, 72:1, 72:2,
72:4, 74:16, 75:2,
75:29, 77:9, 78:22,
78:23, 79:2, 79:5,
79:9, 79:25, 85:3,

85:6, 85:21, 86:2,
86:6, 87:3, 88:2,
89:26, 90:26, 91:5,
91:19, 92:3, 92:11,
92:12, 92:14, 92:16,
92:22, 93:4, 93:6,
93:9, 93:14, 93:16,
93:18, 95:6, 95:20,
95:26, 96:29, 97:6,
97:9, 97:20, 98:1,
98:15, 98:23, 104:5,
104:29, 105:3, 105:5,
105:6, 106:22, 109:4,
109:6, 109:7, 109:8,
109:12, 110:2,
110:11, 111:13,
111:28, 112:21,
113:2, 113:5, 113:28,
115:12, 118:8,
118:13, 118:14,
118:17, 119:22,
119:25, 119:27,
120:1, 120:4, 120:8,
120:10, 120:13,
120:19, 120:20,
120:26, 121:5, 121:7,
121:9, 122:9, 123:13,
126:14, 127:19,
133:19, 133:24,
134:1, 134:6, 134:27,
134:29, 135:5,
141:10, 142:16,
142:22, 145:4,
145:10, 150:10,
150:18, 152:25,
152:28, 153:27,
154:5, 155:20,
155:23, 160:7, 162:5,
162:13, 162:29,
163:2, 163:22, 164:4,
164:10, 164:28,
176:25, 176:26,
184:7, 186:8, 186:9,
189:2, 189:16,
189:20, 194:4, 197:9,
201:27, 202:11,
202:16, 202:29,
203:17, 203:23,
204:1, 204:5, 204:11,
204:14, 204:15,
204:25, 204:26,
206:20, 206:23,
206:25, 212:23
Commission's [8] -
16:8, 18:25, 29:13,
77:28, 91:2, 134:18,
181:15, 202:23
commissioner [3] -
96:24, 97:10, 115:7
COMMISSIONER [1]
- 2:15

Commissioner [291]
- 5:24, 5:29, 6:1, 6:14,
7:12, 7:13, 7:26, 7:28,
8:18, 8:22, 9:13, 9:22,
11:12, 11:13, 15:16,
20:13, 20:19, 20:20,
21:1, 21:28, 22:9,
22:11, 23:12, 24:11,
25:8, 26:10, 29:6,
30:2, 31:8, 31:13,
32:24, 33:26, 34:5,
34:6, 37:1, 38:15,
41:28, 44:23, 46:20,
50:17, 50:22, 51:15,
52:10, 52:15, 52:29,
53:2, 53:12, 53:21,
54:1, 54:4, 54:14,
54:25, 55:15, 55:16,
55:23, 56:22, 66:3,
66:25, 67:4, 67:11,
67:18, 67:27, 68:14,
68:15, 68:21, 68:23,
68:29, 69:10, 69:13,
69:25, 69:26, 70:1,
70:6, 70:14, 70:16,
74:26, 75:6, 76:6,
76:10, 76:21, 76:28,
78:8, 79:7, 79:11,
79:24, 80:4, 80:6,
82:8, 82:12, 83:13,
83:14, 84:24, 84:25,
84:29, 85:21, 86:10,
86:11, 87:4, 87:9,
87:18, 88:20, 88:25,
88:26, 88:27, 89:3,
89:4, 91:29, 92:1,
92:6, 92:12, 92:16,
92:24, 92:26, 93:3,
93:7, 93:8, 93:11,
93:13, 93:23, 95:5,
95:18, 95:22, 95:27,
96:12, 96:23, 97:20,
98:9, 98:10, 98:21,
98:26, 99:7, 99:17,
99:27, 100:20,
100:26, 101:1, 102:6,
102:8, 102:11,
103:23, 104:3, 106:4,
107:19, 108:6,
108:11, 108:25,
109:1, 109:22,
109:29, 110:5,
110:19, 111:15,
111:17, 111:25,
111:28, 112:3, 112:5,
112:22, 112:24,
112:28, 113:28,
114:1, 114:22,
114:25, 114:27,
115:26, 116:1,
117:25, 118:6,

119:22, 119:25,
120:6, 120:18, 121:1,
121:4, 122:4, 123:12,
123:15, 124:24,
125:1, 125:4, 125:29,
129:15, 130:8,
130:18, 131:1,
133:20, 133:26,
134:5, 134:9, 135:26,
135:29, 136:3, 136:7,
136:10, 136:11,
136:16, 136:18,
137:6, 137:21,
137:24, 137:29,
138:5, 138:15,
138:18, 138:27,
141:26, 142:1, 142:5,
142:10, 145:2, 145:8,
145:15, 145:24,
146:7, 146:9, 146:10,
146:15, 146:19,
147:26, 148:7,
149:14, 149:19,
149:26, 150:2,
150:15, 151:15,
151:19, 151:24,
151:26, 151:27,
154:19, 154:24,
155:3, 155:6, 155:10,
155:12, 155:13,
155:17, 155:22,
155:26, 161:12,
161:17, 162:3, 162:6,
162:16, 163:9,
163:11, 168:19,
178:20, 180:2, 180:5,
180:24, 180:26,
190:14, 190:19,
191:9, 191:11,
191:26, 192:20,
193:16, 193:27,
194:8, 194:18,
194:27, 198:6, 200:8,
200:11, 200:18,
200:19, 200:23,
201:15, 201:16,
202:2, 202:9, 202:22,
203:3, 203:21,
203:22, 204:9,
204:22, 205:1,
205:15, 206:2
Commissioner's [30]
- 18:21, 22:6, 36:6,
59:10, 73:20, 84:3,
84:10, 84:20, 87:14,
92:21, 98:26, 101:8,
107:1, 113:15,
117:19, 118:11,
120:25, 120:29,
123:8, 124:22,
130:27, 134:22,

134:24, 135:23,
137:22, 141:21,
146:2, 155:8, 161:13
Commissions [1] -
35:21
Committee [1] -
99:18
committee [1] -
99:25
committee" [1] -
99:28
communicating [1] -
114:26
communication [1] -
191:6
communications [2]
- 90:13, 157:4
COMPANY [1] - 2:11
comparing [1] -
18:12
competence [1] -
172:28
competent [1] -
20:15
competently [1] -
174:14
compilation [1] -
130:23
compiled [2] -
130:22, 130:28
complain [1] - 26:2
complainant [1] -
51:25
complained [2] -
52:28, 177:16
complainer [2] -
209:16, 210:1
complaining [7] -
16:26, 16:27, 16:29,
50:1, 209:19, 214:13,
214:15
complains [1] -
214:11
complaint [31] -
7:24, 14:6, 21:18,
27:4, 27:19, 40:19,
49:27, 51:28, 51:29,
55:29, 61:18, 62:4,
62:20, 62:29, 67:6,
72:9, 119:11, 122:21,
123:17, 123:24,
127:11, 174:18,
174:25, 184:17,
187:17, 207:5,
207:28, 208:6, 213:8,
213:15, 213:16
complaints [54] -
30:17, 34:26, 34:29,
38:10, 38:28, 41:18,
49:14, 49:19, 49:20,

51:10, 52:18, 52:21,
55:19, 61:19, 62:4,
62:6, 67:9, 67:24,
72:24, 82:5, 111:8,
113:11, 113:16,
113:19, 113:20,
114:23, 118:23,
119:24, 125:22,
126:25, 137:12,
138:7, 139:19,
139:26, 169:13,
172:11, 172:21,
174:1, 176:11,
176:26, 181:18,
189:3, 190:7, 208:25,
209:13, 210:11,
213:21, 214:8,
214:10, 214:13,
214:15, 216:14
complaints" [1] -
17:29
complete [7] - 26:18,
45:16, 77:29, 122:9,
126:2, 161:29, 179:23
completed [3] -
57:19, 115:25, 175:28
completely [13] -
10:18, 23:1, 27:2,
37:2, 60:1, 70:29,
74:11, 79:16, 93:5,
166:3, 169:27, 175:7,
182:1
completeness [1] -
114:15
completeness' [1] -
71:15
completion [1] -
50:18
complied [1] -
119:28
comply [1] - 189:4
comprehension [1] -
126:3
computer [2] -
13:21, 106:15
conceivable [1] -
176:18
concept [2] - 207:4,
207:7
concern [22] - 77:28,
79:1, 79:14, 79:16,
79:21, 80:7, 80:14,
81:21, 85:21, 85:29,
86:5, 86:8, 87:1, 87:5,
92:15, 93:4, 93:11,
105:20, 113:22,
130:16, 200:22
concerned [37] -
30:11, 45:3, 56:8,
61:20, 61:26, 62:5,

63:5, 63:7, 67:23, 67:28, 68:18, 69:22, 78:5, 80:1, 87:10, 88:25, 114:22, 118:10, 131:19, 136:17, 137:5, 163:19, 165:1, 166:8, 181:4, 189:20, 190:23, 190:26, 191:19, 193:3, 193:24, 194:6, 197:22, 197:25, 200:7, 202:1, 216:5

concerning [6] - 30:24, 32:2, 120:15, 144:19, 144:20, 156:18

concerns [7] - 6:20, 85:18, 85:24, 86:12, 93:1, 97:19, 159:27

conclude [2] - 29:29, 206:23

conclusion [6] - 7:5, 7:17, 50:29, 202:16, 209:5, 209:12

conclusions [1] - 23:23

conduct [2] - 40:1, 68:25

conducted [2] - 119:2, 137:20

conducting [2] - 194:26, 212:22

conduit [1] - 134:8

conferred [2] - 179:5, 179:6

Confidential [2] - 114:21, 114:26

confidentiality [1] - 79:2

confined [2] - 34:12, 156:20

confines [4] - 69:20, 79:18, 104:4, 107:4

confining [1] - 19:21

confirm [3] - 47:9, 84:12, 120:23

confirmation [1] - 145:20

confirmed [6] - 49:1, 50:10, 120:25, 152:9, 190:17, 190:18

conflict [1] - 33:3

confronted [1] - 30:3

confused [1] - 112:17

confusion [1] - 186:8

connect [1] - 112:10

connected [3] - 108:12, 111:22, 159:6

CONOR [1] - 2:16

conscious [2] - 79:17, 91:7

consciously [1] - 10:20

consensus [2] - 55:10, 55:11

consequence [5] - 14:15, 21:11, 55:8, 158:16, 174:19

consequences [1] - 113:29

consequently [1] - 120:24

consider [7] - 33:29, 106:4, 107:19, 108:6, 108:13, 112:6, 144:4

considerable [1] - 6:22

considered [7] - 22:27, 51:20, 118:9, 126:9, 153:25, 206:8

considering [1] - 108:11

consisted [1] - 158:3

constantly [2] - 16:7, 37:14

constraints [1] - 163:8

constructed [3] - 54:24, 56:3, 56:4

constructions [1] - 152:9

constructive [1] - 26:27

consult [1] - 154:24

consultation [31] - 88:17, 88:24, 91:10, 91:15, 93:22, 95:4, 95:8, 95:12, 95:17, 95:23, 95:25, 96:9, 97:7, 98:27, 102:18, 103:10, 103:12, 103:16, 103:21, 107:6, 110:18, 118:26, 154:18, 154:28, 158:15, 158:16, 168:16, 168:18, 168:20, 171:5, 202:2

consultations [34] - 53:2, 53:5, 53:7, 53:26, 54:3, 54:29, 66:12, 66:15, 66:16, 66:27, 67:21, 115:25, 118:27, 119:1, 134:16, 134:20, 134:21, 134:23, 135:5, 135:7, 137:19, 138:24, 139:14,

140:3, 140:5, 155:2, 194:17, 194:22, 194:26, 194:27, 195:1, 203:5, 203:7

consulted [1] - 136:18

contact [11] - 43:10, 43:15, 51:22, 70:6, 70:13, 70:17, 135:28, 146:16, 147:5, 156:2, 169:23

contacted [4] - 43:12, 43:13, 75:20, 78:20

contacting [3] - 145:23, 146:15, 160:19

contain [2] - 186:26, 186:28

contained [4] - 23:7, 26:22, 121:2, 191:22

contains [2] - 187:1, 192:21

contemporaneous [1] - 78:6

content [10] - 58:13, 59:29, 157:4, 158:19, 160:29, 162:12, 162:25, 176:21, 177:3, 178:2

contention [2] - 62:22, 63:21

contents [7] - 14:29, 58:16, 68:11, 119:17, 158:22, 167:26, 183:8

context [15] - 28:5, 36:10, 50:25, 76:27, 125:14, 144:20, 145:14, 147:7, 150:8, 158:7, 159:5, 160:20, 177:21, 177:24, 191:15

contextualising [1] - 125:19

continuation [1] - 150:26

continue [3] - 77:1, 118:28, 191:23

continued [4] - 68:6, 139:14, 193:20, 193:23

continues [1] - 65:20

continuous [1] - 108:8

contract [2] - 158:10, 158:12

contradicted [1] - 38:13

Contrary [1] - 56:17

contrary [3] - 6:3,

20:4, 213:14

contributing [1] - 168:27

contribution [3] - 126:4, 158:3, 161:24

contributions [2] - 166:7, 175:13

contributor [2] - 157:20, 170:22

contributors [11] - 63:5, 157:18, 158:4, 162:24, 163:12, 166:28, 169:2, 169:18, 170:5, 174:5, 177:4

control [2] - 44:1, 121:4

controversial [5] - 92:29, 102:8, 102:14, 110:16, 115:6

controversies [2] - 115:9, 123:7

controversy [2] - 122:3, 122:8

convenient [2] - 57:22, 217:4

conversation [18] - 52:11, 66:2, 71:8, 77:15, 78:17, 78:20, 79:6, 82:20, 138:22, 140:26, 141:24, 142:16, 146:11, 146:18, 192:23, 192:25, 215:13

conversations [5] - 43:27, 65:26, 99:1, 110:5, 191:12

conveyed [14] - 50:1, 72:26, 88:24, 119:13, 127:14, 142:9, 142:24, 144:14, 155:11, 174:3, 176:13, 201:26, 213:10, 213:23

conveying [3] - 86:10, 87:8, 124:27

convinced [2] - 185:21, 213:14

coordinating [1] - 181:4

copies [1] - 102:25

copy [5] - 78:18, 101:20, 106:9, 120:7, 187:7

core [11] - 14:26, 16:13, 53:9, 67:22, 140:10, 140:16, 140:20, 140:22, 141:6, 141:7, 141:9

corner [1] - 159:22

correct [46] - 9:11, 9:16, 39:22, 43:17, 44:7, 44:11, 46:12, 46:24, 46:25, 50:11, 50:27, 52:3, 52:4, 52:8, 58:1, 60:17, 64:26, 64:27, 75:9, 84:11, 88:5, 90:9, 95:9, 95:10, 100:2, 102:19, 108:3, 113:20, 116:22, 117:7, 128:4, 142:12, 142:29, 160:3, 162:25, 171:12, 172:18, 179:7, 184:18, 184:26, 206:10, 207:25, 209:6, 209:11, 214:12, 214:14

corrected [7] - 60:25, 60:26, 63:2, 63:9, 100:16, 100:17, 111:13

correcting [2] - 60:21, 176:2

correctly [2] - 22:23, 23:9

corrects [1] - 63:16

correspondence [1] - 114:29

corroborated [1] - 189:29

corrupt [1] - 18:17

corruption [25] - 18:4, 28:26, 29:6, 29:16, 30:27, 32:13, 33:1, 33:9, 85:19, 85:20, 85:22, 85:24, 85:25, 85:29, 86:9, 86:12, 86:14, 86:23, 86:24, 87:2, 87:8, 87:9, 105:20, 140:1

cost [2] - 6:23, 31:19

COSTELLO [1] - 2:11

Counsel [1] - 78:15

counsel [201] - 7:14, 15:6, 15:16, 18:21, 19:5, 23:15, 35:21, 36:6, 41:28, 44:23, 45:24, 46:23, 47:6, 47:14, 53:4, 53:10, 53:16, 53:26, 54:7, 55:1, 55:19, 55:24, 57:1, 57:9, 57:14, 66:23, 66:24, 67:20, 68:16, 68:17, 68:21, 68:24, 68:25, 69:10, 69:20, 73:14, 76:6, 79:12, 80:20, 81:7,

83:17, 83:20, 84:4, 84:9, 84:21, 84:25, 92:23, 97:8, 98:5, 98:20, 99:10, 99:16, 104:2, 104:21, 106:21, 106:28, 107:6, 107:11, 108:29, 109:21, 109:28, 110:27, 111:16, 111:28, 112:2, 114:10, 114:11, 115:22, 116:6, 118:5, 118:12, 118:21, 119:21, 119:24, 120:5, 120:6, 120:21, 120:23, 121:3, 125:18, 127:9, 129:12, 130:4, 133:22, 135:19, 135:20, 135:25, 136:2, 136:4, 138:5, 138:10, 138:17, 138:19, 138:25, 138:28, 139:13, 139:15, 139:21, 140:12, 140:20, 141:12, 141:14, 141:29, 142:2, 142:11, 142:15, 142:17, 142:18, 142:25, 143:1, 143:4, 144:8, 144:9, 144:14, 144:15, 145:3, 145:21, 146:1, 146:3, 146:4, 146:12, 148:18, 148:23, 148:25, 148:28, 149:13, 149:21, 149:22, 149:27, 150:4, 150:25, 151:18, 152:26, 154:18, 155:19, 155:24, 157:14, 160:12, 162:4, 162:18, 163:14, 163:15, 164:3, 164:8, 164:19, 164:20, 164:24, 164:27, 164:29, 165:7, 168:15, 175:24, 176:21, 177:5, 180:7, 181:24, 182:1, 182:3, 182:5, 182:6, 182:8, 182:12, 184:9, 186:20, 188:1, 188:9, 189:14, 189:15, 189:19, 190:25, 191:20, 192:4, 193:4, 193:5, 193:25, 194:2, 194:5, 194:7, 194:26, 198:23, 199:28,

200:2, 201:7, 201:27, 201:28, 201:29, 202:14, 202:21, 203:13, 203:20, 203:22, 205:11, 205:27, 212:27, 216:18

counsel's [6] - 80:17, 81:16, 87:26, 109:9, 109:10, 126:3

counsel.. [1] - 118:4

countersigned [1] - 119:14

country [1] - 209:24

couple [2] - 102:1, 133:16

courage [1] - 6:21

course [60] - 8:21, 8:23, 9:8, 13:24, 14:21, 22:8, 26:13, 29:19, 34:1, 40:8, 43:7, 50:20, 71:10, 72:22, 74:2, 98:4, 103:14, 105:11, 107:1, 110:5, 110:18, 111:14, 118:21, 118:27, 119:1, 119:19, 122:22, 123:28, 124:8, 129:16, 132:29, 134:14, 136:13, 146:11, 146:18, 149:20, 150:3, 150:17, 150:20, 151:9, 151:17, 152:11, 161:8, 163:28, 166:26, 171:26, 173:28, 176:9, 180:1, 187:7, 192:5, 202:3, 203:29, 211:27, 213:6, 215:23

COURT [2] - 1:13, 2:3

court [8] - 23:6, 33:8, 33:18, 73:4, 84:27, 84:28, 184:15, 215:18

Court [4] - 123:21, 158:7, 174:21, 215:12

courteous [1] - 131:17

courtesy [1] - 43:28

courthouse [1] - 122:23

courtroom [1] - 182:20

courts [1] - 209:17

cover [4] - 47:28, 103:7, 103:17, 103:19

cover-up [2] - 103:17, 103:19

covered [2] - 156:23, 158:19

crank [1] - 209:5

crash [1] - 181:29

credibility [35] - 6:8, 10:4, 10:8, 12:11, 12:24, 15:17, 16:16, 19:27, 21:2, 26:7, 28:24, 29:23, 33:6, 38:3, 53:29, 55:21, 67:19, 124:2, 136:5, 136:15, 136:21, 136:27, 136:29, 137:2, 137:11, 137:15, 137:18, 138:7, 138:14, 138:21, 193:18, 201:8, 201:9, 210:27, 216:3

credible [1] - 28:28

credit [15] - 9:28, 10:15, 11:1, 12:18, 21:20, 31:24, 32:18, 33:13, 33:16, 34:12, 39:23, 40:3, 40:22, 41:5, 57:16

creditworthiness [4] - 11:16, 13:23, 25:21, 25:23

crime [1] - 209:3

criminal [2] - 39:29, 173:5

critical [3] - 42:11, 51:7, 163:3

criticise [7] - 15:5, 19:17, 36:8, 36:12, 36:14, 152:28, 178:1

criticised [1] - 38:21

criticising [4] - 15:29, 124:17, 172:15, 178:18

criticism [4] - 19:20, 35:22, 36:23, 171:21

cross [50] - 5:26, 5:27, 6:27, 7:8, 7:11, 8:4, 11:1, 22:24, 23:3, 26:13, 26:15, 26:20, 31:6, 31:24, 31:27, 32:1, 32:3, 32:9, 32:18, 33:12, 33:13, 33:15, 33:15, 33:25, 34:11, 36:22, 38:9, 39:17, 39:23, 39:24, 40:3, 41:5, 41:16, 65:11, 68:10, 111:15, 121:9, 143:4, 143:14, 143:26, 153:24, 154:4, 170:24, 181:13, 190:18, 192:10, 192:11,

192:13, 205:18, 212:18

CROSS [2] - 4:5, 133:12

cross-examination [32] - 5:26, 5:27, 6:27, 7:8, 11:1, 22:24, 26:20, 31:6, 31:24, 32:1, 32:9, 32:18, 33:12, 33:13, 33:15, 33:25, 34:11, 36:22, 38:9, 39:17, 39:23, 39:24, 40:3, 41:5, 41:16, 111:15, 143:26, 153:24, 154:4, 170:24, 190:18, 205:18

cross-examinations [1] - 26:13

cross-examine [5] - 7:11, 8:4, 26:15, 36:19, 121:9

cross-examined [6] - 23:3, 68:10, 143:14, 181:13, 192:10, 192:11

CROSS-EXAMINED [2] - 4:5, 133:12

cross-examiner's [1] - 32:3

cross-examining [2] - 143:4, 192:13

crystallised [1] - 135:18

CSSO [4] - 71:24, 72:2, 78:20, 110:11

Cualáin [3] - 5:29, 7:13, 20:19

Cunningham [57] - 43:4, 44:20, 45:6, 46:11, 49:18, 49:19, 49:22, 49:25, 50:4, 58:21, 60:6, 61:17, 61:28, 62:8, 62:12, 63:10, 64:13, 65:7, 66:7, 66:21, 68:8, 72:23, 79:27, 83:6, 119:2, 119:5, 119:7, 119:10, 119:11, 119:16, 120:3, 127:7, 127:8, 127:11, 157:23, 157:24, 160:7, 161:25, 169:4, 171:27, 172:10, 172:23, 173:28, 176:10, 181:16, 181:23, 182:9, 183:3, 183:21, 185:12, 186:1, 186:6, 188:24,

189:28, 198:3, 213:7, 213:20

Cunningham's [3] - 62:11, 64:3, 184:8

cup [2] - 85:1, 87:15

curious [2] - 24:4, 150:19

current [1] - 45:27

custody [1] - 13:21

cut [1] - 128:11

cutting [1] - 128:9

D

D's [1] - 38:29

damaging [1] - 165:27

dark [1] - 178:8

date [7] - 48:7, 80:6, 82:3, 103:14, 156:4, 185:17, 185:18

dated [3] - 61:7, 80:18, 82:2

David [1] - 78:23

dawned [1] - 154:14

DAY [1] - 1:18

day-to-day [2] - 101:27, 101:29

days [8] - 28:18, 40:28, 70:16, 70:18, 73:5, 95:20, 102:2

deal [34] - 7:11, 17:24, 23:17, 44:11, 47:29, 69:20, 74:16, 79:13, 80:20, 80:24, 85:28, 95:19, 98:15, 98:19, 113:14, 113:25, 113:28, 114:2, 114:10, 114:23, 138:6, 155:24, 162:21, 172:29, 178:25, 179:28, 182:8, 193:25, 194:2, 194:5, 200:14, 201:29, 212:27, 214:29

dealing [15] - 68:18, 69:21, 69:23, 74:18, 80:16, 105:19, 148:25, 162:27, 166:25, 167:15, 177:6, 178:12, 179:25, 194:6, 200:3

dealings [3] - 91:7, 144:19, 182:28

deals [1] - 82:27

dealt [16] - 45:7, 51:11, 88:3, 90:12, 94:1, 115:13, 115:22,

131:1, 145:9, 157:19, 157:25, 160:12, 166:21, 169:16, 172:2, 193:2
Dear [1] - 81:26
debate [6] - 19:12, 140:2, 140:8, 140:15, 140:21, 141:2
decide [8] - 23:15, 64:2, 92:9, 104:29, 113:2, 164:19, 203:1, 204:26
decided [5] - 93:6, 104:26, 151:28, 152:1, 169:13
decision [20] - 52:26, 53:8, 56:5, 75:24, 105:3, 110:3, 113:27, 138:25, 151:12, 151:13, 165:14, 165:20, 166:2, 166:3, 169:7, 169:8, 169:9, 202:24, 203:24, 203:25
decisions [2] - 99:15, 116:2
declaration [1] - 25:2
declined [1] - 120:14
deemed [1] - 55:3
deeply [2] - 29:11, 165:26
Defence [1] - 99:18
defence [3] - 99:28, 100:4, 100:5
defend [3] - 29:18, 99:7, 99:26
defendant [1] - 33:20
defending [1] - 36:20
deferral [3] - 148:13, 148:14, 148:20
deferred [1] - 200:12
definite [1] - 125:13
definitely [2] - 102:10, 155:1
definitively [1] - 61:14
degree [1] - 194:28
delegate [1] - 171:23
deliberate [2] - 90:2, 194:24
deliver [2] - 47:26, 47:29
demeanour [1] - 193:21
demonstrate [2] - 24:10, 32:26
demonstrated [1] - 29:22
denies [1] - 33:10
denigrate [1] - 83:4
denying [2] - 33:10, 35:28
Department [10] - 30:13, 130:20, 130:28, 146:16, 146:20, 146:22, 146:23, 147:6, 147:14, 148:24
Department' [1] - 147:16
depicted [1] - 106:17
deploy [1] - 17:7
deployment [1] - 40:25
deputed [1] - 172:11
Deputy [2] - 123:8, 123:12
Derek [1] - 114:17
designed [3] - 32:1, 32:19, 39:24
desire [1] - 176:27
despite [2] - 124:2, 150:13
detail [9] - 43:21, 85:17, 86:4, 99:1, 121:29, 124:11, 181:5, 192:25
detailed [2] - 15:12, 119:15
details [3] - 43:6, 43:18, 167:25
detectives [1] - 208:28
determine [1] - 41:4
developments [1] - 148:9
dialogue [3] - 20:24, 211:27, 212:13
DIARMAID [1] - 2:6
diary [2] - 84:3, 129:23
difference [3] - 12:24, 27:27, 60:4
different [23] - 7:5, 7:17, 10:18, 14:23, 22:26, 25:1, 33:16, 35:4, 37:3, 52:21, 57:23, 60:1, 70:29, 97:24, 106:18, 117:4, 157:11, 159:2, 192:28, 193:20, 200:24, 216:24
differently [1] - 107:25
difficult [3] - 93:12, 123:28, 151:13
difficulties [3] - 45:8, 163:4, 181:3
difficulty [5] - 14:21, 24:14, 46:5, 145:23, 146:15
diffuse [1] - 16:17
DIGNAM [1] - 2:16
diminished [1] - 13:11
direct [3] - 66:22, 127:23, 157:18
directed [3] - 153:27, 163:28, 198:25
direction [8] - 38:29, 57:5, 65:2, 69:6, 123:4, 156:13, 176:29, 205:20
directions [28] - 14:17, 28:3, 41:21, 42:12, 50:1, 52:27, 55:3, 64:4, 64:7, 64:21, 64:22, 64:23, 67:8, 67:26, 72:25, 119:12, 127:13, 144:20, 169:1, 174:3, 176:13, 184:18, 189:5, 189:25, 195:29, 213:9, 213:23, 216:11
directive [1] - 168:8
DIRECTLY [2] - 4:4, 41:13
directly [9] - 69:4, 69:8, 81:14, 83:25, 114:26, 157:19, 157:25, 160:12, 172:2
Director [5] - 40:11, 165:14, 166:2, 169:8, 170:20
director [1] - 90:13
disaffection [2] - 51:22, 144:7
disagree [1] - 135:15
disclosure [2] - 38:28, 163:3
DISCLOSURES [2] - 1:3, 1:4
discovered [1] - 60:18
discovery [2] - 175:20, 178:12
discredit [5] - 9:14, 9:24, 9:27, 9:29, 16:17
discretion [2] - 93:6, 164:23
discuss [2] - 49:20, 91:8
discussed [27] - 43:22, 47:22, 58:18, 70:15, 77:20, 78:15, 78:20, 79:18, 82:13, 84:18, 84:19, 85:9, 85:10, 85:16, 85:17, 86:3, 87:27, 92:22, 99:24, 100:15, 103:16, 105:4, 110:14, 118:8, 118:20, 120:16, 140:5
discussing [3] - 71:13, 87:16, 191:25
discussion [17] - 37:19, 58:15, 83:14, 83:17, 85:2, 86:27, 87:29, 100:11, 120:16, 141:26, 142:3, 142:5, 142:10, 147:18, 152:4, 184:7, 201:12
discussion' [1] - 85:5
discussions [2] - 120:8, 199:3
disease [1] - 128:26
dismissal [1] - 56:2
dismissing [1] - 8:2
disparaging [1] - 56:18
dispute [2] - 170:2, 171:1
disputing [1] - 58:12
disquiet [1] - 130:16
disregard [1] - 15:15
disreputable [1] - 40:1
dissatisfaction [2] - 143:8, 187:18
distinction [7] - 12:20, 31:26, 37:8, 37:10, 39:6, 114:6, 158:8
distinctly [2] - 57:2, 109:10
distortion [1] - 21:14
distribute [1] - 52:21
district [3] - 139:20, 139:28, 209:23
District [2] - 123:20, 174:21
division [2] - 166:29, 167:13
divulged [1] - 64:23
document [53] - 17:4, 17:18, 17:24, 17:28, 22:25, 30:21, 40:17, 46:2, 52:1, 52:5, 52:6, 53:9, 60:5, 73:25, 73:27, 77:13, 119:29, 120:7, 120:28, 140:2, 140:9, 140:26, 141:13, 141:17, 161:6, 161:18, 161:19, 161:28, 162:7, 162:8, 162:12, 164:26, 165:1, 166:9, 166:27, 169:3, 169:18, 171:6, 173:19, 173:20, 175:28, 176:22, 177:3, 177:12, 178:29, 181:5, 181:6, 190:10, 191:18, 191:19, 191:22, 192:29
documentary [1] - 161:3
documentation [1] - 125:6
documents [14] - 14:26, 16:13, 17:17, 42:7, 45:28, 46:6, 60:29, 63:27, 117:15, 121:24, 129:3, 129:18, 129:21, 129:28
DoJ [1] - 148:7
domain [4] - 22:7, 80:2, 80:25, 81:23
DONAL [1] - 2:16
DONALD [1] - 2:18
done [29] - 10:27, 11:28, 14:8, 23:14, 25:4, 30:7, 31:13, 31:15, 33:12, 37:17, 38:22, 59:5, 64:25, 71:11, 73:12, 74:13, 84:26, 91:21, 123:18, 155:28, 160:10, 172:27, 175:4, 180:23, 181:20, 186:22, 194:8, 212:16
DONNELLY [1] - 3:3
doubt [9] - 12:2, 15:26, 28:14, 28:15, 64:5, 151:15, 167:20, 168:25, 215:9
down [41] - 25:19, 26:26, 34:11, 38:20, 42:4, 45:8, 45:29, 46:16, 47:15, 48:23, 57:25, 59:2, 64:12, 71:19, 72:16, 74:22, 79:9, 79:24, 86:18, 92:24, 110:7, 123:23, 126:19, 128:18, 138:28, 141:28, 142:7, 148:5, 151:2, 151:3, 159:1, 163:19, 169:6, 171:5, 174:20, 183:24, 184:10, 189:16, 207:17, 208:16, 208:28
downstairs [1] - 174:23

DPP [14] - 21:12, 42:7, 49:29, 54:17, 55:8, 56:2, 57:5, 119:12, 127:13, 144:20, 165:20, 168:5, 177:16, 181:20
DPP's [24] - 14:17, 26:3, 38:29, 41:21, 42:12, 52:27, 55:2, 64:4, 67:7, 67:26, 123:4, 123:29, 167:4, 168:8, 169:1, 174:3, 176:12, 176:28, 181:20, 184:18, 187:19, 189:4, 189:25, 216:11
draft [13] - 47:1, 47:6, 47:16, 47:27, 56:11, 126:21, 126:22, 127:20, 127:22, 129:8, 157:29, 161:18
drafted [2] - 157:17, 188:10
drafts [3] - 156:4, 157:13, 157:28
drag [1] - 217:5
dragged [3] - 18:20, 183:15
draw [4] - 7:5, 7:17, 171:6, 186:21
drawing [1] - 158:10
drawn [1] - 17:16
drew [1] - 158:7
driver [2] - 51:25, 143:5
drunk [1] - 32:8
drunkenness [1] - 39:21
Ds [5] - 52:26, 52:27, 64:4, 64:7, 64:8
DUBLIN [6] - 1:17, 2:13, 2:20, 2:25, 3:6, 3:14
Dublin [1] - 208:23
due [4] - 18:2, 39:20, 56:25, 142:13
DUNDRUM [1] - 2:25
during [14] - 34:1, 63:15, 63:20, 80:12, 118:20, 119:18, 121:26, 131:19, 135:9, 139:13, 140:2, 146:14, 161:15
dusted [1] - 74:14
DÁIL [1] - 1:5

E

early [3] - 13:19, 92:14, 194:18
ears [1] - 133:20
easier [1] - 44:19
easily [1] - 124:9
easy [2] - 167:24, 168:10
effect [9] - 7:2, 54:9, 97:28, 99:22, 135:17, 142:17, 167:23, 179:3, 192:13
effectively [6] - 8:7, 21:15, 38:27, 133:20, 178:19, 190:5
efficacy [1] - 24:18
efficient [1] - 20:15
effort [1] - 37:14
efforts [1] - 150:13
eight [1] - 31:19
either [17] - 17:21, 20:18, 37:11, 43:4, 63:7, 66:2, 69:15, 69:19, 105:10, 137:25, 143:18, 146:2, 146:10, 152:26, 181:28, 187:4, 203:21
elaborate [2] - 96:21, 196:13
electronically [1] - 101:20
element [1] - 177:27
elicit [1] - 32:1
ELIZABETH [1] - 2:7
ELLEN [1] - 3:2
elliptically [1] - 17:12
eloquently [1] - 27:27
elsewhere [1] - 34:17
em [6] - 45:15, 48:16, 75:7, 103:22, 142:15, 167:12
email [24] - 47:6, 47:10, 48:6, 48:10, 48:11, 48:14, 48:15, 48:21, 78:13, 78:14, 80:3, 81:25, 81:26, 82:7, 82:12, 82:22, 87:26, 101:21, 110:25, 116:21, 130:3, 130:4, 160:22, 161:13
emailed [6] - 47:1, 75:16, 90:16, 90:20, 91:1, 129:11

emails [2] - 101:22, 101:24
emerged [1] - 59:28
emphasised [3] - 36:2, 36:4, 36:8
emphasises [1] - 160:27
employed [1] - 194:5
employer [3] - 136:12, 136:17, 163:11
enclose [1] - 47:15
encounter [1] - 195:8
encourage [1] - 51:28
encouraged [2] - 143:6, 143:18
end [10] - 26:20, 31:16, 35:28, 36:28, 47:20, 74:22, 87:18, 135:18, 151:29, 171:4
endeavouring [3] - 135:28, 139:21, 155:29
ends [1] - 24:26
engage [1] - 44:4
engaged [3] - 54:16, 131:20, 155:9
engagement [1] - 26:27
engaging [2] - 54:20, 78:2
enlighten [1] - 198:5
enquiry [1] - 46:2
ensued [1] - 120:16
ensure [7] - 74:17, 170:1, 175:14, 177:4, 177:6, 180:5, 180:7
entailed [1] - 152:5
enterprise [1] - 35:26
entire [1] - 35:25
entitled [14] - 7:16, 7:18, 8:9, 16:15, 26:15, 28:27, 29:18, 32:25, 32:28, 33:11, 33:21, 36:21, 39:2, 153:6
entry [1] - 209:1
envisaged [1] - 132:25
equal [3] - 85:21, 86:11, 87:6
equality [1] - 30:17
EQUALITY [1] - 1:9
equation [1] - 198:4
equipment [1] - 197:25
equivocal [1] - 11:8

erecting [1] - 16:11
erroneous [1] - 188:8
error [14] - 37:21, 63:27, 71:5, 100:8, 100:16, 100:18, 184:11, 185:20, 185:21, 187:26, 189:6, 190:17, 211:18, 211:24
errors [3] - 181:8, 192:22
eruption [1] - 93:2
especially [1] - 34:27
essentially [4] - 14:6, 41:17, 61:23, 125:18
establish [4] - 26:16, 118:18, 118:22, 139:21
established [1] - 43:17
ESTABLISHED [1] - 1:8
establishing [2] - 119:20, 119:28
estimates [2] - 198:17, 198:18
et [1] - 182:22
etcetera [4] - 17:6, 18:4, 103:7, 127:17
etiquette [1] - 56:17
eve [1] - 206:11
evening [12] - 41:15, 44:6, 56:12, 78:16, 82:19, 84:18, 95:9, 96:17, 101:10, 102:3, 158:1, 181:28
event [9] - 50:11, 83:29, 85:6, 95:28, 115:12, 155:1, 159:7, 163:6, 185:24
events [3] - 38:12, 58:3, 71:11
eventualities [1] - 111:29
eventuality [1] - 111:17
eventually [1] - 49:12
Evidence [2] - 14:28, 17:6
EVIDENCE [1] - 1:9
evidence [103] - 5:19, 6:9, 10:1, 10:21, 11:3, 12:6, 12:19, 13:6, 13:11, 18:10, 18:13, 18:16, 18:20, 21:13, 22:28, 23:12, 23:13, 23:27, 24:12, 28:9, 29:5, 29:24, 30:2, 30:3, 30:5, 31:21, 32:20, 32:26, 33:11, 33:21, 34:7, 34:8, 35:23, 39:25, 41:3, 44:12, 44:27, 45:1, 45:16, 48:1, 48:5, 49:1, 49:26, 50:18, 59:7, 60:6, 63:6, 63:11, 63:13, 68:6, 68:8, 68:10, 68:19, 88:21, 90:24, 91:28, 92:5, 92:7, 92:13, 93:3, 95:5, 95:16, 95:18, 95:23, 97:19, 98:1, 105:9, 107:1, 113:21, 115:26, 121:5, 135:16, 139:2, 143:10, 143:11, 144:18, 156:3, 157:18, 161:3, 163:21, 164:6, 164:16, 166:5, 181:21, 182:9, 182:10, 182:25, 183:21, 184:20, 187:2, 187:13, 190:6, 200:9, 200:11, 200:18, 200:26, 201:21, 204:12, 206:12, 213:19, 215:14, 215:20, 216:16
evident [1] - 64:17
evolved [3] - 92:13, 134:11, 134:13
evolving [1] - 175:7
exact [3] - 20:8, 36:2, 120:17
exactly [15] - 12:28, 15:14, 56:29, 59:23, 98:27, 98:28, 101:11, 107:26, 136:2, 172:23, 182:23, 188:23, 191:12, 194:13, 215:17
exaggerate [1] - 34:16
exaggerated [1] - 35:1
exaggerates [1] - 40:20
exaggeration [4] - 6:11, 40:25, 51:13, 113:12
examination [34] - 5:5, 5:26, 5:27, 6:27, 7:8, 11:1, 22:24, 26:20, 31:6, 31:24,

32:1, 32:9, 32:18,
33:12, 33:13, 33:15,
33:25, 34:11, 36:22,
38:9, 39:17, 39:23,
39:24, 40:3, 41:5,
41:16, 111:15,
143:26, 153:24,
154:4, 170:24,
190:18, 205:18
examinations [1] -
26:13
examine [5] - 7:11,
8:4, 26:15, 36:19,
121:9
examined [7] - 23:3,
34:28, 68:10, 143:14,
181:13, 192:10,
192:11
EXAMINED [4] - 4:4,
4:5, 41:14, 133:12
examiner's [1] - 32:3
examining [3] -
143:4, 187:7, 192:13
example [1] - 10:23
exceeded [1] -
132:21
except [1] - 183:18
exception [2] -
161:3, 177:15
excess [1] - 37:21
excessive [1] -
199:29
exchange [8] -
42:28, 63:15, 63:20,
68:1, 69:8, 79:26,
120:18, 184:16
exchanged [2] -
85:2, 87:18
exclusively [2] -
97:5, 105:18
excused [3] -
132:27, 132:28,
132:29
exercise [2] - 9:10,
98:11
existence [4] -
29:24, 185:28, 197:7,
198:1
exit [1] - 209:1
exonerated [3] -
166:4, 196:8, 216:11
exotic [1] - 206:29
expand [1] - 103:29
expect [3] - 46:23,
86:17, 86:23
expected [1] -
175:29
expecting [3] -
115:19, 115:27
experience [2] -

92:26, 93:12
expert [2] - 141:19,
203:21
expertise [1] -
205:11
explain [14] - 55:15,
83:8, 90:11, 92:24,
104:11, 106:7, 123:6,
127:17, 128:27,
130:24, 138:21,
152:2, 212:9
explained [11] -
55:16, 71:4, 71:5,
97:7, 138:5, 138:8,
138:24, 139:12,
145:27, 185:7, 207:7
explaining [2] -
127:18, 139:13
explanation [1] -
168:5
explore [8] - 53:17,
54:8, 55:20, 66:8,
149:21, 149:23,
149:25, 150:4
explored [2] - 29:26,
52:17
exploring [2] - 86:18,
216:18
express [1] - 97:29
expressed [2] - 98:7,
170:20
extensive [2] -
19:12, 89:27
extent [4] - 33:3,
140:13, 167:3, 181:6
external [1] - 14:2
extract [1] - 63:18
eyes [1] - 133:20

F

face [3] - 19:23,
37:19, 40:4
Fachtna [1] - 114:17
facilitated [1] -
170:18
facilitating [1] -
177:2
facing [2] - 19:22,
163:5
fact [36] - 12:16,
16:2, 18:29, 19:1,
19:5, 19:21, 20:13,
22:5, 24:5, 30:6, 33:4,
33:5, 36:5, 40:21,
46:10, 57:11, 63:8,
65:12, 71:13, 76:29,
79:19, 80:13, 81:22,
81:25, 136:10, 141:9,

149:9, 156:21,
158:29, 159:1,
174:23, 176:13,
180:12, 194:19,
198:6, 200:8
factor [5] - 8:26,
16:4, 39:22, 53:5,
118:22
factors [1] - 85:20
facts [42] - 15:9,
15:12, 17:29, 21:17,
22:25, 25:10, 30:22,
32:2, 32:6, 32:10,
39:17, 39:18, 39:19,
39:20, 39:23, 40:7,
40:18, 51:29, 52:5,
57:14, 60:9, 118:18,
119:20, 119:28,
157:1, 157:6, 158:15,
158:26, 161:4,
163:13, 164:4,
164:15, 164:17,
168:9, 171:9, 179:18,
180:16, 180:19,
209:6, 209:11, 210:5,
210:6
facts' [1] - 157:2
factual [17] - 35:23,
38:21, 98:28, 139:1,
139:11, 153:2,
153:26, 155:15,
163:29, 164:21,
164:22, 187:9,
187:29, 190:17,
192:18, 193:17,
209:22
factually [1] - 161:1
failed [1] - 31:2
failure [3] - 21:11,
187:16, 189:3
fair [6] - 43:16, 64:8,
80:23, 80:27, 119:20,
214:3
fairly [5] - 48:4,
73:25, 89:27, 173:2,
199:6
fairness [6] - 58:27,
68:28, 80:10, 138:18,
173:7, 192:14
faith [31] - 8:3, 37:12,
106:4, 106:23, 108:4,
111:5, 111:22,
111:25, 112:1,
112:27, 113:13,
113:18, 114:6,
200:29, 201:1,
201:13, 203:5,
203:26, 204:4,
204:10, 204:17,
207:1, 207:4, 207:6,

207:22, 208:6,
210:11, 210:13,
212:21, 212:26
faith [1] - 107:15
fallen [1] - 131:23
falling [1] - 118:7
fallout [2] - 75:28,
114:2
falls [2] - 22:16,
23:16
false [8] - 8:17,
25:28, 31:2, 72:27,
181:26, 213:11,
213:28, 214:9
familiar [1] - 24:25
family [10] - 38:29,
40:12, 64:22, 122:25,
123:4, 124:4, 174:19,
177:25, 182:16,
187:19
fanciful [1] - 173:25
fantastical [1] - 23:1
far [31] - 10:23,
31:21, 57:7, 57:8,
67:23, 67:27, 68:17,
69:22, 73:9, 78:5,
83:23, 96:12, 114:21,
137:5, 141:14, 165:1,
167:26, 172:27,
180:25, 189:20,
190:23, 190:26,
191:18, 193:2,
193:24, 194:6,
194:25, 197:21,
197:25, 202:1, 216:4
farcical [1] - 174:8
father [1] - 122:26
father's [1] - 24:26
fault [1] - 171:17
faulting [1] - 171:19
favourable [1] - 32:3
featured [1] - 95:29
FEBRUARY [2] - 1:6,
1:10
feedback [1] - 58:9
FELIX [1] - 2:23
felt [5] - 32:24,
141:10, 173:9, 175:3,
175:23
Fergus [2] - 81:27,
159:26
FERGUS [3] - 4:3,
41:13, 133:12
Ferris [1] - 78:17
few [3] - 51:11,
162:11, 215:18
fides [4] - 6:21,
37:20, 105:17,
105:24, 106:2,
106:21, 107:15,

108:4, 109:3, 109:11,
109:26, 110:1, 112:6,
112:20, 112:22,
112:28, 113:3, 113:4,
113:17, 201:13,
201:17, 202:4, 202:8,
202:17, 202:18,
202:24, 203:2, 203:7,
203:16, 203:25,
204:13, 204:23,
206:14, 206:20,
206:24, 207:1,
207:15, 211:16,
211:26, 214:27, 215:6
fides/bad [1] - 112:1
fides/bad [1] - 111:5
fifth [1] - 22:22
files [1] - 101:25
filing [1] - 73:18
final [4] - 11:2,
47:27, 127:22, 129:8
finality [1] - 31:17
finally [2] - 49:21,
116:11
findings [5] - 6:4,
22:1, 22:15, 29:26,
87:2
fine [3] - 89:18,
100:9, 103:2
fingerprints [2] -
208:19, 208:29
finish [5] - 131:10,
131:27, 133:3,
198:21, 199:12
finished [4] - 44:27,
48:6, 133:4, 216:28
firm [1] - 59:16
first [57] - 8:14, 9:5,
16:25, 18:5, 18:13,
18:18, 21:23, 24:5,
26:9, 28:17, 29:12,
36:25, 39:12, 49:9,
56:11, 59:22, 61:13,
61:14, 68:3, 75:19,
76:11, 82:5, 84:12,
95:20, 96:8, 96:17,
103:6, 107:28, 118:4,
118:5, 119:24,
131:24, 133:28,
142:15, 143:12,
144:18, 145:4,
145:10, 149:29,
152:29, 157:29,
160:5, 161:18,
163:25, 169:23,
176:24, 184:4,
185:13, 186:22,
188:29, 189:12,
199:9, 200:10,
205:14, 206:22

firstly [6] - 14:26, 15:7, 21:6, 24:24, 40:5, 144:27
fit [1] - 155:25
FITZGERALD [2] - 2:17, 3:8
five [5] - 29:14, 32:29, 91:26, 132:21
fixing [1] - 74:5
flagged [1] - 115:10
FLAHIVE [1] - 3:8
flare [1] - 116:4
flare-up [1] - 116:4
flawed [1] - 193:19
floated [1] - 109:19
floating [2] - 112:21, 112:29
floundering [1] - 12:29
flow [3] - 163:1, 201:29
flush [2] - 61:13, 61:14
focus [5] - 25:13, 25:18, 33:24, 33:27, 34:6
focused [2] - 34:23, 115:28
focusing [2] - 73:28, 74:15
follow [6] - 25:3, 25:5, 64:29, 92:18, 182:14, 182:24
followed [2] - 46:26, 55:19
FOLLOWING [1] - 1:5
following [29] - 1:26, 14:17, 15:14, 18:11, 20:26, 37:18, 51:4, 61:16, 64:6, 65:1, 69:8, 72:20, 73:17, 78:16, 78:19, 82:19, 101:10, 106:29, 120:7, 137:25, 138:16, 146:25, 162:1, 162:12, 182:24, 195:8, 197:14, 209:22
FOLLOWS [3] - 5:2, 41:14, 95:1
follows [1] - 81:25
foot [3] - 5:7, 40:17, 181:13
FOR [8] - 1:8, 2:6, 2:9, 2:15, 2:22, 3:1, 3:8, 94:17
force [18] - 27:18, 27:20, 28:2, 38:28, 41:19, 52:19, 67:7,

72:24, 119:11, 127:12, 174:2, 176:11, 176:27, 177:12, 181:19, 184:17, 213:8
forced [1] - 18:1
forcing [2] - 67:26, 177:27
forewarning [1] - 164:27
foreword [1] - 170:10
forget [3] - 12:13, 55:11, 210:9
forgotten [1] - 20:8
form [3] - 47:27, 184:23, 189:23
formal [3] - 88:10, 88:11, 111:24
formalised [1] - 146:8
formalistic [1] - 9:9
format [1] - 106:22
former [10] - 6:1, 7:27, 20:20, 30:2, 34:6, 37:9, 144:16, 157:22, 170:23, 181:23
formulate [1] - 130:25
formulated [3] - 28:17, 56:9, 135:20
formulation [1] - 29:4
forthright [1] - 90:3
forward [6] - 22:28, 43:25, 111:3, 113:27, 175:13, 177:23
forwarded [5] - 73:8, 78:28, 119:17, 130:7, 161:16
forwarding [4] - 47:7, 101:19, 117:13, 130:4
foul [1] - 23:16
foundation [3] - 29:8, 29:23, 33:2
four [1] - 70:18
fourth [1] - 22:3
framed [1] - 210:19
FRANCES [1] - 3:8
FRANKFORT [1] - 2:24
frankly [5] - 12:25, 132:19, 179:24, 208:17, 208:21
FRIDAY [2] - 1:18, 5:1
Friday [2] - 162:6, 163:29

friend [1] - 28:24
Friend [1] - 156:24
friend's [2] - 10:24, 14:1
friendly [1] - 168:3
front [12] - 8:28, 13:8, 28:12, 34:3, 43:27, 80:23, 95:13, 111:7, 148:9, 148:18, 198:19
fruit [2] - 23:6, 210:1
full [17] - 15:12, 20:6, 28:3, 49:29, 64:22, 72:25, 118:3, 119:12, 127:13, 127:29, 159:23, 174:3, 176:12, 211:7, 211:8, 213:9, 213:23
fuller [1] - 168:5
fully [9] - 9:2, 12:21, 17:23, 22:2, 22:15, 39:19, 65:13, 178:16, 215:5
function [4] - 97:5, 134:27, 180:2, 202:23
functions [1] - 96:27
furnished [2] - 61:6, 189:1
furtherer [1] - 13:14
fuse [1] - 57:7
future [1] - 177:24

G

gagging [2] - 114:29, 115:7
ganging [1] - 131:15
garbled [1] - 168:10
Garda [42] - 6:2, 22:11, 30:16, 38:26, 44:23, 75:20, 76:6, 76:8, 76:10, 78:19, 88:19, 88:20, 90:13, 92:25, 95:10, 96:27, 109:21, 110:10, 117:25, 118:5, 119:4, 119:22, 119:25, 120:5, 120:17, 121:1, 121:4, 121:18, 122:14, 125:20, 126:2, 127:2, 130:20, 130:24, 133:18, 133:29, 134:4, 134:28, 166:29, 174:22, 208:4, 208:16
garda [4] - 41:20, 52:20, 172:15, 172:17
Gardaí [7] - 14:17, 16:14, 90:9, 133:25, 168:7, 207:21, 216:6
GARRET [1] - 3:2
gather [2] - 141:15, 215:19
gear [1] - 21:9
General [1] - 130:20
general [13] - 32:9, 53:14, 78:24, 85:2, 86:5, 87:29, 123:28, 133:16, 136:20, 140:26, 141:23, 193:21, 208:29
General's [2] - 148:24, 161:10
gentlemen [1] - 216:5
genuine [5] - 6:19, 6:22, 63:26, 71:4, 113:18
GERALDINE [1] - 3:4
GERARD [1] - 3:11
Gillane [7] - 14:25, 15:4, 19:1, 23:5, 36:11, 45:24, 144:27
Gillane's [1] - 44:24
Gilligan [1] - 10:25
girl [1] - 40:12
girlfriend [3] - 10:24, 11:2, 14:1
gist [1] - 27:18
given [31] - 10:23, 13:20, 21:18, 22:5, 24:2, 30:1, 30:4, 33:26, 35:7, 57:8, 57:15, 73:18, 74:4, 74:8, 74:9, 84:21, 86:29, 90:25, 101:29, 102:7, 102:11, 114:12, 136:16, 164:29, 170:3, 171:22, 180:2, 200:15, 205:20, 205:22, 206:29
glance [1] - 107:28
glass [1] - 88:12
glasses [2] - 10:13, 32:7
GLEESON [3] - 3:2, 3:5, 217:14
Gleeson [2] - 94:8, 217:13
go-ahead [2] - 141:22
God [1] - 140:28
GORDON [1] - 2:10
Government [3] - 5:25, 11:10, 11:11
grabbed [1] - 177:19
grand [2] - 11:14, 217:5

grasp [1] - 191:16
gravamen [1] - 201:24
great [5] - 9:8, 128:8, 128:11, 172:29, 207:8
greet [3] - 84:22, 85:1, 87:22
grievance [13] - 21:10, 26:16, 29:25, 34:13, 38:25, 40:5, 40:7, 40:14, 189:25, 193:21, 207:21, 208:4
grilled [1] - 123:12
ground [3] - 31:7, 106:28, 176:19
grounded [1] - 190:16
grounds [17] - 9:13, 9:23, 9:26, 10:7, 17:14, 20:29, 21:20, 25:21, 25:22, 38:2, 38:4, 38:5, 38:23, 41:6, 56:19, 193:20, 206:8
grudge [6] - 14:14, 21:7, 29:24, 55:7, 56:25, 56:26
GSOC [4] - 51:28, 143:8, 143:20, 167:15
guards [2] - 50:18, 69:18
Guerin's [1] - 126:9
guessing [1] - 152:3
guided [1] - 114:9
guilty [5] - 29:6, 32:13, 33:1, 40:1, 157:9
guy [1] - 208:24
GWEN [1] - 1:30
Gwen [1] - 1:25

H

habit [2] - 207:18
half [4] - 32:7, 32:8, 152:15, 173:15
halfway [2] - 57:25, 148:5
HALIDAY [1] - 2:12
hand [9] - 14:14, 58:17, 102:27, 103:25, 156:1, 159:22, 181:19, 184:17
handed [1] - 17:25
hands [1] - 99:15
handwritten [4] - 62:17, 106:18, 159:23, 160:21

hang [1] - 21:9
happy [7] - 63:25, 76:29, 86:7, 176:3, 198:13, 199:10, 215:20
hard [4] - 60:2, 101:20, 102:25, 172:22
hardly [1] - 128:18
harm [2] - 89:1, 175:4
Haughey [1] - 36:20
head [2] - 92:28, 189:17
headed [1] - 40:18
heading [2] - 50:26, 159:23
Headquarters [1] - 75:20
Healy [7] - 67:3, 84:10, 95:3, 133:15, 159:26, 173:8, 183:28
HEALY [3] - 4:3, 41:13, 133:12
hear [4] - 177:1, 199:15, 213:13, 215:20
heard [14] - 21:13, 27:10, 40:4, 49:1, 59:7, 91:3, 142:25, 143:4, 143:14, 144:24, 181:25, 184:16, 199:25, 201:18
HEARING [4] - 5:1, 94:17, 95:1, 217:18
hearing [16] - 29:13, 35:15, 37:3, 41:3, 72:15, 79:19, 80:8, 80:9, 80:12, 80:14, 163:23, 163:28, 181:15, 185:10, 185:26, 186:14
hearings [9] - 58:4, 59:24, 77:29, 78:1, 83:3, 103:14, 120:16, 121:3, 134:18
heart [3] - 58:17, 193:21, 194:11
heated [1] - 120:18
hefty [1] - 73:25
Hegarty [1] - 43:10
held [5] - 21:7, 39:7, 119:4, 127:2
HELD [1] - 1:17
hell [1] - 197:27
help [8] - 17:11, 25:26, 31:26, 78:7, 92:7, 131:21, 132:26, 184:4

helpful [3] - 19:10, 58:26, 210:7
helps [1] - 35:10
hereby [1] - 163:29
herself [3] - 86:12, 113:28, 154:18
Hewston [2] - 9:10, 9:11
hidden [1] - 24:22
high [1] - 172:28
highest [1] - 52:20
highlight [1] - 85:6
highly [5] - 20:14, 172:19, 188:7, 194:4, 212:19
hijacking [1] - 31:2
himself [13] - 16:3, 18:9, 19:21, 60:17, 64:23, 65:26, 84:29, 131:14, 161:4, 166:26, 169:16, 212:11, 216:13
hindsight [2] - 89:5, 89:15
hip [1] - 26:5
historic [1] - 9:15
historically [1] - 11:15
history [3] - 139:6, 186:11, 209:12
hmm [3] - 15:3, 50:5, 75:27
hold [2] - 17:1, 181:29
home [2] - 84:28, 87:19
honestly [1] - 58:17
hoof [1] - 151:25
hope [4] - 5:5, 5:12, 122:21, 199:14
hopefully [2] - 31:17, 46:1
horse [1] - 163:6
horses [1] - 193:27
hotel [1] - 11:3
hour [4] - 39:10, 94:5, 94:6, 173:16
hours [4] - 162:23, 162:27, 208:19, 215:14
house [2] - 208:17, 209:1
HOUSE [3] - 2:12, 2:19, 3:13
HQ [5] - 96:27, 121:18, 122:14, 126:2, 130:24
HRM [6] - 96:19, 96:24, 97:11, 98:9, 116:1, 200:20

huge [2] - 60:3, 181:7
human [1] - 96:25
hurtful [3] - 18:22, 23:27, 29:11
hypothetical [2] - 208:7, 208:13

I

i.e [1] - 47:27
idea [7] - 40:19, 84:26, 89:4, 89:14, 89:16, 123:29, 145:29
identified [1] - 25:13
identify [1] - 25:27
ignoring [1] - 94:13
ill [2] - 190:7, 207:20
ill-motivated [1] - 190:7
illness [1] - 39:21
imagination [1] - 176:19
imagine [3] - 141:5, 147:8, 163:4
imagined [1] - 34:13
immediate [2] - 154:17, 154:23
immediately [4] - 20:4, 51:4, 72:8, 172:19
impacted [1] - 65:27
impact [1] - 57:6
impede [1] - 39:22
impediment [2] - 39:19, 39:20
implement [1] - 22:16
implications [2] - 70:28, 158:12
implies [2] - 32:18, 169:12
importance [4] - 79:23, 129:28, 160:29, 193:16
important [18] - 13:15, 14:4, 15:25, 25:12, 43:5, 63:4, 108:21, 108:22, 119:8, 127:9, 129:29, 161:6, 162:19, 162:24, 166:18, 176:17, 188:6, 191:25
impossible [1] - 61:28
impress [1] - 155:6
impression [3] - 83:29, 151:26, 168:15
imprisonment [1] -

31:2
improbable [1] - 172:20
improper [2] - 28:26, 38:11
impugn [3] - 15:10, 38:3, 39:4
impugned [3] - 12:3, 13:4, 37:12
imputation [2] - 204:4, 204:10
imputations [2] - 19:15, 20:17
IN [1] - 1:17
inaccuracy [1] - 192:18
inaccurate [1] - 191:29
inadmissible [6] - 190:11, 190:22, 190:25, 191:7, 191:18, 193:1
inadvertently [1] - 30:13
inappropriate [2] - 21:19, 41:7
inappropriately [3] - 9:13, 21:1, 40:20
incident [5] - 18:12, 31:5, 51:13, 143:6, 197:2
incidents [2] - 65:14, 195:7
inclined [3] - 54:9, 55:23, 149:24
include [6] - 39:27, 51:28, 102:9, 155:26, 161:21, 203:29
included [4] - 89:21, 95:27, 120:1, 125:6
including [7] - 34:15, 49:15, 63:27, 96:11, 188:24, 212:17, 214:20
incomplete [1] - 46:20
inconsistent [1] - 39:28
incorrect [6] - 9:17, 51:5, 61:13, 61:15, 214:16
increasingly [2] - 82:29, 83:2
incredible [2] - 28:28, 29:8
indeed [4] - 10:1, 27:27, 190:3, 215:18
independent [5] - 23:15, 24:14, 30:6, 31:14, 31:17

index [1] - 44:16
INDEX [1] - 4:1
indicate [3] - 34:7, 136:2, 147:13
indicated [5] - 22:22, 22:24, 23:9, 23:13, 135:6
indicates [6] - 12:26, 22:25, 26:12, 36:1, 211:16, 212:10
indication [2] - 21:26, 94:3
individual [1] - 207:29
individuals [1] - 136:17
inevitable [1] - 88:14
influenced [1] - 40:7
inform [1] - 190:13
informal [1] - 167:28
information [13] - 54:2, 141:1, 161:17, 162:17, 164:27, 187:20, 193:13, 197:23, 204:29, 205:3, 205:5, 205:9, 205:12
informed [6] - 70:1, 146:19, 155:22, 162:17, 163:9, 181:15
informing [1] - 204:22
initiation [1] - 216:15
injunctions [1] - 15:15
innocent [1] - 181:17
inquire [1] - 38:2
inquired [1] - 33:22
inquiring [1] - 90:23
inquiry [12] - 12:4, 13:5, 21:19, 23:7, 25:14, 25:18, 33:24, 35:6, 39:12, 76:6, 196:21, 196:28
INQUIRY [2] - 1:3, 1:9
inside [4] - 68:26, 92:22, 93:13, 186:7
insistence [1] - 164:28
insofar [8] - 28:11, 30:10, 33:23, 33:28, 40:2, 59:9, 86:14, 86:17
inspector [10] - 61:28, 119:6, 127:7, 127:8, 172:13, 172:20, 174:9, 174:11, 174:27, 180:28

Inspector ^[1] - 96:11, 103:23, 117:16, 119:2, 119:5, 119:10, 120:3, 127:10, 157:23, 172:10, 172:23
inst ^[1] - 82:2
instance ^[8] - 10:12, 10:28, 18:16, 32:6, 76:12, 119:24, 128:26, 174:10
instead ^[4] - 40:10, 71:25, 72:3, 168:6
instruct ^[2] - 55:23, 149:26
INSTRUCTED ^[5] - 2:11, 2:18, 2:23, 3:4, 3:12
instructed ^[12] - 53:19, 68:22, 69:26, 78:25, 109:21, 112:22, 112:24, 120:5, 145:16, 145:20, 149:27, 151:22
instructing ^[1] - 7:13
instruction ^[6] - 33:26, 34:7, 35:7, 77:12, 137:3, 137:22
instructions ^[73] - 21:28, 23:11, 24:2, 30:4, 53:28, 54:9, 56:19, 57:8, 59:10, 66:3, 66:14, 67:18, 68:23, 68:29, 69:4, 84:17, 84:20, 86:28, 88:15, 92:21, 97:27, 111:4, 112:27, 116:28, 117:20, 118:12, 120:17, 120:23, 120:24, 120:25, 120:29, 121:22, 124:22, 133:21, 134:9, 134:10, 135:25, 136:3, 136:6, 136:9, 136:23, 137:4, 137:5, 137:13, 137:17, 137:21, 138:1, 138:6, 138:13, 138:20, 138:26, 142:18, 142:19, 142:21, 145:14, 145:17, 145:25, 145:28, 146:13, 148:8, 149:24, 162:18, 171:24, 180:6, 180:8, 190:15, 194:1, 200:14, 201:7, 201:26, 216:2

INSTRUMENT ^[1] - 1:8
integrity ^[22] - 6:8, 12:2, 13:3, 13:11, 15:17, 16:16, 19:24, 20:12, 37:13, 37:15, 37:23, 199:17, 201:21, 211:2, 211:17, 211:23, 212:6, 212:24, 214:28, 215:24, 215:26
intend ^[1] - 47:7
intended ^[2] - 25:29, 63:29
intent ^[1] - 216:18
intention ^[2] - 15:29, 194:24
intentions ^[1] - 208:1
interaction ^[1] - 116:6
interactions ^[1] - 51:7
interest ^[2] - 59:13, 140:12
interested ^[2] - 33:14, 33:15
interlinked ^[1] - 86:15
interpret ^[1] - 65:4
interpretation ^[1] - 107:29
interpreting ^[1] - 162:18
interrupted ^[1] - 182:10
interrupting ^[1] - 128:7
intervening ^[3] - 54:12, 80:5, 167:2
INTO ^[1] - 1:3
introduce ^[2] - 23:23, 119:22
introduced ^[2] - 21:17, 84:29
introducing ^[1] - 87:23
introduction ^[1] - 86:6
investigate ^[11] - 9:12, 20:29, 30:21, 31:2, 49:18, 61:18, 72:9, 172:14, 172:21, 209:25, 209:28
investigated ^[6] - 28:11, 31:11, 172:26, 174:12, 174:14, 214:16
investigating ^[13] - 61:29, 62:29, 118:13, 172:11, 172:24, 172:29, 174:9, 174:15, 176:26, 180:28, 180:29, 209:11
Investigation ^[25] - 10:10, 35:21, 71:22, 72:1, 78:23, 92:3, 118:8, 118:14, 118:18, 119:23, 119:26, 119:27, 120:1, 120:5, 120:8, 120:10, 120:13, 120:19, 120:21, 120:27, 121:6, 121:7, 121:9, 126:15, 212:23
investigation ^[12] - 30:16, 52:25, 64:6, 72:9, 113:10, 119:3, 119:13, 125:20, 127:14, 173:6, 208:17, 216:8
investigations ^[1] - 34:28
Investigations ^[1] - 36:18
invitation ^[1] - 17:6
invite ^[2] - 33:28, 212:12
invited ^[1] - 16:1
involved ^[5] - 119:4, 133:26, 160:18, 162:24, 181:5
irrelevant ^[2] - 140:17, 141:8
issue ^[147] - 9:16, 11:18, 13:28, 13:29, 25:1, 25:16, 26:1, 26:17, 28:5, 28:7, 28:23, 30:23, 32:1, 32:2, 32:3, 33:13, 36:27, 37:24, 40:21, 40:22, 40:25, 42:11, 52:16, 53:1, 53:29, 56:7, 59:9, 60:2, 60:6, 66:17, 67:7, 67:16, 67:26, 68:3, 69:1, 69:13, 70:10, 70:11, 71:13, 77:14, 79:3, 80:24, 81:1, 81:10, 81:11, 85:11, 85:12, 85:23, 86:3, 86:14, 86:15, 86:23, 86:27, 87:7, 87:8, 90:1, 90:4, 94:1, 95:28, 96:23, 97:18, 97:21, 97:25, 98:22, 98:27, 98:29, 100:15, 100:19, 103:11, 103:15, 104:3, 104:4, 104:20, 104:21, 104:25, 105:1, 106:27, 107:2, 107:21, 108:6, 108:7, 108:8, 108:14, 109:28, 110:18, 111:20, 111:25, 112:1, 112:4, 112:7, 112:8, 112:29, 113:1, 113:9, 113:17, 114:10, 115:3, 115:4, 115:6, 115:10, 116:28, 117:19, 119:9, 120:15, 126:25, 127:9, 130:13, 131:9, 136:4, 136:5, 136:15, 138:7, 138:14, 138:21, 141:2, 141:20, 142:28, 145:11, 146:1, 146:17, 146:21, 146:24, 147:3, 149:10, 149:25, 150:24, 152:16, 156:12, 166:9, 169:24, 170:28, 171:23, 174:4, 181:20, 186:6, 189:25, 195:9, 197:18, 201:8, 202:4, 202:7, 210:12, 211:15, 215:25, 215:26
issued ^[3] - 78:19, 145:17, 201:7
issues ^[85] - 7:10, 22:22, 22:26, 28:12, 31:7, 51:19, 53:6, 53:13, 53:14, 55:4, 55:5, 67:13, 69:22, 70:15, 74:15, 75:26, 76:11, 77:4, 77:8, 79:13, 79:17, 79:19, 81:12, 82:3, 85:19, 85:26, 85:28, 86:9, 86:12, 86:21, 86:22, 89:28, 95:19, 99:21, 103:13, 105:20, 111:27, 113:24, 113:26, 114:7, 115:22, 115:23, 115:26, 115:29, 116:5, 119:26, 124:3, 126:5, 130:21, 135:10, 136:8, 138:10, 138:12, 139:5, 139:7, 140:13, 148:10, 148:21, 149:9, 156:28, 158:28, 162:28, 163:24, 164:1, 164:9, 164:18, 164:21, 164:22, 165:6, 166:16, 169:15, 170:27, 178:26, 182:7, 187:17, 189:17, 191:21, 192:4, 193:5, 194:3, 194:5, 200:3, 202:1
it'd ^[1] - 129:18
item ^[1] - 67:16
itemised ^[1] - 126:5
items ^[2] - 78:22, 129:23
itself ^[19] - 60:1, 66:20, 69:21, 70:29, 73:25, 79:19, 81:23, 85:17, 86:6, 97:20, 106:22, 113:2, 142:22, 150:18, 154:6, 162:29, 163:22, 183:22, 216:1

J

January ^[1] - 114:17
JANUARY ^[3] - 1:18, 5:1, 217:18
Jesuitical ^[3] - 37:10, 39:8, 39:14
Jesuits ^[1] - 39:14
job ^[2] - 133:23, 144:12
JOHN ^[3] - 2:17, 2:22
John ^[2] - 78:17, 91:17
jointly ^[1] - 50:3
JUDGE ^[2] - 1:12, 2:3
Judge ^[67] - 8:21, 11:19, 12:9, 12:22, 13:9, 13:24, 14:24, 15:24, 16:10, 19:7, 20:3, 21:23, 26:26, 28:13, 28:23, 36:10, 37:14, 37:22, 37:27, 38:19, 39:2, 64:24, 64:27, 65:3, 65:9, 65:25, 66:22, 73:16, 80:10, 89:16, 94:5, 99:6, 99:11, 99:15, 116:6, 116:28, 120:28, 123:6, 124:19, 126:18, 128:21, 128:27, 129:5, 132:24, 153:9, 156:15, 163:2, 163:28, 170:11, 190:4, 190:12, 190:25, 191:8, 193:1, 196:5, 196:19, 198:13, 198:21,

199:2, 199:10,
199:14, 201:28,
210:20, 212:20,
214:23, 215:5, 217:12
judge [6] - 23:6,
26:21, 27:8, 27:13,
27:14, 29:8
July [9] - 74:21,
74:26, 75:6, 76:14,
76:15, 80:3, 80:18,
81:6, 81:15
June [24] - 38:6,
46:11, 46:13, 46:14,
46:17, 47:2, 48:9,
48:11, 57:26, 60:13,
71:16, 71:18, 185:10,
185:25, 186:22,
186:23, 187:3,
187:23, 188:8,
188:16, 197:12,
197:15, 199:6
June/July [1] -
170:19
jurisdiction [1] -
8:16
Justice [58] - 5:20,
6:4, 7:2, 7:6, 7:17,
7:26, 8:2, 8:8, 9:20,
11:7, 11:21, 11:27,
12:23, 13:25, 14:18,
19:14, 20:16, 21:6,
22:23, 23:25, 26:14,
29:15, 29:19, 30:13,
30:17, 30:20, 36:27,
37:22, 40:15, 60:16,
60:24, 61:3, 62:10,
69:4, 76:5, 91:5, 95:6,
99:18, 115:13,
115:20, 126:10,
146:17, 146:23,
152:19, 152:27,
153:23, 176:29,
185:21, 189:10,
189:15, 195:11,
195:22, 196:16,
199:16, 201:18,
211:4, 211:10, 214:23
justice [2] - 99:6,
99:26
JUSTICE [4] - 1:8,
1:12, 2:2, 65:1
justifiable [1] - 6:7
justified [1] - 56:20

K

KATHLEEN [1] - 2:7
KATHY [1] - 2:18
Kavanagh [1] - 71:20
KAVANAGH [1] - 2:4

keep [2] - 17:8,
162:17
Kelly [1] - 115:1
KEN [1] - 3:9
kept [2] - 194:19,
216:16
Kerry [2] - 208:3,
209:21
Kevin [1] - 76:5
kind [11] - 24:4,
32:19, 32:26, 39:25,
89:9, 123:26, 132:18,
177:19, 192:11,
194:10, 206:28
kinds [2] - 26:5,
178:13
Kingscourt [3] -
31:5, 51:26, 143:6
knowing [3] - 18:9,
37:6, 59:20
knowledge [6] -
19:17, 67:12, 126:6,
169:20, 170:4, 171:22
known [7] - 22:19,
65:9, 65:15, 185:16,
188:9, 188:21, 197:8
knows [2] - 40:23,
65:18

L

labour [1] - 171:3
labyrinthine [1] -
173:13
lack [4] - 18:2, 31:16,
49:16, 49:28
laid [2] - 38:20, 121:6
language [6] - 37:21,
40:20, 40:26, 104:16,
106:27, 138:19
last [5] - 6:27, 27:19,
37:18, 38:19, 212:1
lasted [3] - 87:16,
141:25, 199:8
late [5] - 132:11,
132:18, 152:25,
162:23, 197:12
Latin [2] - 207:1,
210:9
law [2] - 5:7, 7:22
lawyer [4] - 158:29,
159:1, 159:4, 191:4
lawyers [2] - 179:4,
179:6
lay [2] - 205:9, 207:7
laying [1] - 106:28
layman's [1] - 106:27
leader [10] - 14:5,
30:12, 54:11, 54:12,

55:6, 57:17, 93:28,
99:3, 117:2, 126:17
LEADER [25] - 2:7,
4:4, 41:14, 41:15,
57:18, 60:15, 70:11,
71:15, 73:17, 89:20,
91:27, 93:29, 95:3,
106:11, 116:27,
117:10, 122:5, 122:7,
124:20, 126:18,
126:20, 127:28,
129:10, 131:3, 183:29
leading [2] - 75:21,
194:26
leaks [2] - 80:24,
91:17
least [4] - 15:1,
22:20, 40:29, 216:12
leave [2] - 194:14,
199:10
led [2] - 114:11,
146:15
left [8] - 33:19, 44:5,
53:16, 57:18, 87:17,
103:25, 159:22,
164:20
left-hand [2] -
103:25, 159:22
legal [27] - 44:3,
57:14, 96:11, 97:25,
103:10, 103:22,
106:24, 114:9,
118:11, 134:9,
141:19, 157:19,
157:25, 158:6, 158:8,
158:19, 158:20,
158:23, 158:26,
160:13, 178:22,
180:9, 180:12, 188:2,
194:5, 203:21
legally [1] - 24:15
legitimate [13] -
6:20, 6:28, 7:6, 7:9,
14:15, 19:24, 24:11,
24:16, 26:11, 29:28,
35:6, 92:15, 144:5
legitimately [2] -
10:8, 11:16
length [4] - 12:23,
15:27, 181:6, 207:8
lengthen [1] - 19:29
less [3] - 12:17,
87:24
lessen [1] - 9:28
letter [98] - 5:9, 7:8,
8:24, 14:4, 21:12,
26:3, 38:4, 38:22,
38:24, 40:11, 44:28,
45:4, 47:28, 54:17,
54:22, 54:24, 55:9,

56:1, 56:3, 56:4, 56:9,
56:25, 59:10, 60:17,
63:16, 68:3, 68:11,
78:25, 79:28, 80:17,
80:28, 81:1, 81:6,
81:15, 82:2, 82:24,
83:8, 83:10, 83:20,
83:24, 100:13, 110:9,
110:13, 110:16,
110:23, 110:29,
111:3, 111:23,
117:12, 117:28,
118:2, 118:3, 123:29,
124:3, 125:7, 125:10,
125:15, 127:20,
128:25, 129:22,
155:14, 155:18,
155:27, 156:5,
157:17, 157:19,
157:29, 163:25,
165:11, 167:4,
167:26, 170:4,
174:17, 177:19,
177:25, 178:2, 178:5,
179:3, 179:16, 180:4,
180:24, 181:7,
181:14, 182:11,
182:15, 182:16,
182:17, 182:26,
182:27, 183:7, 186:3,
190:22, 190:24,
191:1, 191:26,
191:28, 192:3
letters [2] - 117:22,
177:16
level [8] - 31:7,
55:17, 55:18, 172:28,
178:14, 179:10,
179:14, 181:5
levelled [1] - 40:9
liaise [1] - 133:29
liaising [1] - 134:27
liaison [10] - 114:13,
133:18, 133:23,
133:24, 134:25,
134:28, 135:10,
171:7, 191:7
liar [1] - 40:2
lied [1] - 29:9
lieder [1] - 17:6
life [2] - 65:27, 91:8
light [7] - 9:21,
10:16, 80:2, 92:13,
142:6, 148:9, 185:29
likelihoods [1] -
111:26
likely [4] - 103:13,
106:29, 109:29,
111:27
limit [2] - 132:20,

179:25
limited [2] - 170:3,
171:22
linchpin [1] - 55:3
London [1] - 90:10
line [39] - 5:26, 6:26,
11:27, 26:26, 27:24,
36:7, 59:2, 61:11,
64:12, 90:25, 97:12,
98:13, 105:22,
106:19, 107:17,
108:4, 108:5, 108:15,
109:2, 110:7, 112:14,
120:25, 137:8, 137:9,
144:3, 144:24, 145:2,
145:8, 149:27,
152:11, 153:21,
153:23, 154:4,
156:22, 163:19,
172:18, 182:26,
214:23
line-by-line [1] -
172:18
lines [8] - 35:6,
55:24, 67:19, 79:7,
79:8, 79:10, 106:20,
163:25
link [1] - 31:7
linked [6] - 81:1,
81:10, 81:14, 83:25,
108:7
list [5] - 13:18, 17:17,
32:13, 156:17, 213:20
listen [3] - 108:19,
108:22, 113:24
listening [4] - 13:27,
14:20, 59:14, 199:7
lit [1] - 57:7
litigants [1] - 209:16
litigation [3] - 10:26,
158:27, 159:7
LITTLE [2] - 2:19,
3:14
live [3] - 104:4,
104:21, 104:25
living [1] - 208:24
load [4] - 175:21,
179:23, 208:18,
208:21
loaded [1] - 89:8
loads [1] - 73:3
local [1] - 173:4
logic [1] - 172:13
logically [1] - 61:27
logistical [2] -
142:13, 156:28
logistics [1] - 156:16
long-standing [1] -
24:14
look [44] - 8:14, 8:28,

10:20, 16:7, 21:26,
23:9, 25:9, 29:4,
33:29, 49:9, 54:22,
61:2, 68:15, 70:5,
74:13, 80:17, 104:16,
113:7, 123:29,
131:19, 140:7,
141:19, 143:22,
148:3, 151:11, 157:9,
171:11, 172:4, 174:4,
174:27, 176:24,
177:11, 177:12,
177:22, 177:28,
184:24, 188:13,
189:21, 192:20,
208:29, 209:28,
212:28, 215:11, 216:6
looked [1] - 172:4
looking [17] - 9:6,
9:15, 9:17, 10:11,
18:7, 18:8, 20:27,
24:2, 41:2, 59:14,
99:29, 125:29,
160:22, 197:24,
210:5, 210:6, 213:3
looks [2] - 128:24,
133:8
loose [1] - 40:26
Lorraine [1] - 143:5
loss [1] - 88:8
lost [2] - 116:29,
183:2
LUNCH [2] - 94:17,
95:1
lunchtime [1] - 95:17
lying [1] - 29:3

M

MacNAMEE [1] - 3:1
MADE [2] - 1:3, 1:8
main [8] - 80:7,
85:18, 85:20, 85:29,
86:5, 86:8, 86:9, 87:1
major [5] - 59:9,
190:14, 190:17,
191:29, 192:19
majority [1] - 59:7
mala [41] - 37:20,
105:17, 105:24,
106:2, 106:21,
107:15, 108:4, 109:3,
109:11, 109:26,
110:1, 111:5, 112:1,
112:6, 112:20,
112:22, 112:28,
113:3, 113:17,
201:13, 201:17,
202:4, 202:8, 202:17,
202:18, 202:24,

203:2, 203:6, 203:16,
203:25, 204:13,
204:23, 206:14,
206:20, 206:24,
207:1, 207:15,
211:16, 211:26,
214:27, 215:6
malice [1] - 31:15
MALONE [1] - 1:30
Malone [1] - 1:25
Malpractice [1] -
103:7
malpractice [3] -
29:17, 85:27, 103:15
man [12] - 13:10,
13:19, 16:12, 18:26,
20:12, 20:14, 27:20,
65:15, 194:10,
209:26, 212:22
man's [1] - 177:14
management [3] -
31:8, 52:20, 96:25
managers [1] -
122:15
managing [1] - 68:19
manner [1] - 86:1
March [1] - 197:1
marked [1] - 20:9
MARRINAN [1] - 2:6
Martin [14] - 42:29,
43:8, 43:16, 49:23,
50:3, 119:8, 119:15,
119:17, 120:4, 127:8,
181:16, 183:9,
183:15, 189:29
MARTIN [1] - 3:10
Martin's [2] - 42:26,
43:1
material [7] - 8:25,
53:7, 67:21, 109:15,
109:19, 117:5, 152:24
materials [15] - 7:7,
42:3, 42:24, 50:27,
71:17, 75:11, 82:29,
90:6, 91:12, 102:22,
117:18, 125:9, 130:4,
130:21, 184:1
matter [119] - 8:6,
12:26, 13:27, 15:20,
15:21, 22:19, 28:10,
28:11, 28:19, 28:22,
29:25, 29:26, 30:1,
30:14, 31:20, 32:16,
33:4, 33:18, 34:10,
44:27, 51:26, 52:21,
55:5, 56:14, 59:21,
64:1, 68:17, 68:25,
69:3, 69:19, 69:24,
70:21, 81:22, 87:3,
87:9, 91:5, 91:18,

98:15, 98:20, 99:14,
104:29, 105:2, 105:4,
106:21, 107:3, 109:3,
109:4, 109:6, 109:7,
109:8, 109:12, 110:2,
110:3, 111:14, 113:2,
113:4, 113:14, 114:9,
115:13, 116:5,
117:23, 118:1,
120:27, 122:1,
122:11, 124:20,
131:2, 139:9, 141:27,
142:4, 144:8, 145:25,
150:16, 152:11,
154:19, 154:25,
156:17, 156:29,
157:5, 160:13,
162:14, 162:22,
164:19, 167:15,
172:27, 174:4, 177:3,
178:20, 182:8,
182:29, 185:22,
186:7, 186:9, 187:5,
189:15, 189:19,
191:20, 193:4,
193:16, 193:24,
194:2, 201:28, 202:8,
202:15, 202:21,
202:29, 203:16,
203:23, 204:1,
204:15, 204:18,
204:26, 204:29,
205:1, 205:22,
206:24, 206:27,
207:28, 212:27
matters [33] - 22:2,
30:18, 30:24, 31:18,
31:26, 32:14, 44:5,
46:3, 57:18, 59:15,
69:5, 73:20, 76:8,
79:15, 85:28, 90:8,
96:28, 116:12, 118:7,
118:19, 120:2,
120:14, 123:1, 136:5,
144:10, 147:1,
156:23, 163:12,
166:25, 200:2,
200:22, 204:27, 215:1
MATTERS [1] - 1:5
Maurice [11] - 9:24,
9:27, 10:9, 30:18,
65:9, 65:11, 65:18,
66:4, 83:3, 164:1,
197:3
McArdle [1] - 143:7
McCabe [173] - 2:9,
6:19, 9:3, 9:14, 9:24,
9:28, 10:4, 10:9,
11:17, 11:29, 13:17,
14:16, 14:22, 15:26,

16:21, 17:14, 17:28,
18:9, 18:15, 18:23,
18:24, 18:27, 18:28,
19:19, 21:2, 21:21,
22:27, 22:28, 23:21,
24:4, 25:22, 25:24,
26:16, 28:2, 29:3,
29:9, 30:18, 31:10,
31:16, 32:25, 33:3,
35:16, 35:27, 36:4,
37:11, 38:7, 38:13,
38:24, 40:10, 40:19,
40:23, 41:16, 41:27,
45:2, 49:11, 49:14,
49:20, 49:26, 51:9,
52:18, 52:24, 54:16,
55:7, 55:21, 55:28,
64:5, 64:19, 64:28,
65:9, 65:12, 67:5,
68:10, 72:18, 74:7,
75:19, 75:29, 76:7,
76:11, 76:27, 83:3,
86:22, 88:4, 90:25,
92:23, 98:5, 104:27,
105:16, 113:8, 115:8,
119:3, 119:5, 119:9,
119:12, 120:11,
120:15, 120:21,
123:18, 127:10,
127:13, 135:18,
136:13, 136:22,
136:27, 137:2,
137:10, 137:11,
137:15, 137:18,
139:5, 139:20,
139:27, 143:7,
143:19, 144:7,
144:19, 144:28,
145:9, 148:10, 149:9,
159:22, 161:4, 164:1,
164:5, 164:16,
164:20, 164:22,
164:23, 165:13,
165:27, 166:1,
166:14, 167:25,
168:13, 169:6,
169:12, 170:14,
170:17, 170:19,
173:29, 174:2,
174:18, 176:9,
176:12, 176:28,
181:13, 181:14,
181:25, 182:2,
182:13, 182:28,
183:5, 184:9, 187:16,
188:9, 189:2, 196:3,
196:11, 196:25,
200:1, 202:26,
203:29, 204:4,
204:10, 204:24,
206:16, 206:18,

208:10, 212:22,
213:3, 213:26, 216:10
McCabe's [38] - 5:21,
6:5, 6:18, 6:29, 7:29,
8:3, 13:3, 15:17,
16:15, 19:24, 36:29,
39:5, 44:12, 45:13,
51:22, 59:16, 75:24,
82:4, 111:7, 118:23,
119:23, 120:6,
120:22, 125:22,
135:24, 153:24,
155:16, 176:20,
179:8, 185:28,
187:18, 189:22,
190:16, 193:18,
199:17, 201:20,
210:10, 215:24
McCANN [1] -
217:11
MCCANN [1] - 3:10
McCarthy [1] -
138:15
McDowell [167] - 2:9,
5:4, 5:14, 5:15, 5:18,
8:11, 8:13, 8:20, 8:23,
9:1, 9:18, 10:6, 11:5,
11:12, 11:19, 11:25,
11:27, 12:9, 12:15,
12:21, 12:28, 13:1,
13:13, 13:24, 14:9,
14:13, 14:24, 15:4,
15:14, 15:24, 16:5,
16:6, 16:10, 16:20,
16:24, 17:2, 17:9,
17:12, 17:16, 17:20,
18:18, 19:9, 19:11,
19:27, 20:3, 20:16,
20:23, 21:8, 22:19,
24:3, 24:20, 26:28,
26:29, 27:12, 27:15,
28:25, 35:10, 35:11,
37:29, 39:16, 94:2,
94:5, 106:10, 120:7,
131:5, 131:12,
131:15, 131:22,
131:24, 132:1,
132:10, 132:14,
132:24, 133:13,
133:15, 133:23,
144:1, 144:6, 144:12,
149:3, 153:4, 156:15,
156:27, 157:13,
158:9, 159:12,
162:20, 165:26,
167:2, 168:15,
169:11, 170:8,
170:11, 170:13,
171:2, 171:3, 171:10,
171:13, 171:16,

171:19, 172:25,
173:1, 173:7, 173:11,
173:13, 173:21,
175:12, 176:6, 177:2,
177:11, 177:29,
178:16, 179:27,
181:11, 182:17,
182:19, 182:21,
182:23, 183:17,
183:20, 183:27,
184:2, 184:5, 184:6,
184:21, 184:23,
185:3, 186:17,
186:28, 188:15,
189:9, 189:14, 190:3,
193:14, 194:16,
198:5, 198:9, 198:10,
198:12, 198:15,
198:16, 198:21,
198:23, 198:24,
198:27, 198:29,
199:2, 199:5, 199:10,
199:14, 200:5,
203:27, 207:3,
209:20, 210:8,
210:20, 211:21,
211:26, 212:20,
212:28, 213:1,
214:19, 214:22,
215:17, 215:21,
216:27, 216:29

MCDOWELL [1] - 4:5
McDowell's [1] -
22:4

McGARRY [1] - 2:10
McGinn [1] - 51:15
MCGRATH [1] - 3:5
MCGUINNESS [1] -
2:6

McGuinness [3] -
2:16, 131:6, 131:7
McLindon [3] -
75:16, 90:7, 90:10
McNamara [2] -
96:12, 103:23
McNamara's [1] -
117:16
McTIERNAN [1] -
2:23

mean [89] - 9:10,
14:11, 16:7, 25:2,
25:5, 25:6, 27:18,
28:21, 58:13, 68:20,
69:23, 70:19, 74:10,
77:11, 80:16, 85:11,
85:12, 85:13, 85:27,
86:29, 87:7, 88:14,
89:24, 99:13, 107:2,
109:26, 113:16,
124:28, 127:18,

128:6, 128:25,
131:27, 132:17,
133:28, 134:12,
140:13, 144:2,
146:27, 150:7,
150:19, 151:7,
152:15, 154:14,
154:27, 155:4,
155:11, 158:6, 159:3,
161:15, 165:26,
167:24, 169:5,
169:26, 171:2,
171:18, 172:26,
173:15, 173:19,
174:9, 174:16,
174:25, 175:4,
175:15, 175:19,
177:8, 178:15,
179:12, 185:22,
188:21, 189:18,
190:9, 191:13,
191:14, 192:27,
193:3, 193:13,
198:11, 198:16,
198:25, 199:1,
199:21, 200:2,
205:24, 206:28,
208:1, 210:8, 214:5

meaning [6] - 60:1,
60:8, 70:29, 106:24,
207:15, 212:13

meanings [1] -
206:29

means [5] - 103:17,
103:18, 104:15,
139:3, 164:22

meant [4] - 88:29,
89:6, 148:19, 182:2

meantime [4] -
46:19, 90:1, 186:18,
186:20

media [8] - 79:20,
90:8, 91:17, 121:16,
121:17, 122:2, 122:7,
122:12

MEEHAN [1] - 3:11
meet [9] - 49:20,
84:22, 84:25, 85:1,
87:22, 88:15, 89:1,
89:2, 175:24

meet-and-greet [2] -
84:22, 85:1

**meet-and-greet-
type** [1] - 87:22

meeting [98] - 27:3,
37:18, 38:14, 38:15,
45:2, 45:14, 49:27,
50:2, 55:11, 57:27,
61:19, 61:24, 62:4,
62:15, 62:18, 62:23,

65:15, 72:22, 84:4,
84:9, 84:13, 84:14,
84:15, 84:16, 84:22,
84:23, 84:26, 85:1,
85:18, 86:25, 87:11,
87:12, 87:21, 87:23,
88:10, 88:11, 88:26,
88:28, 98:7, 99:20,
99:21, 99:25, 100:21,
100:25, 100:28,
100:29, 105:4,
107:10, 108:23,
110:6, 112:3, 112:20,
118:4, 118:5, 118:7,
119:4, 119:7, 119:9,
119:14, 119:15,
120:2, 120:4, 120:12,
121:12, 121:18,
122:14, 122:16,
123:10, 123:11,
123:15, 124:24,
125:4, 125:23, 126:1,
127:2, 127:7, 127:10,
130:23, 135:19,
141:20, 158:29,
170:19, 173:28,
176:9, 183:4, 183:7,
188:29, 189:1,
195:19, 196:19,
200:16, 200:17,
205:8, 206:3, 206:11,
213:6

meetings [6] - 118:9,
118:18, 118:21,
140:17, 198:7, 200:7

member [2] - 69:17,
134:3

MEMBER [2] - 1:12,
2:2

members [1] -
136:12

memory [9] - 5:13,
39:22, 45:22, 71:12,
71:14, 75:11, 77:20,
100:15, 141:12

mental [1] - 39:21

mention [2] - 203:5,
203:6

mentioned [7] -
30:11, 31:6, 43:2,
43:12, 54:22, 85:15,
99:20

mentioning [1] -
113:13

mere [3] - 13:10,
38:25, 158:20

merely [2] - 158:28,
186:28

merit [1] - 23:10

message [3] -
141:29, 155:2, 194:8

messages [1] -
150:9

messenger [1] -
210:6

met [3] - 84:23, 89:3,
142:15

method [1] - 101:28

MICHAEL [3] - 2:9,
3:1, 3:8

Michael [2] - 159:27,
171:29

Mick [2] - 72:10,
197:2

mid [2] - 193:28,
197:15

mid-June [1] -
197:15

mid-stream [1] -
193:28

middle [1] - 31:8

might [42] - 5:13,
11:19, 17:1, 17:25,
39:12, 39:22, 40:7,
45:21, 47:8, 59:13,
64:9, 70:18, 73:29,
78:7, 99:21, 99:25,
101:11, 101:14,
103:19, 103:23,
104:16, 108:13,
110:18, 114:20,
124:29, 127:18,
146:9, 155:27,
167:14, 167:16,
184:29, 185:16,
200:14, 200:23,
201:9, 203:27, 204:5,
204:12, 209:4, 209:5,
209:9

mightn't [3] - 89:5,
104:18, 151:1

mind [21] - 8:11,
14:19, 16:8, 18:12,
27:6, 27:20, 31:24,
38:11, 39:12, 54:12,
74:14, 81:17, 90:2,
105:5, 105:7, 122:18,
132:23, 135:21,
176:1, 180:19, 198:28

mine [2] - 80:15,
146:2

MINISTER [1] - 1:8
Minister [4] - 30:17,
125:28, 130:19

minor [1] - 162:11

minute [4] - 17:24,
112:14, 202:28,
217:11

minutes [9] - 31:25,
82:7, 87:17, 91:26,

93:29, 94:12, 141:25,
199:8, 217:8

misbehaving [1] -
123:5

mischaracterise [1]
- 35:25

misconception [1] -
35:12

misconduct [1] -
76:9

misguided [1] -
149:7

misinstructed [1] -
10:28

misinterpretation [1]
- 124:14

misinterpreting [1] -
215:14

mislead [1] - 90:3

misleading [1] -
165:27

misnomer [1] - 26:18

misrepresents [1] -
27:3

missed [2] - 28:24,
63:2

missing [1] - 159:21

misstatements [1] -
161:2

mistake [23] - 28:7,
28:10, 37:16, 59:21,
60:2, 60:26, 64:1,
70:26, 74:5, 74:7,
77:12, 79:27, 111:3,
111:12, 128:19,
184:25, 185:1, 185:5,
185:14, 186:3,
188:17, 190:9, 190:14

mistaken [2] - 29:4,
55:26

mistakenly [1] -
54:15

mistakes [2] -
128:22, 181:8

misunderstanding
[4] - 100:12, 100:13,
111:4, 124:29

misunderstands [1]
- 35:18

misunderstood [1] -
165:2

mix [5] - 21:6, 63:21,
109:26, 114:8, 209:8

mixed [2] - 126:27,
167:25

mixing [1] - 210:3

Module [9] - 30:22,
46:20, 50:19, 59:4,
59:9, 73:21, 100:21,
102:9, 160:18

module ^[12] - 19:2, 22:29, 48:2, 51:21, 58:29, 73:24, 74:18, 83:2, 100:23, 138:16, 141:18, 186:22
modules ^[5] - 51:19, 88:3, 88:5, 192:5, 192:6
moment ^[4] - 14:20, 94:9, 159:10, 199:12
Monday ^[17] - 44:6, 67:24, 68:1, 72:19, 91:19, 101:11, 132:16, 133:7, 162:1, 179:26, 199:10, 217:3, 217:7, 217:10, 217:12, 217:15
MONDAY ^[1] - 217:18
Mongáin ^[3] - 74:25, 74:29, 76:24
month ^[1] - 195:24
months ^[1] - 22:20
Mooney ^[1] - 91:18
mooted ^[1] - 141:20
morning ^[15] - 10:2, 52:6, 63:20, 142:11, 142:16, 142:24, 159:29, 160:2, 162:9, 162:10, 162:12, 162:23, 179:26, 198:17, 217:3
most ^[3] - 87:7, 154:17, 194:15
motivated ^[8] - 27:20, 38:8, 38:9, 51:22, 176:27, 187:17, 189:3, 190:7
Motivation ^[1] - 159:22
motivation ^[79] - 6:8, 6:29, 7:15, 8:26, 9:16, 15:18, 16:16, 19:15, 19:26, 19:27, 20:7, 20:17, 37:12, 39:5, 53:12, 53:23, 53:24, 66:8, 69:1, 76:7, 77:9, 82:4, 83:4, 86:3, 86:15, 86:19, 86:24, 86:27, 89:9, 95:28, 97:14, 103:27, 104:3, 104:8, 104:12, 104:20, 104:27, 104:28, 105:15, 105:19, 108:14, 112:7, 112:8, 115:14, 135:17, 135:24, 136:14, 136:21, 136:26, 136:29, 137:2, 137:10,

137:11, 137:14, 137:16, 137:17, 138:6, 138:14, 138:20, 144:5, 149:13, 150:24, 153:24, 155:16, 176:20, 179:8, 190:16, 193:18, 193:23, 200:15, 201:8, 201:9, 206:4, 210:21, 210:24, 210:27, 211:1, 212:5, 214:27
motivations ^[1] - 36:29
motive ^[15] - 38:11, 53:28, 55:21, 67:19, 98:27, 98:29, 105:18, 112:29, 113:1, 113:3, 114:6, 114:7, 136:4, 149:23, 216:2
motives ^[5] - 5:21, 6:5, 6:18, 7:29, 20:11
mouth ^[1] - 21:9
move ^[3] - 22:16, 89:19, 181:11
moved ^[5] - 77:13, 85:16, 87:28, 88:2, 149:10
moving ^[4] - 59:6, 73:23, 74:14
MR ^[197] - 1:12, 2:2, 2:4, 2:6, 2:6, 2:9, 2:10, 2:10, 2:15, 2:15, 2:16, 2:16, 2:17, 2:22, 2:23, 3:1, 3:1, 3:2, 3:4, 3:8, 3:9, 3:9, 3:10, 3:10, 3:11, 3:12, 4:5, 5:4, 5:15, 5:18, 8:13, 8:20, 8:23, 9:1, 9:18, 10:6, 11:5, 11:12, 11:19, 11:25, 11:27, 12:9, 12:15, 12:21, 12:28, 13:1, 13:24, 14:9, 14:13, 14:24, 15:4, 15:14, 15:24, 16:6, 16:10, 16:20, 17:2, 17:9, 17:12, 17:16, 17:20, 18:18, 19:11, 19:27, 20:3, 20:16, 20:23, 21:4, 21:8, 21:23, 24:28, 25:12, 25:16, 26:12, 26:25, 27:12, 27:13, 27:15, 27:16, 28:19, 28:22, 29:1, 32:12, 32:28, 33:5, 33:23, 34:19, 34:22, 35:11, 37:29, 39:16, 41:11, 65:1, 94:5,

94:11, 106:10, 131:7, 131:22, 131:24, 132:1, 132:10, 132:13, 132:24, 133:5, 133:10, 133:13, 133:15, 144:1, 156:9, 156:12, 156:15, 156:20, 156:27, 157:3, 157:8, 157:12, 157:13, 158:9, 158:18, 158:24, 159:5, 159:9, 159:11, 159:12, 165:26, 168:15, 169:11, 170:11, 170:13, 171:3, 171:10, 171:13, 171:16, 171:19, 172:25, 173:1, 173:11, 173:13, 173:21, 175:12, 176:6, 177:29, 178:16, 179:27, 181:11, 182:17, 182:19, 182:21, 182:23, 183:17, 183:20, 184:2, 184:6, 184:21, 185:3, 186:17, 186:28, 188:15, 190:3, 193:14, 194:16, 196:23, 198:10, 198:12, 198:15, 198:21, 198:23, 198:27, 198:29, 199:2, 199:5, 199:10, 199:14, 210:8, 210:15, 210:20, 210:27, 211:7, 211:8, 211:13, 211:20, 211:22, 211:25, 212:9, 212:20, 213:1, 214:19, 214:22, 215:17, 215:21, 216:27, 217:2, 217:7, 217:11
MS ^[32] - 2:7, 2:7, 2:18, 3:2, 3:3, 3:4, 3:8, 4:4, 4:14, 4:15, 5:18, 6:15, 7:11, 7:15, 7:17, 8:20, 9:1, 9:27, 9:29, 9:53, 10:6, 11:6, 11:27, 11:27, 12:5, 12:7, 12:4, 12:6, 12:8, 12:9, 13:1, 13:3, 13:3, 183:29, 217:14
MULLAN ^[1] - 2:7
Mullingar ^[14] - 38:14, 57:27, 60:9,

75:22, 76:29, 119:4, 120:2, 120:12, 127:2, 148:11, 148:12, 149:10, 183:5, 188:29
multifaceted ^[1] - 135:3
multiplied ^[1] - 51:12
multitude ^[2] - 133:26, 135:1
murder ^[2] - 157:10, 212:1
Murphy ^[25] - 5:27, 6:26, 7:25, 16:11, 17:9, 17:13, 19:22, 20:25, 21:18, 24:23, 25:25, 33:8, 35:9, 35:13, 35:24, 39:3, 63:19, 94:13, 114:17, 133:9, 156:19, 159:3, 212:16, 212:21
MURPHY ^[45] - 2:15, 21:4, 21:23, 24:28, 25:12, 25:16, 26:12, 26:25, 27:13, 27:16, 28:19, 28:22, 29:1, 32:12, 32:28, 33:5, 33:23, 34:19, 34:22, 41:11, 94:11, 132:13, 133:5, 133:10, 156:9, 156:12, 156:20, 156:27, 157:3, 157:8, 157:12, 158:18, 158:24, 159:5, 159:9, 159:11, 210:15, 210:27, 211:13, 211:20, 211:22, 211:25, 212:9, 217:2, 217:7
must ^[10] - 15:6, 71:11, 108:19, 115:5, 115:25, 116:26, 117:4, 121:3, 142:15, 170:15
mutual ^[1] - 87:1
MICHEÁL ^[1] - 2:15

N

name ^[5] - 29:19, 32:18, 43:1, 155:28, 163:10
named ^[1] - 1:27
namely ^[1] - 174:20
narrowed ^[1] - 34:5
national ^[1] - 79:20
nature ^[3] - 29:1, 35:25, 188:8
near ^[1] - 26:1
nearly ^[1] - 102:10

necessarily ^[3] - 25:2, 25:5, 25:6
necessary ^[4] - 29:29, 54:7, 86:18, 149:23
need ^[7] - 55:14, 123:6, 139:11, 142:20, 173:12, 209:28, 210:4
needed ^[3] - 134:10, 135:11, 136:5
needn't ^[1] - 160:26
never ^[41] - 6:10, 10:29, 17:7, 18:28, 27:10, 39:14, 43:9, 43:23, 50:11, 55:25, 56:26, 62:12, 62:28, 84:23, 86:26, 88:10, 88:19, 89:2, 105:17, 112:22, 112:24, 112:27, 113:17, 124:1, 127:21, 130:29, 168:19, 176:2, 180:24, 190:1, 190:3, 194:29, 201:1, 201:16, 207:14, 207:26, 211:16
nevertheless ^[1] - 89:16
new ^[3] - 24:25, 67:16, 75:21
newspaper ^[1] - 122:10
next ^[24] - 27:8, 28:9, 44:9, 58:28, 73:23, 73:28, 74:18, 91:28, 97:12, 98:13, 102:2, 105:22, 107:17, 108:5, 108:15, 109:2, 114:28, 126:12, 132:15, 133:6, 149:17, 166:12, 170:13, 174:15
niceties ^[2] - 85:2, 87:18
night ^[5] - 70:7, 137:25, 145:19, 150:27, 161:14
night' ^[1] - 212:1
night/Monday ^[1] - 162:10
nine ^[1] - 161:14
nit ^[1] - 152:16
nit-pick ^[1] - 152:16
NOBLE ^[1] - 2:24
nobody ^[9] - 25:29, 142:27, 153:14, 171:17, 187:3, 187:14, 203:2, 210:14
Noel ^[6] - 65:17,

159:28, 171:27,
172:10, 172:23,
188:24
NOEL [1] - 3:9
non [3] - 52:26, 55:8,
56:24
non-circulation [3] -
52:26, 55:8, 56:24
none [2] - 69:9,
172:29
nonetheless [3] -
193:19, 204:11,
204:24
nonsense [3] -
179:24, 208:18,
208:21
normal [5] - 73:14,
101:24, 101:25,
107:13, 177:15
normally [2] -
166:20, 169:16
note [47] - 43:7,
47:28, 52:23, 62:15,
62:17, 66:1, 66:16,
76:15, 77:19, 78:6,
96:7, 96:14, 96:18,
99:2, 100:8, 103:29,
104:9, 104:18,
105:29, 106:9,
106:12, 106:14,
106:18, 108:1,
108:10, 112:13,
135:14, 138:3, 140:6,
147:23, 147:29,
148:5, 149:14,
152:17, 159:24,
160:21, 200:28,
201:2, 203:18, 205:7,
205:27, 206:15,
206:22, 206:23,
207:11, 207:14
note-taking [2] -
108:1, 112:13
noted [7] - 42:19,
71:21, 72:12, 121:3,
184:11, 203:7, 207:17
notes [25] - 1:27,
42:1, 42:5, 66:10,
71:16, 72:13, 74:20,
87:21, 91:11, 95:12,
95:29, 96:5, 100:6,
100:8, 114:16,
119:14, 127:14,
128:22, 128:23,
129:22, 135:13,
171:6, 175:26, 194:23
nothing [14] - 29:18,
39:15, 40:8, 57:13,
81:24, 82:15, 88:28,
89:8, 89:11, 123:4,

161:2, 168:16,
168:17, 200:1
Notice [1] - 15:11
notice [16] - 15:18,
43:20, 56:7, 59:22,
154:5, 163:24, 164:9,
164:14, 164:18,
164:29, 175:16,
187:14, 190:24,
192:2, 192:3, 193:5
noticed [2] - 190:9,
194:29
notification [6] -
43:29, 153:7, 155:19,
163:13, 163:18, 164:7
notifications [1] -
56:7
notify [1] - 191:20
notifying [1] - 164:4
notwithstanding [4]
- 19:13, 19:16, 19:18
November [7] -
120:28, 199:3, 200:6,
200:12, 200:17, 202:2
number [18] - 14:25,
22:26, 28:18, 40:28,
42:23, 42:26, 51:11,
55:7, 67:13, 116:19,
123:11, 134:15,
134:20, 145:22,
156:6, 162:23,
188:24, 192:18
numerous [1] - 91:6
nutcase [1] - 208:24
Nóirín [1] - 37:1

O

O'BRIEN [1] - 3:4
o'clock [7] - 123:9,
131:28, 132:21,
132:22, 161:14,
162:9, 217:16
O'Hagan [1] - 78:23
O'HIGGINS [3] -
2:15, 65:1, 211:7
O'Higgins [59] -
5:20, 6:4, 7:6, 7:18,
7:27, 8:2, 8:8, 9:20,
11:7, 11:21, 11:28,
12:23, 13:25, 14:19,
19:14, 20:5, 20:16,
21:7, 21:29, 22:23,
23:25, 25:20, 26:14,
29:15, 29:20, 30:20,
35:25, 36:28, 37:22,
40:15, 60:17, 60:24,
61:3, 62:10, 69:5,
80:10, 91:6, 115:13,

115:21, 116:17,
120:28, 126:14,
133:19, 134:1,
152:19, 152:27,
153:23, 177:1,
185:21, 189:10,
189:15, 195:11,
195:22, 196:16,
199:16, 201:18,
211:4, 211:10, 214:23
O'Higgins' [3] - 76:6,
95:6, 126:10
O'Higgins's [1] - 7:3
O'LEARY [1] - 3:9
O'Sullivan [22] - 6:1,
6:15, 7:28, 8:6, 8:18,
8:22, 9:14, 9:22, 20:4,
20:20, 21:1, 30:2,
34:6, 37:2, 52:29,
67:5, 70:1, 92:1,
108:25, 109:1, 138:1,
190:19
object [2] - 156:25,
210:16
objected [1] - 5:8
objecting [1] -
156:26
objection [3] - 98:4,
144:24, 145:13
observation [3] -
5:23, 173:1, 202:13
obtain [1] - 136:2
obtained [2] - 54:2,
121:8
obvious [5] - 62:27,
63:1, 64:25, 83:2,
92:17
obviously [46] -
16:26, 58:11, 59:20,
59:25, 66:17, 69:23,
70:28, 74:3, 80:20,
81:17, 85:26, 92:13,
92:20, 97:25, 99:10,
100:2, 103:12,
103:15, 105:2,
106:14, 106:21,
107:4, 108:16,
108:20, 110:14,
110:17, 111:14,
111:16, 112:4,
114:24, 115:3,
115:10, 126:4, 131:8,
140:12, 140:19,
142:15, 142:20,
147:7, 151:19,
179:10, 190:9,
200:22, 203:20
occasion [7] - 32:9,
49:21, 101:21,
135:22, 173:14,

185:13, 201:13
occasions [5] - 6:11,
91:6, 132:22, 173:13,
206:15
occur [2] - 162:2,
181:8
occurred [1] - 71:5
October [9] - 93:22,
95:4, 95:9, 195:7,
195:28, 199:3,
200:10, 200:16,
200:17
OF [4] - 1:3, 1:9,
1:12, 2:3
office [2] - 167:21,
177:17
offer [1] - 155:5
offered [1] - 24:7
offering [1] - 19:20
office [7] - 84:10,
87:14, 123:8, 130:27,
148:24, 151:3, 161:10
Office [4] - 61:7,
75:3, 90:9, 117:13
OFFICE [2] - 2:18,
3:13
officer [12] - 21:16,
62:1, 114:13, 123:5,
133:18, 133:23,
134:25, 134:28,
135:10, 136:12,
166:29, 173:4
officer' [1] - 134:26
officers [12] - 18:3,
18:16, 28:26, 29:14,
33:1, 34:16, 49:15,
51:9, 55:29, 56:23,
66:27, 124:6
often [1] - 168:1
Oireachtas [1] -
33:14
ON [4] - 1:6, 1:10,
1:18, 5:1
once [5] - 11:4,
114:7, 129:11, 191:7,
199:7
one [47] - 7:10, 8:20,
10:26, 13:20, 17:11,
21:12, 22:4, 24:1,
24:17, 24:29, 28:24,
31:10, 38:19, 39:12,
46:22, 57:20, 57:24,
58:19, 62:29, 63:7,
64:3, 74:19, 80:15,
86:17, 86:22, 86:23,
88:7, 93:15, 100:2,
102:12, 105:1,
106:18, 117:7,
122:20, 124:20,
131:8, 134:27,

141:27, 154:16,
158:14, 165:24,
182:20, 187:6,
191:29, 192:18,
192:19, 200:10
ones [3] - 95:13,
102:8, 102:13
oneself [1] - 24:1
ongoing [4] - 67:16,
90:26, 93:5, 162:26
open [2] - 124:14,
204:24
opened [1] - 211:14
opening [4] - 22:4,
44:24, 152:20, 153:14
operates [1] - 36:18
operation [1] -
194:11
operational [3] -
122:29, 166:15,
169:15
opinion [1] - 98:7
opportunity [5] -
35:14, 113:25,
142:14, 162:15,
184:19
opposed [4] - 16:29,
40:22, 57:13, 74:18
opposite [2] - 36:2,
65:12
option [2] - 97:29,
98:10
oral [3] - 52:7, 161:3,
181:20
orally [2] - 5:16,
157:6
order [12] - 16:16,
16:27, 16:28, 41:4,
44:11, 47:9, 54:16,
56:1, 105:6, 115:8,
125:24, 214:8
order) [1] - 114:29
ordinary [4] - 71:10,
105:28, 132:8, 166:26
organisation [3] -
86:13, 87:4, 122:15
organise [2] -
155:14, 155:29
organised [1] - 135:7
original [2] - 95:13,
106:8
OSMOND [2] - 2:19,
3:13
OTHER [1] - 1:4
otherwise [6] -
111:5, 152:11, 155:9,
166:11, 171:1, 213:14
ought [6] - 158:13,
166:3, 166:25,
191:10, 207:13, 217:1

ourselves [2] - 74:4, 210:10
outcome [9] - 23:7, 112:20, 142:10, 165:13, 166:1, 169:7, 203:1, 204:18, 205:5
outcry [2] - 121:16, 121:17
outline [1] - 5:10
outlined [3] - 134:13, 138:15, 194:22
outlining [1] - 103:12
output [1] - 179:5
outset [4] - 115:15, 130:24, 133:17, 134:12
outside [6] - 18:27, 33:22, 93:5, 98:8, 158:13, 158:14
overall [2] - 86:1, 87:29
overseeing [2] - 176:21, 178:23
oversight [2] - 24:15, 188:2
overstated [1] - 34:29
overuse [1] - 34:16
own [16] - 35:21, 36:20, 38:1, 102:27, 127:24, 128:22, 132:23, 146:7, 170:3, 171:22, 179:13, 182:28, 183:15, 196:8, 215:15

P

p.m [3] - 74:26, 76:21, 84:9
page [60] - 11:21, 26:21, 27:8, 42:2, 44:16, 44:21, 45:21, 46:27, 47:15, 48:7, 48:20, 49:5, 49:6, 50:27, 51:1, 57:20, 57:24, 57:25, 60:12, 60:14, 61:3, 61:11, 63:13, 64:10, 71:17, 71:26, 72:4, 74:22, 74:23, 75:11, 76:17, 78:6, 81:29, 82:29, 90:7, 90:17, 91:11, 93:23, 95:14, 102:21, 103:4, 116:23, 116:29, 117:26, 122:20, 125:9, 126:12, 126:17, 130:3, 148:3, 148:5,

159:12, 163:26, 165:11, 184:1, 195:3, 214:23
PAGE [1] - 4:2
pains [5] - 22:1, 57:1, 80:10, 118:21, 139:16
painters [1] - 198:18
painting [1] - 198:18
panic [1] - 85:7
paper [3] - 81:8, 81:18, 83:11
papers [1] - 17:27
para [2] - 71:24, 72:1
paragraph [41] - 6:13, 14:3, 20:27, 34:19, 34:23, 44:28, 45:3, 45:7, 47:20, 48:25, 48:26, 49:3, 49:9, 49:29, 51:4, 51:17, 56:11, 59:29, 61:7, 61:10, 63:5, 63:16, 70:28, 71:23, 72:7, 82:28, 126:24, 149:17, 165:23, 165:24, 165:26, 166:12, 169:12, 170:13, 172:4, 172:5, 176:2, 176:7, 184:11, 186:3
paragraphs [7] - 9:9, 23:26, 48:24, 48:25, 50:26, 165:10, 176:24
paraphrasing [1] - 165:5
pardon [10] - 27:16, 45:15, 84:8, 90:18, 96:3, 100:1, 116:24, 148:27, 159:16, 165:19
part [19] - 10:25, 18:6, 18:8, 20:13, 26:22, 34:4, 35:12, 44:17, 50:24, 50:29, 71:20, 73:19, 95:26, 108:21, 114:19, 135:17, 144:7, 160:23, 173:25
participate [1] - 36:21
participated [1] - 134:21
particular [37] - 10:25, 10:26, 17:11, 18:12, 43:1, 50:24, 53:27, 57:21, 59:19, 60:8, 67:10, 71:13, 72:17, 73:9, 81:10, 81:17, 82:3, 89:25, 97:3, 104:21, 105:20,

123:9, 129:20, 129:25, 143:19, 147:8, 149:15, 152:14, 153:5, 154:22, 163:5, 180:4, 197:20, 205:4, 209:23, 210:13, 216:7
particularly [3] - 59:16, 101:2, 170:14
Particulars [1] - 15:11
particulars [1] - 15:12
parties [18] - 26:3, 26:15, 50:22, 56:8, 58:19, 63:6, 78:25, 84:23, 85:14, 123:11, 131:11, 136:12, 163:16, 163:18, 164:8, 166:7, 181:4, 216:12
party [2] - 50:1, 114:1
passage [4] - 24:25, 39:21, 211:13, 212:18
PASSED [1] - 1:5
past [4] - 10:22, 91:25, 121:26, 209:12
paste [1] - 128:12
pasted [1] - 128:28
pasting [1] - 128:9
PATRICK [2] - 2:6, 3:10
PAUL [2] - 2:10, 3:2
pen [1] - 81:18
penalty [1] - 115:4
people [44] - 6:17, 10:18, 11:14, 12:18, 20:10, 29:21, 31:19, 34:15, 47:12, 67:2, 80:12, 90:11, 113:24, 122:20, 130:25, 131:17, 163:13, 169:28, 171:4, 171:8, 171:23, 174:23, 175:8, 175:17, 177:5, 177:15, 178:10, 178:14, 178:18, 180:16, 180:18, 181:8, 181:9, 183:18, 184:15, 188:24, 194:15, 197:24, 205:8, 205:9, 207:7, 207:25, 211:25, 215:12
per [1] - 43:21
perceived [3] - 21:11, 34:13, 40:14
percent [1] - 43:3
perception [2] -

39:18, 40:6
perfectly [3] - 14:15, 170:8, 170:12
performance [1] - 97:10
performed [1] - 96:27
perhaps [24] - 8:5, 9:1, 9:29, 14:16, 25:16, 28:15, 33:7, 34:14, 34:17, 52:20, 54:15, 57:20, 73:15, 73:29, 78:7, 104:11, 104:25, 122:21, 131:11, 156:22, 173:14, 183:28, 186:24
period [1] - 80:5
peripheral [1] - 19:1
permission [8] - 15:8, 19:18, 36:12, 36:24, 121:8, 137:16, 152:29, 153:22
persisted [1] - 24:7
person [26] - 10:21, 12:17, 14:6, 15:9, 17:1, 32:20, 32:26, 33:10, 33:17, 39:25, 40:19, 43:5, 133:19, 133:21, 159:3, 171:7, 191:7, 191:15, 209:4, 209:15, 212:14, 214:11, 214:12, 214:14, 216:13
personages [1] - 6:2
personal [1] - 6:22
personally [1] - 207:23
persons [5] - 23:4, 24:15, 28:27, 134:16, 156:6
persuade [1] - 36:6
pertaining [4] - 17:29, 21:18, 40:18, 51:29
pertinent [4] - 5:23, 118:20, 140:14, 164:9
PETER [3] - 1:12, 2:2, 2:4
phone [10] - 42:23, 42:26, 56:23, 70:7, 90:23, 123:7, 145:22, 150:15, 150:26, 151:19
phrase [8] - 7:19, 16:17, 35:16, 66:9, 134:26, 136:28, 139:25, 164:21
phrased [1] - 9:9
pick [2] - 9:11,

152:16
picked [1] - 181:2
piece [2] - 128:25, 131:26
pivot [1] - 214:18
pivotal [1] - 130:13
place [20] - 23:29, 32:23, 42:28, 53:3, 54:3, 55:17, 57:28, 69:9, 74:17, 82:5, 84:14, 89:16, 93:1, 95:8, 97:27, 118:6, 120:18, 121:13, 178:25, 181:29
placid [1] - 115:28
plain [1] - 168:9
plaintiff [1] - 33:20
plan [1] - 47:26
players [1] - 121:19
pleading [1] - 206:6
pleasant [1] - 92:26
plough [1] - 152:1
point [75] - 5:25, 8:20, 8:27, 8:29, 12:22, 13:15, 14:16, 17:20, 17:23, 19:7, 19:8, 19:11, 20:23, 21:23, 28:13, 28:20, 30:23, 30:29, 37:27, 37:28, 37:29, 41:9, 54:11, 56:29, 57:1, 57:3, 57:6, 59:4, 70:8, 73:2, 77:8, 85:16, 93:27, 108:9, 108:23, 108:26, 112:15, 131:12, 132:20, 138:10, 139:15, 139:18, 145:1, 145:7, 149:8, 153:5, 153:21, 155:25, 156:2, 156:13, 166:18, 171:3, 174:9, 176:17, 178:16, 178:22, 183:26, 184:5, 184:6, 184:12, 184:14, 186:17, 186:27, 187:1, 189:22, 191:15, 199:9, 204:6, 204:19, 204:29, 205:3, 205:5, 205:12, 216:7
pointed [3] - 159:26, 174:21, 189:10
pointing [1] - 69:5
points [5] - 14:23, 18:23, 35:4, 112:15, 115:4
police [1] - 209:21
policing [8] - 139:19, 139:27, 187:16,

207:5, 207:20, 208:3, 208:22, 209:23
political [1] - 122:13
poor [6] - 15:18, 139:19, 139:27, 207:5, 207:20, 208:3
portion [3] - 149:29, 161:19, 161:21
portrayed [1] - 127:19
posed [2] - 78:18, 138:9
posit [1] - 29:11
position [36] - 18:2, 18:15, 21:21, 21:27, 22:6, 25:7, 29:13, 40:28, 45:27, 50:7, 50:8, 50:12, 50:20, 52:15, 52:16, 53:21, 60:7, 62:28, 65:7, 70:17, 113:6, 113:11, 121:2, 131:7, 134:5, 155:10, 156:10, 170:2, 171:1, 173:25, 175:19, 190:10, 201:5, 201:6, 209:4, 212:10
possibility [2] - 151:21, 206:6
possible [5] - 129:1, 161:1, 184:26, 204:18, 206:1
possibly [4] - 17:15, 21:5, 26:21, 129:5
postscript [1] - 38:19
POWER [1] - 3:10
power [1] - 121:6
practically [1] - 96:4
practice [1] - 28:26
preamble [1] - 166:8
precaution [1] - 175:27
preceding [1] - 49:28
precisely [3] - 23:22, 35:18, 162:18
predecessor [1] - 32:29
prefer [4] - 131:28, 133:2, 194:11, 217:3
preparation [3] - 107:6, 107:10, 177:2
prepare [5] - 116:12, 122:16, 125:18, 155:18, 178:29
prepared [14] - 46:20, 46:23, 50:2, 117:18, 119:16, 122:2, 122:3, 125:11, 126:13, 130:22, 144:10, 156:5, 162:8, 179:26
preparing [7] - 58:28, 73:24, 91:29, 111:16, 111:28, 158:27, 202:3
prescient [1] - 18:10
presence [1] - 211:29
present [13] - 7:12, 7:25, 7:27, 14:25, 35:13, 45:29, 59:24, 84:14, 91:14, 134:23, 135:9, 152:19, 181:24
presentation [1] - 30:10
presented [5] - 105:9, 118:10, 166:14, 170:27, 192:29
press [15] - 75:1, 75:3, 75:15, 76:14, 77:26, 79:3, 79:8, 79:11, 79:29, 81:11, 81:22, 82:15, 83:26, 83:27, 90:12
Press [2] - 75:3, 90:9
pressing [2] - 142:20, 154:29
pressure [9] - 41:20, 42:12, 52:19, 74:16, 131:16, 147:8, 151:11, 213:22, 214:7
pressures [1] - 162:21
pressurised [2] - 163:7, 175:20
presumably [4] - 16:8, 17:13, 105:6, 141:7
presume [8] - 47:24, 103:18, 116:5, 125:12, 180:9, 184:29, 202:13, 202:21
presumed [3] - 174:7, 175:14, 175:16
pretty [2] - 191:24, 192:18
prevailed [1] - 176:5
prevalent [1] - 130:17
previous [6] - 74:19, 97:19, 115:7, 117:20, 145:19, 150:27
previously [2] - 191:1, 211:14
primary [1] - 33:24
privacy [2] - 77:29, 79:2
private [12] - 14:27, 79:17, 79:19, 80:8, 80:9, 80:14, 91:3, 91:5, 91:8, 101:8, 102:15, 117:25
privilege [14] - 97:15, 97:26, 98:1, 98:10, 156:17, 156:18, 156:23, 156:29, 157:5, 158:6, 158:11, 158:19, 158:20, 206:6
privilege" [1] - 97:16
privileged [1] - 67:1
PRO [1] - 78:18
problem [6] - 158:17, 193:3, 194:16, 209:8, 210:3, 215:11
problematic [1] - 193:1
problems [2] - 142:13, 197:26
proceed [8] - 67:19, 83:3, 136:10, 138:14, 138:20, 149:26, 150:18, 166:5
proceeded [2] - 26:14, 145:3
proceeding [2] - 41:2, 41:8
proceedings [13] - 43:2, 43:11, 44:17, 68:26, 115:21, 115:24, 119:19, 120:9, 120:23, 121:27, 134:14, 154:20, 215:24
process [15] - 23:3, 23:28, 24:19, 29:22, 31:14, 34:1, 36:3, 95:27, 150:14, 162:26, 163:3, 170:5, 178:24, 178:25, 180:13
processes [1] - 152:3
processing [1] - 128:8
procession [1] - 29:27
produce [1] - 215:12
produced [2] - 183:1, 183:22
product [1] - 29:27
production [1] - 183:23
professional [3] - 56:17, 158:6, 158:20
professionally [1] - 128:24
professor [2] - 9:11, 31:27
proffered [1] - 161:9
progress [2] - 132:9, 173:20
progressed [1] - 31:18
progressing [4] - 85:4, 86:7, 86:8, 162:14
promotion [1] - 29:7
prompt [1] - 106:25
prone [1] - 6:10
properly [4] - 10:14, 33:12, 180:6, 209:10
propose [2] - 198:29, 199:2
proposed [8] - 8:24, 36:13, 36:14, 41:6, 131:25, 132:2, 134:16, 153:26
proposition [3] - 173:27, 215:22, 215:28
propositions [1] - 7:23
prosecuted [1] - 123:19
Prosecutions [5] - 40:11, 165:14, 166:2, 169:8, 170:21
prospective [1] - 115:10
protect [1] - 29:21
PROTECTED [2] - 1:3, 1:4
protest [1] - 132:22
protocol [1] - 114:27
prove [1] - 8:25
proven [8] - 17:29, 21:17, 22:25, 30:21, 34:29, 40:18, 51:29, 52:5
proves [1] - 24:18
provide [6] - 15:9, 47:9, 120:6, 130:19, 155:18, 163:29
provided [7] - 14:21, 119:29, 120:10, 120:20, 140:29, 163:14, 164:12
public [12] - 6:22, 20:12, 22:3, 22:7, 22:19, 80:1, 80:25, 81:23, 121:15, 130:16
Public [5] - 40:11, 165:14, 166:2, 169:8, 170:21
publicity [1] - 80:25
published [3] - 20:5, 116:18, 122:4
purely [1] - 113:4
purpose [13] - 27:5, 36:5, 36:19, 87:23, 97:24, 98:23, 158:23, 158:25, 158:26, 158:27, 164:25, 165:1, 213:16
purposely [1] - 102:12
purposes [1] - 46:1
pursue [10] - 7:15, 36:7, 53:28, 118:12, 118:17, 137:8, 149:27, 150:25, 152:10, 190:15
pursued [3] - 98:4, 119:27, 151:9
pursuing [1] - 6:26
pursuit [1] - 119:19
pushing [1] - 88:23
put [96] - 7:7, 7:25, 8:24, 10:12, 10:19, 11:26, 14:11, 18:26, 21:9, 22:28, 26:23, 27:28, 28:12, 32:28, 33:17, 36:10, 36:14, 38:21, 38:23, 38:26, 41:6, 41:7, 41:17, 41:20, 42:12, 42:18, 43:20, 43:25, 46:2, 50:24, 52:17, 52:18, 52:19, 52:25, 54:12, 54:13, 55:6, 56:18, 65:17, 68:4, 73:1, 73:10, 74:3, 75:28, 77:24, 81:7, 81:18, 83:11, 89:23, 109:14, 111:3, 111:5, 113:26, 114:7, 125:24, 131:16, 144:4, 149:5, 149:11, 157:16, 164:1, 164:5, 164:15, 164:19, 164:21, 164:23, 165:10, 170:15, 171:15, 175:13, 176:8, 176:17, 177:19, 178:29, 181:14, 181:24, 188:8, 189:26, 189:27, 190:4, 191:1, 191:28, 192:20, 195:18, 200:5, 200:23, 205:17, 205:18, 206:1, 210:12, 210:14, 212:3, 212:20, 213:22
puts [2] - 24:1, 27:27
putting [13] - 57:15, 89:29, 106:26,

158:25, 169:6,
171:20, 182:1, 182:7,
186:17, 188:15,
196:7, 197:29, 214:7
pyramid [2] - 31:9

Q

quality [1] - 34:27
quarter [1] - 91:24
QUATTROCIOCCI
[1] - 3:10
QUAY [1] - 2:12
queries [5] - 75:3,
77:26, 79:3, 81:22,
90:12
query [8] - 75:1,
75:15, 76:14, 81:2,
81:11, 83:26, 83:27,
90:22
question' [1] -
139:26
questioned [5] -
41:27, 41:28, 64:13,
97:2, 110:19
questioning [20] -
36:7, 53:22, 67:5,
98:4, 111:15, 137:14,
141:17, 144:3,
144:25, 145:3, 145:9,
149:21, 149:28,
150:4, 150:21,
151:10, 152:12,
153:21, 156:22, 182:6
questions [26] -
12:10, 13:22, 19:4,
19:21, 32:25, 33:23,
39:27, 55:6, 56:18,
59:17, 65:17, 76:7,
94:8, 94:9, 96:19,
133:16, 137:1,
137:13, 144:19,
154:11, 206:1,
208:13, 217:1, 217:9,
217:11, 217:14
quite [8] - 22:23,
92:18, 104:12, 168:1,
170:28, 175:13,
179:24, 200:13
quotation [1] - 34:24
quote [4] - 22:13,
30:14, 37:22, 151:1
quoted [1] - 199:15
quoting [1] - 31:27

R

racecourse [1] -
88:12

radical [1] - 35:12
raise [4] - 14:21,
16:25, 91:18, 195:20
raised [18] - 13:15,
15:22, 26:20, 28:5,
56:8, 75:1, 76:7,
76:11, 78:22, 79:4,
86:21, 98:25, 106:21,
145:3, 145:9, 145:11,
170:28, 195:9
raising [1] - 166:24
rang [7] - 43:7,
77:22, 92:27, 137:28,
149:19, 150:2, 151:24
rank [1] - 136:13
ranks [1] - 166:29
rapidly [1] - 199:6
rate [1] - 162:15
rather [4] - 131:29,
135:3, 166:4, 202:11
Rathmines [1] -
208:16
rationale [2] - 53:22,
149:15
re [3] - 36:20,
126:14, 152:9
re-confirmed [1] -
152:9
reached [2] - 87:3,
209:12
reacted [1] - 123:4
reaction [2] - 40:10,
154:23
read [43] - 12:19,
53:11, 58:12, 60:2,
67:22, 71:23, 78:12,
78:13, 81:15, 81:24,
82:22, 89:28, 97:12,
100:3, 112:10, 118:2,
118:25, 120:11,
127:29, 144:26,
148:10, 149:7,
149:17, 153:29,
167:14, 167:27,
169:16, 169:19,
169:20, 173:10,
173:16, 174:17,
175:2, 177:13,
177:26, 186:12,
187:9, 187:29,
189:11, 199:26,
214:18, 214:20,
215:15
reading [14] - 10:5,
56:15, 58:9, 58:11,
104:8, 105:26,
105:28, 107:13,
107:28, 140:12,
140:20, 172:15,
172:17, 184:3

reads [4] - 166:12,
174:8, 176:8, 179:23
ready [1] - 152:24
real [4] - 21:11,
34:13, 40:14, 87:5
realisation [1] -
129:20
realise [2] - 77:5,
190:8
realised [4] - 43:13,
59:29, 73:26, 161:6
really [19] - 21:3,
25:19, 35:11, 41:9,
47:18, 55:14, 60:21,
69:16, 77:15, 80:8,
81:21, 99:14, 101:27,
105:4, 109:26,
129:18, 173:16,
197:29, 217:1
reason [26] - 17:1,
23:22, 42:11, 45:20,
52:16, 64:25, 72:9,
72:23, 89:20, 97:3,
98:8, 119:10, 127:11,
140:7, 144:3, 163:8,
166:10, 172:13,
173:29, 176:10,
181:18, 184:11,
184:16, 190:5, 213:7,
213:19
reasonable [11] -
14:16, 17:1, 24:11,
24:16, 31:13, 35:7,
37:5, 56:19, 175:27,
177:14
reasonably [2] -
78:6, 200:13
reasoning [1] -
119:23
reasons [8] - 31:5,
61:16, 92:17, 93:10,
122:6, 122:7, 209:22,
210:13
reasons/triggering
[1] - 118:22
recalled [6] - 44:10,
44:22, 46:1, 46:11,
63:10, 186:1
recalling [1] - 79:27
receipt [1] - 48:11
receive [1] - 161:11
received [8] - 5:18,
78:14, 82:12, 90:22,
125:7, 157:13,
161:19, 187:6
receiving [1] - 205:9
recent [2] - 76:5,
91:17
recess [1] - 146:14
Recipient [2] -

114:21, 114:26
recited [1] - 161:4
recognise [1] - 129:2
recognised [1] -
51:14
recollect [6] - 56:12,
74:8, 75:8, 100:14,
129:24, 192:25
recollection [24] -
53:1, 66:26, 70:20,
71:7, 73:7, 76:26,
86:26, 87:28, 98:12,
110:6, 112:1, 140:7,
140:19, 141:1,
141:16, 142:8,
150:28, 150:29,
152:13, 153:5, 188:5,
194:21, 205:16,
205:19
recommended [2] -
44:9, 46:17
recommencing [1] -
58:4
recommendations
[1] - 22:17
recommending [2] -
53:29, 54:4
reconfirm [1] - 56:6
reconfirmation [1] -
145:17
reconsidered [2] -
150:16, 151:20
record [4] - 24:5,
39:29, 42:20, 65:18
record" [1] - 65:17
recorded [6] - 42:5,
50:2, 52:23, 87:21,
120:3, 196:19
recording [8] -
62:22, 120:11, 166:4,
185:29, 188:28,
196:27, 196:29, 197:1
recordings [1] -
197:8
redacted [1] - 42:24
refer [4] - 125:9,
138:3, 169:9, 205:16
referable [2] -
206:16, 206:18
reference [25] - 8:15,
16:5, 16:23, 18:27,
20:28, 21:25, 23:11,
23:17, 30:11, 30:12,
38:1, 62:20, 74:23,
75:17, 76:16, 76:24,
84:3, 89:21, 99:19,
116:22, 118:7,
124:21, 140:18,
205:14, 206:20
references [2] -

120:1, 183:29
referred [16] - 17:9,
17:12, 17:17, 30:13,
49:28, 52:6, 53:9,
114:19, 117:15,
140:1, 153:16,
153:17, 156:28,
165:23, 182:11, 197:2
referring [7] - 11:23,
24:27, 57:24, 70:9,
93:15, 97:17, 216:22
refers [4] - 62:11,
66:16, 110:23, 160:21
reflect [2] - 108:10,
151:16
reflected [1] - 151:27
reflection [4] -
149:20, 150:3,
152:13, 188:18
reflects [1] - 203:18
refresh [3] - 5:13,
45:21, 75:10
refusal [3] - 55:2,
57:6, 65:2
refusals [1] - 55:16
regard [8] - 25:12,
65:7, 92:8, 119:18,
120:19, 144:5,
207:22, 212:18
regarded [3] - 32:20,
32:27, 39:26
regarding [1] - 76:8
regards [1] - 90:27
Regina [1] - 143:7
REGISTRAR [1] - 2:4
regular [1] - 70:13
regularly [2] - 70:6,
80:7
rejected [1] - 23:25
relate [2] - 30:5, 96:5
related [3] - 45:12,
75:26, 205:20
relates [5] - 66:17,
79:1, 97:18, 99:24,
116:27
relating [2] - 117:28,
149:9
relation [106] - 5:9,
5:26, 8:26, 9:16,
10:26, 10:28, 11:28,
12:4, 13:4, 14:22,
19:2, 21:22, 22:6,
22:22, 25:8, 25:26,
29:7, 30:18, 33:11,
33:21, 40:6, 40:25,
40:26, 41:28, 42:29,
43:25, 44:27, 45:1,
45:27, 46:3, 46:5,
46:19, 46:22, 46:27,
47:14, 47:18, 48:26,

48:28, 51:13, 51:21, 51:25, 52:9, 53:22, 53:23, 60:10, 60:18, 62:25, 63:18, 66:3, 66:8, 66:9, 67:9, 67:24, 68:29, 70:12, 73:19, 73:20, 73:21, 75:1, 75:28, 76:20, 76:28, 77:4, 77:8, 77:26, 84:16, 88:4, 89:9, 89:26, 90:4, 99:13, 100:12, 100:21, 101:14, 101:16, 105:15, 111:22, 113:9, 114:11, 116:12, 117:19, 117:23, 118:26, 120:14, 121:17, 121:21, 121:25, 122:1, 122:23, 123:13, 124:20, 138:23, 139:1, 148:21, 154:19, 156:12, 156:16, 158:11, 163:3, 175:20, 179:3, 187:4, 189:4, 192:12, 193:7, 201:14

relationship [1] - 123:27

relay [1] - 133:21

relayed [5] - 68:24, 84:20, 147:4, 155:2

relaying [3] - 110:4, 112:2, 141:29

release [1] - 26:3

released [3] - 13:19, 75:21, 132:6

releasing [2] - 177:25, 184:17

relevance [2] - 91:28, 141:17

relevant [10] - 32:2, 51:19, 72:7, 129:21, 141:3, 141:5, 141:10, 176:25, 177:13, 183:29

reliability [4] - 12:11, 12:14, 12:24, 13:10

reliable [2] - 12:17, 212:19

relied [9] - 8:18, 9:13, 9:23, 9:27, 13:12, 21:1, 21:20, 25:22, 177:5

relief [1] - 116:3

relinquished [1] - 114:29

rely [4] - 15:13, 22:1, 173:22, 180:20

relying [6] - 26:11, 129:24, 169:27, 172:16, 178:3, 182:27

remainder [1] - 48:1

remark [1] - 147:22

remedial [1] - 74:3

remember [70] - 57:2, 58:9, 58:11, 58:23, 59:19, 59:23, 59:27, 67:11, 70:2, 70:5, 70:8, 70:13, 76:26, 77:16, 77:17, 78:7, 83:16, 86:4, 89:24, 89:25, 96:10, 98:6, 99:1, 99:2, 101:12, 102:13, 108:28, 108:29, 109:10, 121:18, 125:17, 125:27, 127:27, 128:21, 129:5, 129:6, 140:8, 140:10, 141:4, 142:18, 143:3, 143:29, 150:9, 152:17, 153:4, 154:26, 169:21, 181:26, 182:5, 182:15, 184:27, 185:2, 185:15, 185:19, 189:8, 189:11, 191:12, 191:17, 191:25, 192:26, 195:29, 197:3, 198:8, 199:28, 205:26, 208:12

remind [1] - 5:6

reminded [2] - 80:13, 181:9

remiss [1] - 149:25

remit [2] - 92:9, 121:7

remonstrated [1] - 80:12

repeat [7] - 6:13, 44:29, 45:15, 67:29, 145:6, 187:26, 204:7

repeated [3] - 37:16, 188:17, 213:17

repeatedly [1] - 215:23

repeating [1] - 67:4

replied [1] - 215:3

replies [1] - 55:1

reply [2] - 59:17, 212:2

Report [1] - 116:17

report [59] - 5:24, 11:10, 11:11, 11:24, 20:5, 22:6, 22:15, 23:7, 23:23, 24:20, 24:21, 28:1, 34:19, 34:23, 34:27, 45:12, 50:2, 62:8, 62:11, 62:13, 76:28, 114:17, 114:24, 116:12, 117:16, 119:15, 121:12, 121:20, 121:21, 122:3, 122:7, 122:16, 123:14, 124:21, 124:27, 125:11, 125:19, 125:27, 126:9, 126:10, 126:12, 127:22, 127:28, 127:29, 129:9, 130:19, 130:23, 130:25, 178:7, 182:27, 183:4, 183:6, 183:16, 183:22, 183:23, 184:8, 189:1

reported [1] - 79:15

reports [1] - 130:28

representative [4] - 43:14, 44:3, 134:22, 134:24

represented [1] - 24:15

representing [2] - 163:15, 164:8

reputation [3] - 29:19, 29:21, 83:5

request [11] - 44:11, 44:22, 61:20, 62:5, 75:20, 119:28, 146:6, 155:7, 160:8, 164:28, 165:3

requested [7] - 119:25, 130:10, 135:25, 146:3, 146:4, 155:19, 163:23

requests [2] - 99:12, 154:17

required [9] - 43:9, 54:6, 118:9, 155:18, 160:20, 164:8, 177:4, 183:23, 210:15

requirement [2] - 130:18, 175:14

rerun [1] - 8:7

research [1] - 183:19

reserving [1] - 47:28

resign [1] - 18:1

RESOLUTIONS [1] - 1:5

resolve [2] - 13:16, 24:13

resolved [4] - 30:1, 116:5, 212:29, 213:2

resonance [1] - 154:13

resource [1] - 96:25

respect [39] - 8:9, 16:20, 34:27, 37:7, 43:5, 53:6, 53:12, 79:4, 94:15, 97:9, 97:26, 104:5, 112:27, 115:8, 119:13, 125:29, 126:5, 127:14, 130:17, 135:9, 151:12, 156:1, 156:2, 160:12, 162:11, 166:8, 181:3, 186:7, 186:21, 188:4, 191:21, 191:29, 195:1, 197:23, 200:19, 202:22, 203:4, 204:16, 205:4

respected [1] - 156:24

respectful [1] - 19:28

respectfully [2] - 65:12, 132:13

respects [1] - 40:5

responded [1] - 78:24

response [5] - 66:21, 75:22, 77:21, 78:19, 155:8

responses [1] - 51:9

responsible [1] - 179:12

rest [6] - 113:12, 114:16, 118:25, 128:8, 144:14, 173:3

rested [1] - 120:27

result [8] - 23:28, 24:17, 24:18, 31:16, 59:15, 113:3, 122:13, 125:23

resulted [1] - 53:8

resume [1] - 5:4

RESUMED [2] - 5:1, 95:1

retired [1] - 144:17

retracted [1] - 170:24

retreat [1] - 174:22

retrieved [1] - 48:9

retrospect [2] - 62:26, 172:3

returned [1] - 148:8

reverting [1] - 79:12

review [2] - 33:25, 94:15

reviewed [1] - 47:16

rhetorically [1] - 25:25

right-hand [1] - 103:25

rightly [4] - 7:23, 170:28, 175:13, 178:15

rights [1] - 36:20

ring [1] - 147:15

ringing [5] - 25:2, 146:20, 146:22, 146:27, 187:4

rise [3] - 132:4, 132:7, 198:13

rising [1] - 132:25

ROAD [1] - 2:25

road [4] - 86:18, 141:28, 142:7, 208:24

ROGERS [1] - 2:22

role [10] - 68:22, 69:15, 69:19, 75:21, 90:11, 99:13, 114:13, 133:26, 135:10, 194:9

roles [1] - 135:1

RONAN [1] - 3:4

room [7] - 10:19, 80:13, 87:14, 147:9, 165:3, 189:17, 198:19

Rooney [22] - 15:20, 44:15, 44:20, 44:26, 45:1, 49:17, 119:18, 142:28, 143:2, 143:3, 144:16, 144:17, 153:22, 154:11, 157:22, 160:6, 161:26, 169:3, 170:18, 170:23, 171:27, 181:24

Rooney's [1] - 68:6

routine [2] - 46:26, 101:15

RTÉ [4] - 74:29, 75:16, 75:19, 78:18

RTÉ's [1] - 76:4

Ruane [2] - 90:16, 90:20

rule [2] - 11:1, 177:15

ruled [11] - 14:19, 24:9, 25:28, 41:1, 156:15, 190:11, 190:22, 190:25, 191:7, 191:18, 193:1

rules [2] - 38:19, 89:10

ruling [2] - 12:26, 187:19

rulings [1] - 201:28

run [1] - 70:18

rung [1] - 188:13

running [2] - 86:2, 197:24

RVF [1] - 9:11

Ryan [32] - 5:19, 10:12, 11:8, 15:18,

47:1, 78:21, 81:26,
83:22, 88:8, 88:23,
92:5, 96:11, 100:22,
100:24, 103:22,
116:11, 125:8,
125:10, 135:16,
142:14, 142:25,
147:4, 147:9, 147:12,
152:26, 154:16,
154:20, 156:3,
156:10, 160:24,
161:9, 162:13
Ryan's [5] - 91:11,
96:14, 100:5, 155:7,
187:2

S

safe [1] - 87:19
sake [2] - 71:15,
114:15
sat [3] - 24:6, 128:18,
151:3
Saturday [5] - 56:12,
78:16, 82:19, 157:29,
159:24
save [3] - 18:4,
30:27, 35:23
saw [8] - 16:3, 18:11,
68:22, 130:29,
144:11, 167:4, 167:6,
180:24
SC [12] - 2:6, 2:6,
2:9, 2:10, 2:15, 2:15,
2:16, 2:22, 3:1, 3:2,
3:10, 91:18
schedule [2] - 70:16,
117:15
scheduled [3] -
118:19, 131:8, 200:11
screen [6] - 11:26,
11:27, 26:23, 44:18,
57:21, 102:26
script [1] - 159:21
scroll [2] - 71:19,
71:20
scrolled [1] - 26:25
scrupulously [1] -
29:20
se [1] - 43:21
SEAN [1] - 2:11
SEANAD [1] - 1:6
second [28] - 15:25,
16:25, 17:3, 18:7,
18:14, 21:16, 25:17,
25:26, 28:12, 28:20,
30:29, 32:15, 36:27,
37:18, 37:27, 76:2,
77:8, 82:27, 100:25,

126:24, 149:19,
150:2, 151:24, 152:3,
153:17, 200:25,
206:11, 206:23
second-guessing
[1] - 152:3
second-last [1] -
37:18
secondly [12] - 12:4,
15:4, 15:8, 21:25,
22:25, 26:17, 34:14,
40:17, 76:4, 77:8,
134:3, 208:27
Secretary [1] -
130:19
secretary [3] - 101:9,
102:15, 117:25
section [2] - 96:25,
116:8
see [96] - 10:14,
11:6, 20:25, 30:22,
32:6, 42:5, 44:23,
47:6, 48:10, 48:23,
48:28, 65:16, 67:11,
68:17, 69:12, 69:14,
69:25, 73:29, 74:23,
75:15, 78:14, 82:12,
88:19, 89:27, 102:11,
103:25, 104:7,
105:22, 106:12,
106:17, 106:19,
109:2, 110:8, 114:4,
115:23, 126:24,
126:29, 128:15,
128:21, 130:13,
136:20, 137:13,
140:13, 141:14,
142:3, 142:9, 145:18,
145:22, 146:14,
147:4, 147:9, 147:17,
147:21, 148:29,
149:4, 149:17, 152:8,
152:23, 152:24,
154:2, 155:13,
155:25, 156:3,
161:23, 162:1,
163:25, 163:26,
164:21, 170:17,
172:17, 172:27,
173:26, 177:18,
178:6, 179:2, 180:3,
180:26, 185:3,
187:12, 192:2,
192:29, 193:26,
194:12, 194:16,
197:29, 198:16,
200:4, 201:18, 202:5,
203:28, 204:2, 205:7,
207:17, 207:19
seeing [2] - 9:15,

59:15
seek [15] - 15:8,
24:11, 24:17, 135:23,
135:25, 145:16,
145:20, 148:13,
148:14, 148:17,
152:6, 152:29, 154:24
seeking [20] - 15:10,
19:18, 23:24, 24:3,
67:18, 136:20, 137:3,
137:5, 137:13,
137:16, 138:6,
138:13, 138:17,
138:19, 138:26,
142:17, 145:25,
147:13, 148:20,
151:16
seem [6] - 14:20,
42:20, 140:6, 190:27,
194:10, 214:28
semblance [1] -
125:26
send [3] - 159:28,
161:11, 175:28
sending [1] - 212:17
senior [16] - 16:14,
18:3, 18:16, 21:15,
28:26, 29:14, 32:29,
34:15, 50:17, 52:20,
55:28, 56:23, 69:17,
122:15, 124:6, 134:3
Senior [1] - 78:15
sense [15] - 59:27,
70:25, 85:10, 88:29,
89:8, 93:8, 96:29,
116:3, 127:21, 151:4,
151:5, 172:29,
174:16, 207:21, 208:4
sensible [1] - 48:5
sensitivity [3] -
141:27, 142:4, 142:6
sent [11] - 48:8,
48:14, 49:12, 83:13,
83:22, 101:8, 102:15,
117:22, 130:26, 162:2
sentence [5] - 27:19,
97:4, 107:13, 108:4,
108:8
separate [7] - 29:26,
44:2, 76:4, 102:28,
108:7, 112:15, 114:7
separately [1] -
26:19
September [3] -
45:13, 90:15, 91:10
sequence [2] -
55:18, 58:3
sergeant [7] - 20:15,
122:26, 123:27,
166:21, 175:1, 213:6

Sergeant [220] -
5:21, 6:5, 6:18, 6:19,
6:29, 7:29, 8:3, 9:3,
9:14, 9:24, 9:27, 10:4,
10:9, 11:17, 11:29,
13:3, 13:17, 14:16,
14:22, 15:17, 15:26,
16:15, 16:21, 17:14,
17:28, 18:9, 18:15,
18:23, 18:24, 18:27,
18:28, 19:19, 19:24,
21:2, 21:21, 22:27,
22:28, 25:22, 25:23,
26:15, 28:2, 30:18,
31:10, 31:16, 32:25,
33:2, 35:15, 35:27,
36:4, 36:29, 37:11,
38:7, 38:13, 38:23,
39:4, 40:9, 40:19,
40:23, 41:16, 41:27,
42:26, 42:29, 43:1,
43:8, 43:16, 44:12,
45:2, 45:13, 49:11,
49:14, 49:20, 49:22,
49:26, 50:3, 51:8,
51:22, 52:18, 52:24,
54:15, 55:7, 55:21,
55:28, 59:16, 64:5,
64:19, 64:28, 65:9,
67:5, 68:10, 72:18,
72:22, 74:7, 75:19,
75:23, 75:29, 76:7,
76:11, 76:27, 82:4,
83:3, 86:22, 88:3,
90:24, 92:23, 98:5,
104:27, 105:15,
111:7, 113:8, 115:8,
118:23, 119:3, 119:5,
119:8, 119:9, 119:12,
119:15, 119:17,
119:23, 120:3, 120:6,
120:11, 120:15,
120:21, 120:22,
123:18, 125:22,
127:8, 127:10,
127:13, 135:18,
135:24, 136:13,
136:21, 136:27,
137:2, 137:10,
137:11, 137:14,
137:18, 139:5,
139:20, 139:27,
143:7, 143:19, 144:7,
144:19, 144:28,
145:9, 148:10, 149:9,
153:24, 155:15,
164:1, 164:5, 164:15,
164:19, 164:22,
164:23, 165:13,
165:27, 166:1,
166:14, 167:25,

168:13, 169:6,
169:12, 170:14,
170:17, 170:19,
173:29, 174:2,
174:18, 176:9,
176:12, 176:19,
176:28, 179:8,
181:13, 181:14,
181:16, 181:25,
182:2, 182:12,
182:28, 183:5, 183:9,
183:15, 184:9,
185:28, 187:16,
187:18, 188:9, 189:2,
189:21, 189:29,
190:16, 193:18,
196:3, 196:11,
196:25, 199:17,
200:1, 201:20,
202:26, 203:29,
204:4, 204:10,
204:24, 206:16,
206:18, 208:10,
210:10, 212:22,
213:3, 213:26,
215:24, 216:10
sergeants [2] -
143:19, 168:2
serial [3] - 209:15,
209:16, 210:1
series [6] - 49:14,
50:25, 121:14,
122:10, 166:15,
169:14
serious [9] - 29:16,
85:23, 86:21, 86:22,
87:3, 87:7, 93:1,
130:14, 130:16
seriously [4] - 87:10,
162:27, 193:19,
202:25
seriousness [1] -
86:13
sermon [1] - 199:8
service [1] - 6:22
SERVICES [1] - 1:30
Services [1] - 1:25
session [1] - 76:5
set [11] - 15:4, 38:4,
38:6, 38:24, 60:18,
101:16, 119:26,
153:2, 153:25,
177:14, 179:6
setting [2] - 82:2,
155:15
seven [2] - 31:19,
131:28
several [3] - 30:9,
80:5, 80:11
sexual [6] - 8:17,

25:28, 31:3, 40:8,
41:1, 124:1
sexually [1] - 214:6
SGT [1] - 2:9
SHANE [1] - 2:15
shared [1] - 43:19
sheet [1] - 192:9
sheets [1] - 102:28
shift [1] - 199:6
SHIP [2] - 2:19, 3:14
shoot [1] - 26:5
short [2] - 101:12,
184:23
shorten [4] - 5:6, 9:1,
176:6, 215:21
show [1] - 113:21
showed [1] - 51:12
shown [3] - 6:21,
26:21, 64:21
shrieking [1] -
174:23
side [6] - 78:27,
103:25, 103:26,
174:24, 198:4
sides [1] - 215:14
signed [2] - 50:21,
117:29
significance [6] -
72:6, 72:14, 73:26,
77:6, 129:19, 200:28
significant [1] -
122:12
simple [8] - 17:21,
29:5, 54:13, 157:16,
160:4, 206:28, 207:4,
207:6
simply [8] - 11:20,
14:17, 29:17, 36:15,
161:16, 177:13,
177:21, 215:21
single [3] - 22:29,
35:14, 147:22
sinister [1] - 89:11
sit [5] - 131:25,
131:28, 132:11,
132:18, 171:5
sitting [5] - 87:15,
101:12, 135:4, 165:3,
189:16
situ [1] - 115:8
situation [16] -
10:17, 23:8, 24:19,
30:3, 31:21, 60:22,
66:15, 130:1, 148:22,
164:11, 175:9, 176:5,
177:9, 208:7, 209:10,
214:26
situations [2] - 24:3,
208:14
six [1] - 132:21
sixth [1] - 22:28
sleep [2] - 10:24,
14:1
slide [2] - 12:9, 37:15
slightly [1] - 5:23
slim [1] - 151:22
slipped [1] - 90:2
small [2] - 60:3, 94:8
Smyth [47] - 7:19,
13:8, 27:24, 28:14,
36:23, 44:11, 47:24,
64:14, 78:15, 82:2,
82:13, 82:24, 82:25,
84:9, 84:27, 86:1,
87:6, 87:17, 87:19,
88:28, 89:1, 89:2,
91:18, 103:11, 121:1,
136:11, 143:16,
144:18, 154:4,
185:20, 189:6, 189:7,
195:4, 195:15,
195:26, 203:15,
204:3, 204:8, 204:22,
207:3, 210:18, 211:4,
211:15, 211:20,
211:23, 214:1
SMYTH [3] - 3:1,
196:23, 211:8
Smyth's [2] - 85:18,
85:24
snowball [1] -
216:15
so-and-so [1] - 33:9
so-called [1] - 115:7
so.. [2] - 75:4, 126:21
sober [1] - 26:9
society [1] - 108:21
SOLE [2] - 1:12, 2:2
solely [4] - 19:20,
27:19, 121:6, 187:17
solicitor [12] - 43:11,
78:24, 83:12, 88:16,
97:26, 101:19,
151:25, 157:6,
167:27, 171:8
SOLICITOR [1] - 2:7
Solicitor's [2] - 61:7,
117:12
SOLICITOR'S [2] -
2:18, 3:12
solicitors [2] - 168:2,
180:15
SOLICITORS [1] -
2:24
someone [7] - 54:15,
73:4, 157:1, 157:5,
169:5, 209:21, 211:29
sometime [1] - 70:3
sometimes [7] -
102:1, 102:2, 127:25,
189:17, 189:18,
206:28
somewhat [5] - 22:5,
39:8, 67:4, 86:15,
114:5
somewhere [1] -
128:12
soon [2] - 58:22,
184:26
Sorry [1] - 198:16
sorry [93] - 8:20,
11:23, 13:14, 16:27,
27:12, 37:29, 44:17,
44:29, 45:15, 55:13,
56:29, 58:26, 60:23,
60:25, 66:24, 67:1,
67:29, 71:9, 71:20,
71:28, 72:15, 72:19,
73:3, 75:12, 75:13,
78:9, 81:28, 81:29,
84:6, 84:8, 90:17,
90:18, 94:14, 99:3,
99:29, 100:1, 100:7,
102:24, 102:25,
103:2, 107:12,
110:11, 112:19,
116:22, 116:25,
116:28, 116:29,
117:2, 117:5, 117:6,
117:14, 118:14,
118:28, 124:16,
126:18, 127:5, 128:6,
134:26, 138:22,
139:24, 145:6,
154:21, 154:22,
156:9, 156:20,
159:14, 167:2,
168:20, 170:11,
172:1, 176:1, 182:14,
182:25, 183:2,
187:20, 188:11,
193:9, 196:23,
199:11, 203:6, 204:7,
207:3, 207:9, 207:13,
207:14, 208:11,
211:23, 215:27, 217:5
sort [3] - 105:9,
114:24, 126:4
sorted [1] - 8:16
sorts [1] - 195:18
sought [13] - 23:22,
36:12, 53:28, 78:18,
115:21, 120:24,
120:28, 132:10,
145:14, 148:7,
153:22, 170:17, 198:3
south [1] - 208:22
space [2] - 42:9,
108:5
span [1] - 179:28
spark [2] - 57:7,
77:20
speaking [1] -
146:29
speaks [1] - 216:1
specific [8] - 51:21,
53:22, 70:20, 71:7,
71:12, 111:4, 149:27,
195:13
specifically [10] -
68:20, 68:28, 70:5,
70:8, 70:12, 134:13,
191:25, 192:24,
207:28, 211:15
speculating [2] -
99:23
spent [1] - 40:29
spirit [2] - 26:27,
27:2
spite [1] - 31:15
spoken [4] - 71:1,
80:4, 184:22, 198:3
spotted [1] - 100:17
SREENAN [1] - 3:2
stage [43] - 33:27,
38:16, 43:13, 54:24,
55:3, 56:3, 56:7,
59:22, 59:26, 60:13,
67:25, 70:1, 71:1,
73:18, 73:23, 74:28,
85:7, 98:28, 100:16,
104:22, 104:26,
109:27, 129:23,
129:27, 135:20,
142:21, 144:1,
154:10, 155:29,
161:15, 162:10,
162:14, 167:9,
167:10, 169:26,
185:1, 187:6, 188:11,
188:13, 191:17,
194:29, 197:7, 203:2
stages [1] - 92:14
stance [1] - 92:25
stand [8] - 19:9,
20:25, 29:17, 45:29,
172:13, 172:18,
176:3, 184:29
standard [1] - 90:25
standards [4] - 18:2,
207:20, 209:24,
215:15
standing [5] - 10:3,
12:27, 24:14, 103:27,
104:7
stark [1] - 54:12
start [9] - 57:4,
131:4, 131:10,
132:11, 132:15,
139:16, 141:18,
184:1, 209:4
started [12] - 18:29,
53:6, 55:4, 57:5,
74:19, 103:10,
103:11, 138:16,
139:22, 154:4,
177:20, 216:14
starting [4] - 57:6,
138:9, 138:16, 139:15
STATE [2] - 2:18,
3:12
state [3] - 5:7, 18:12,
163:26
State [6] - 61:6,
83:12, 101:18,
117:12, 167:27, 168:2
Statement [1] -
14:28
statement [18] -
13:2, 22:3, 22:7,
36:10, 61:6, 89:21,
89:23, 142:29,
152:20, 153:14,
157:1, 157:2, 157:6,
158:15, 158:26,
158:29, 159:1, 200:27
statements [5] -
28:8, 28:10, 32:2,
34:15, 39:28
Station [2] - 49:15,
119:5
station [7] - 13:20,
95:11, 127:3, 166:22,
174:22, 208:16,
209:21
stay [1] - 194:12
stayed [1] - 59:15
stenographic [1] -
1:27
STENOGRAPHY [1]
- 1:30
stenography [1] -
1:25
step [1] - 43:14
stick [2] - 35:28,
85:25
sticking [1] - 12:13
still [12] - 27:22,
31:26, 39:1, 77:9,
77:11, 77:14, 104:3,
104:21, 112:21,
112:29, 151:22,
204:24
stood [7] - 7:23,
45:8, 46:16, 165:8,
170:7, 183:24, 184:10
stop [7] - 136:1,
148:16, 149:29,
150:6, 211:7, 211:8,
217:1

storm [1] - 122:13
story [1] - 37:3
strategy [1] - 180:4
straw [1] - 18:26
straws [1] - 16:12
strayed [2] - 98:2, 98:8
straying [2] - 158:13, 158:14
stream [1] - 193:28
street [3] - 123:23, 174:20, 182:22
STREET [3] - 2:19, 3:5, 3:14
streets [1] - 122:24
stressful [1] - 31:20
stretch [1] - 176:18
string [2] - 131:27, 192:21
strong [1] - 83:4
structure [1] - 101:28
stuck [2] - 176:16, 199:5
studying [1] - 107:7
stuff [5] - 180:13, 180:15, 186:14, 192:12, 192:17
style [2] - 106:15, 108:1
subject [5] - 31:20, 140:2, 149:4, 149:12, 192:28
subject-matter [1] - 31:20
submission [19] - 7:9, 19:28, 24:10, 24:24, 28:15, 31:12, 33:24, 38:6, 71:24, 72:2, 73:22, 73:25, 119:21, 177:22, 186:29, 187:6, 187:25, 187:28, 188:4
submissions [41] - 7:20, 39:10, 41:10, 46:19, 46:22, 47:1, 47:7, 47:16, 47:27, 47:29, 48:26, 49:4, 49:7, 49:11, 50:15, 50:25, 51:1, 51:2, 52:7, 57:19, 59:5, 73:19, 73:20, 74:5, 74:13, 144:10, 144:11, 186:21, 186:23, 186:24, 186:26, 186:28, 187:13, 188:10, 188:19, 188:23, 190:18, 213:1, 213:2, 213:13, 215:20
submitted [4] - 50:15, 51:7, 51:21, 127:29
subsequent [3] - 7:8, 51:19, 59:20
subsequently [1] - 203:18
substance [1] - 162:4
substantially [1] - 20:1
subterranean [1] - 89:9
sufficient [1] - 166:5
suggest [14] - 9:3, 23:1, 23:21, 32:19, 34:1, 39:24, 40:2, 65:13, 79:25, 114:4, 140:6, 176:23, 176:25, 193:15
suggested [12] - 38:25, 74:6, 84:24, 88:27, 89:3, 105:17, 105:18, 150:23, 160:4, 187:14, 201:16, 201:17
suggesting [19] - 8:1, 17:13, 39:27, 140:24, 140:25, 173:24, 173:26, 178:19, 179:2, 182:25, 185:24, 187:12, 188:27, 202:25, 202:27, 210:9, 212:21, 215:9
suggestion [10] - 77:24, 98:3, 103:18, 105:14, 111:18, 111:19, 111:23, 146:7, 189:2, 205:3
suggestions [1] - 201:14
summarise [1] - 56:28
summarises [1] - 118:1
summary [2] - 121:11, 121:22
summation [1] - 126:5
summer [1] - 194:18
Sunday [4] - 90:23, 91:17, 160:2, 162:9
SUPERINTENDENT [3] - 4:3, 41:13, 133:12
superintendent [17] - 27:26, 55:17, 55:18, 61:28, 62:28, 63:10, 66:28, 69:17, 172:14, 172:21, 173:18, 174:10, 180:29, 196:1, 202:25, 214:7, 216:27
Superintendent [153] - 15:20, 16:28, 27:5, 27:6, 28:1, 29:7, 38:10, 41:19, 42:4, 42:13, 43:3, 44:15, 44:19, 44:20, 44:26, 45:1, 45:6, 45:22, 46:10, 49:7, 49:16, 49:17, 49:18, 49:19, 49:22, 49:25, 50:3, 51:15, 53:20, 54:10, 55:29, 57:25, 58:21, 58:27, 60:5, 61:17, 61:18, 61:20, 62:1, 62:5, 62:8, 62:11, 62:12, 62:21, 62:26, 64:2, 64:12, 65:7, 66:7, 66:21, 67:3, 67:6, 67:25, 68:6, 68:8, 68:27, 70:24, 72:23, 72:24, 75:13, 76:17, 77:16, 78:17, 79:23, 79:27, 83:5, 83:6, 84:10, 90:7, 92:19, 95:3, 97:13, 102:17, 103:20, 104:9, 109:14, 111:19, 112:18, 113:6, 114:5, 117:1, 117:8, 119:11, 119:16, 119:18, 122:22, 123:17, 126:14, 127:12, 129:11, 131:3, 133:1, 133:15, 142:28, 143:2, 144:16, 144:17, 153:22, 154:11, 157:22, 157:23, 157:24, 160:5, 160:6, 160:7, 160:15, 161:22, 161:25, 166:15, 169:3, 169:14, 170:18, 170:23, 172:12, 173:8, 173:28, 174:1, 176:10, 176:11, 176:27, 178:3, 181:16, 181:18, 181:23, 181:24, 182:9, 183:3, 183:21, 183:28, 184:8, 185:12, 185:25, 186:1, 186:6, 187:15, 189:24, 189:28, 193:11, 193:15, 195:9, 195:19, 196:20, 198:3, 213:7, 213:8, 213:20, 213:21, 213:22
superior [1] - 62:1
superiors [2] - 62:29, 166:24
supplemental [1] - 47:29
supplied [1] - 121:19
support [4] - 24:10, 49:17, 49:28, 187:16
supported [4] - 26:6, 62:22, 63:28, 65:13
supporting [2] - 18:4, 30:27
suppose [38] - 9:21, 14:4, 16:4, 18:5, 26:4, 31:26, 39:11, 54:1, 58:19, 67:10, 69:16, 73:24, 76:20, 76:23, 76:26, 85:5, 85:7, 85:15, 88:23, 89:11, 95:28, 99:23, 106:28, 107:9, 107:11, 109:13, 110:29, 114:15, 124:20, 135:9, 136:15, 156:8, 160:6, 198:17, 205:25, 208:15, 209:8, 210:3
supposed [3] - 20:28, 123:26, 132:18
supposing [1] - 56:20
SUPREME [2] - 1:13, 2:3
Supreme [1] - 158:7
surely [5] - 15:6, 161:16, 162:19, 186:15, 212:25
surgeons [1] - 194:12
surmising [1] - 45:11
surprise [3] - 15:21, 59:27, 83:22
surprised [4] - 115:16, 141:12, 154:3, 170:14
surprising [1] - 22:5
surrounded [1] - 115:9
sustain [1] - 35:20
sustained [1] - 113:22
swiftly [1] - 22:16
system [6] - 101:16, 101:22, 101:26, 180:10, 180:12, 208:20
Sióchána [12] - 6:2, 30:16, 38:26, 78:19, 90:14, 92:25, 110:10, 133:18, 133:29, 134:4, 134:28, 208:4

T

tab [1] - 120:24
tandem [1] - 81:12
tape [10] - 38:15, 45:13, 63:27, 120:11, 120:13, 185:29, 186:7, 196:21, 197:3, 197:18
tape-recording [1] - 185:29
taped [1] - 197:1
tapes [2] - 198:1, 198:7
taping [1] - 65:16
task [2] - 156:1, 172:11
tasked [1] - 160:18
tasks [1] - 133:27
taught [1] - 39:14
tea [2] - 85:1, 87:15
teachers [1] - 37:10
team [11] - 96:11, 103:10, 103:22, 118:11, 134:9, 148:17, 148:23, 157:20, 157:25, 160:13, 178:22
tease [1] - 8:12
technical [4] - 45:8, 194:4, 197:25, 197:26
telephone [5] - 78:16, 82:19, 141:24, 141:25, 215:13
temporal [3] - 25:13, 25:18, 33:27
ten [3] - 82:7, 208:19, 217:16
tend [1] - 34:16
tendency [1] - 51:12
tenet [2] - 60:4, 154:8
tense [1] - 115:20
term [3] - 30:12, 85:25, 106:25
terms [30] - 8:15, 12:3, 13:4, 16:5, 16:23, 18:27, 20:27, 21:25, 22:3, 23:10, 23:11, 23:16, 26:17, 28:23, 28:25, 29:5, 30:10, 34:22, 38:1, 39:19, 54:14, 57:11, 76:10, 118:7, 132:14, 140:18, 141:23,

163:7, 187:15
terse [1] - 149:4
test [5] - 24:12, 33:7, 136:27, 137:10, 137:17
testament [1] - 24:26
tested [3] - 23:12, 23:14, 31:15
testimony [1] - 39:28
testing [4] - 10:15, 23:29, 29:23, 29:27
text [1] - 199:21
textbook [1] - 13:26
textbooks [1] - 39:27
that'd [1] - 173:25
that.. [1] - 27:22
THE [11] - 1:4, 1:8, 1:9, 1:12, 2:3, 2:6, 2:15, 5:1, 94:17, 95:1, 217:18
themselves [8] - 16:5, 18:4, 29:16, 30:27, 31:20, 87:23, 107:11, 113:26
THEN [2] - 41:13, 217:18
then-inspector [1] - 119:2
then-position [1] - 50:20
theological [1] - 37:8
there'd [1] - 98:3
there'll [1] - 179:19
thereafter [3] - 51:12, 193:23, 216:14
therefore [7] - 13:1, 16:15, 26:7, 144:2, 149:26, 152:10, 177:24
therefrom [1] - 201:29
therein [2] - 78:21, 78:24
thereof [2] - 40:9, 41:5
they've [1] - 177:16
thinking [4] - 28:16, 123:16, 142:9, 165:25
thinks [1] - 83:8
third [7] - 15:24, 21:28, 37:28, 37:29, 157:20, 186:2
thirdly [1] - 134:8
thoughts [2] - 81:7, 83:11
threat [1] - 41:5
three [8] - 13:18, 70:18, 87:12, 87:13, 126:8, 166:28, 169:2
throughout [1] -

26:13
Thursday [2] - 84:17, 134:18
tick [1] - 171:15
timeframe [1] - 181:4
tipping [1] - 13:22
to" [1] - 72:12
today [15] - 40:17, 46:2, 74:1, 123:20, 129:19, 131:6, 131:8, 133:1, 133:3, 133:4, 185:4, 189:11, 190:10, 199:16, 201:18
together [4] - 87:15, 112:11, 172:10, 209:9
took [21] - 17:26, 23:29, 29:8, 29:10, 42:28, 43:14, 60:17, 63:8, 69:9, 84:14, 95:8, 97:27, 118:6, 120:18, 121:13, 135:13, 135:14, 137:22, 146:23, 194:23, 205:27
top [3] - 31:9, 159:21, 173:9
totally [4] - 105:28, 114:7, 169:6, 179:7
towards [5] - 26:20, 65:24, 170:20, 181:11, 198:12
traction [1] - 122:11
traduced [1] - 123:20
Traffic [1] - 75:21
traffic [1] - 30:24
transcribed [1] - 120:13
transcript [52] - 1:26, 26:12, 35:29, 36:1, 41:3, 41:22, 42:20, 44:16, 45:11, 46:8, 57:27, 58:4, 58:16, 58:20, 59:14, 60:11, 60:19, 62:22, 64:9, 65:6, 71:25, 72:3, 101:1, 101:5, 107:5, 116:9, 121:2, 143:21, 143:28, 144:26, 153:28, 154:1, 181:22, 181:27, 183:29, 184:3, 195:4, 196:21, 196:27, 199:1, 199:11, 199:22, 199:23, 199:26, 210:17, 212:10, 213:15, 214:24, 215:13, 216:1
transcripts [14] - 63:18, 100:20,

100:25, 100:28, 100:29, 101:15, 101:17, 101:18, 101:22, 107:7, 115:23, 121:29, 143:21, 186:12
translated [1] - 206:29
transpired [3] - 70:2, 119:1, 120:9
trespass [1] - 195:17
Tribunal [24] - 5:6, 5:10, 5:18, 6:9, 7:16, 7:22, 7:24, 19:3, 19:5, 19:29, 35:19, 36:16, 36:24, 89:22, 90:3, 92:7, 125:7, 132:3, 132:10, 132:25, 142:29, 195:2, 199:5, 211:14
TRIBUNAL [2] - 1:3, 2:6
Tribunal's [3] - 17:16, 63:19, 186:20
TRIBUNALS [1] - 1:9
trigger [7] - 54:29, 57:3, 138:9, 139:14, 139:17, 139:18, 139:25
triggered [2] - 139:19, 139:26
triggering [1] - 53:5
trip [1] - 87:19
trouble [4] - 17:26, 179:19, 179:20, 216:6
true [11] - 8:21, 8:23, 8:25, 15:1, 60:8, 124:2, 183:11, 196:5, 196:13, 196:19, 201:22
trust [7] - 20:12, 65:26, 173:22, 178:14, 179:10, 179:14, 179:29
trusted [4] - 33:18, 178:21, 179:4, 179:5
trusting [7] - 178:18, 178:21, 178:24, 180:3, 180:5, 180:7, 180:9
trustworthy [3] - 32:21, 32:27, 39:26
truth [15] - 30:7, 71:14, 72:28, 81:2, 89:24, 98:16, 98:22, 113:20, 113:23, 118:12, 118:17, 119:19, 197:10, 197:28, 205:26
truthful [1] - 6:10

try [4] - 8:12, 13:16, 133:1, 199:12
trying [21] - 9:12, 17:8, 19:8, 25:27, 35:24, 36:6, 38:28, 56:28, 66:8, 67:2, 75:7, 89:25, 89:27, 109:27, 132:2, 151:6, 152:24, 162:28, 198:22, 207:19
turn [14] - 42:1, 44:21, 46:27, 48:25, 49:3, 60:11, 61:11, 74:20, 75:11, 90:6, 114:1, 130:27, 202:23, 208:19
turned [2] - 52:28, 191:28
turns [2] - 214:11, 214:13
twice [1] - 198:19
twist [1] - 56:1
twisting [2] - 14:7, 177:20
two [38] - 10:17, 15:7, 15:15, 21:3, 24:23, 34:12, 40:5, 55:7, 63:6, 63:7, 73:5, 89:29, 112:10, 112:15, 114:7, 117:22, 122:6, 122:7, 123:8, 131:20, 143:19, 152:15, 157:18, 158:4, 159:27, 162:9, 163:25, 179:19, 192:19, 195:7, 200:7, 206:15, 208:23, 209:9, 210:4, 211:25, 216:12, 217:11
two-and-a-half [1] - 152:15
type [4] - 87:22, 101:15, 127:26, 166:20
typed [13] - 42:2, 71:17, 74:21, 95:13, 99:29, 100:7, 102:24, 106:14, 106:19, 108:9, 128:19, 128:24
typewritten [2] - 102:21, 160:23
typing [3] - 106:15, 127:24, 128:22
tyre [1] - 16:19
tyres [1] - 16:20

U

ultimate [3] - 113:19, 113:23, 114:3
ultimately [3] - 29:1, 29:22, 29:29
umbrage [1] - 207:27
unavailable [1] - 88:26
unawares [1] - 115:18
uncertain [3] - 12:3, 13:4, 197:27
uncertainty [1] - 197:21
unconsciously [1] - 10:20
undated [1] - 117:28
UNDER [2] - 1:3, 1:9
under [9] - 9:19, 35:20, 50:26, 71:21, 74:17, 120:22, 132:22, 162:21, 170:24
undermines [1] - 26:7
underneath [3] - 72:8, 97:15, 106:20
understood [14] - 13:2, 37:14, 37:23, 49:25, 67:20, 111:11, 150:15, 151:7, 161:24, 190:29, 193:17, 194:25, 199:19, 199:27
unease [1] - 93:8
unfair [15] - 5:22, 6:6, 6:29, 7:4, 7:14, 8:1, 20:7, 20:18, 36:29, 37:7, 37:9, 39:4, 78:3, 212:12, 214:29
unfairly [3] - 6:17, 20:10, 37:11
unfolded [1] - 54:5
unfortunate [1] - 9:29
unfortunately [3] - 106:14, 155:3, 192:21
unfounded [4] - 16:14, 18:22, 23:27, 35:1
unhappy [7] - 165:13, 165:20, 166:1, 167:26, 168:13, 169:1, 169:7
Unit [1] - 75:21
unjust [1] - 20:7
unjustified [7] - 9:12,

20:29, 35:8, 38:2,
38:5, 38:7, 39:1
unless [9] - 16:1,
26:2, 36:9, 36:12,
36:24, 56:19, 68:20,
69:26, 213:13
unlikely [3] - 131:9,
132:11, 188:7
unpleasantness [2] -
52:25, 64:6
unreasonable [2] -
173:21, 173:24
unrelated [1] - 10:23
unreservedly [1] -
6:20
unsupported [1] -
23:27
untenable [1] - 23:20
UNTIL [1] - 217:18
untoward [2] -
173:27, 195:1
unwarranted [3] -
19:15, 20:9, 35:17
unwise [1] - 141:28
up [59] - 10:25,
18:26, 44:18, 48:1,
58:28, 60:6, 61:23,
70:9, 70:11, 70:23,
71:20, 73:2, 75:21,
80:6, 86:24, 86:25,
97:22, 99:21, 99:25,
101:16, 103:7,
103:17, 103:19,
105:5, 105:7, 106:7,
106:22, 106:29,
107:3, 110:17,
111:14, 112:3, 116:4,
121:24, 126:27,
129:18, 131:15,
134:17, 146:27,
158:10, 161:2, 162:8,
167:13, 167:25,
171:6, 177:20,
180:13, 180:15,
181:2, 185:11,
185:18, 186:6,
186:16, 186:21,
192:17, 208:19,
208:24, 210:4, 216:6
upcoming [1] - 93:21
update [2] - 78:15,
82:13
upheld [2] - 34:26,
113:12
upholding [1] - 8:3
upset [1] - 154:3
upstairs [1] - 174:22
urgency [1] - 155:6
urgent [1] - 118:9
uses [1] - 40:20

utmost [1] - 160:29
utter [2] - 73:8, 126:3
uttered [10] - 59:24,
92:27, 93:13, 104:2,
104:19, 203:11,
203:12, 204:14,
205:2, 206:19
utterly [1] - 79:17

V

variables [1] - 181:7
variety [1] - 35:4
various [15] - 6:1,
7:23, 17:17, 47:12,
48:23, 50:22, 51:9,
54:2, 56:8, 118:10,
121:19, 121:24,
122:14, 137:20,
195:18
vary [1] - 24:17
verbal [2] - 141:22,
141:24
verbatim [2] - 1:26,
151:1
verified [2] - 71:26,
72:3
version [12] - 42:2,
71:17, 74:21, 95:14,
99:29, 100:2, 102:21,
102:24, 106:19,
108:9, 130:20, 182:1
versions [1] - 113:26
via [2] - 90:22,
110:11
victim [2] - 177:17,
181:17
victimised [1] - 18:1
view [49] - 6:11,
14:6, 14:16, 14:23,
29:9, 29:10, 39:7,
55:20, 59:4, 59:16,
73:2, 76:9, 76:10,
81:14, 87:6, 91:4,
92:24, 93:21, 99:6,
99:11, 109:9, 109:10,
109:14, 109:15,
109:19, 113:15,
114:12, 114:13,
131:14, 134:4,
135:21, 136:11,
136:14, 136:18,
137:1, 138:11,
140:17, 145:24,
149:8, 149:22,
170:29, 178:28,
188:21, 189:22,
195:28, 198:1,
199:29, 205:4

views [2] - 82:3,
159:28
vis-à-vis [1] - 124:4
vis-à-vis [2] - 34:4,
55:2
void [1] - 197:22
volume [6] - 46:28,
57:21, 57:23, 117:4,
117:5, 159:14
Volume [15] - 11:22,
44:17, 60:12, 75:13,
78:8, 90:6, 90:18,
93:23, 103:2, 103:3,
116:20, 116:25,
117:9, 148:3, 184:1
voluminous [1] -
101:25

W

wait [1] - 50:10
WALLACE [1] - 3:12
Walsh [1] - 102:17
wants [1] - 94:7
warned [4] - 36:22,
142:27, 165:7, 170:6
warning [1] - 179:18
WAS [2] - 41:13,
133:12
waste [3] - 184:2,
186:19, 195:3
WATERS [1] - 3:9
waters [1] - 208:23
wearing [2] - 10:13,
32:7
wee [1] - 8:12
week [5] - 8:17, 28:9,
93:15, 131:20, 134:17
Week [3] - 74:25,
76:4, 76:25
weekend [6] - 56:4,
56:10, 88:25, 154:29,
156:5, 161:15
weight [1] - 10:15
welfare [2] - 148:12,
149:10
whatsoever [3] -
15:26, 29:11, 43:21
whereas [2] -
174:16, 209:4
whereby [2] - 24:19,
180:13
wherein [1] - 119:3
whistleblowers [2] -
108:16, 108:20
white [1] - 215:16
who'd [1] - 123:24
who've [1] - 171:8
whole [13] - 15:20,

26:1, 29:25, 30:23,
35:4, 53:18, 55:20,
60:4, 121:16, 163:4,
173:10, 173:16,
175:20
wholly [1] - 35:17
wild [1] - 26:5
Wilkinson [1] -
212:18
Wilkinson's [1] -
31:28
willing [1] - 54:8
wise [2] - 141:28,
142:6
wished [1] - 87:19
wishes [1] - 189:4
withdraw [2] - 24:8,
201:10
withdrawing [10] -
106:5, 107:19, 108:6,
108:12, 108:13,
111:19, 112:6,
200:28, 201:4, 205:15
withdrawn [4] - 35:2,
37:20, 201:2, 201:3
WITNESS [1] - 4:2
witness [76] - 5:5,
6:27, 6:28, 7:11, 8:5,
10:15, 10:26, 12:3,
13:9, 13:17, 15:5,
15:6, 16:2, 18:11,
18:29, 19:1, 19:16,
23:2, 24:13, 26:9,
27:12, 27:15, 30:1,
32:19, 33:17, 33:19,
33:20, 35:20, 36:5,
36:14, 36:17, 37:24,
38:20, 39:25, 39:27,
40:6, 41:3, 45:6,
45:29, 56:18, 60:21,
63:11, 64:13, 88:4,
97:1, 118:20, 131:8,
131:10, 131:13,
131:28, 132:3, 132:5,
132:11, 132:15,
132:27, 133:3, 133:4,
133:6, 144:4, 154:5,
156:9, 171:19,
183:24, 184:10,
184:19, 184:22,
184:24, 188:9,
192:10, 199:18,
210:15, 212:12,
215:22
witness's [1] - 184:3
witness-box [1] -
63:11
witnessed [1] -
10:19
witnesses [22] -

7:19, 28:8, 36:23,
44:10, 47:8, 78:25,
92:10, 95:25, 118:10,
119:21, 121:4,
121:10, 131:5,
134:17, 135:5, 137:1,
137:14, 137:20,
175:24, 179:4, 179:6,
182:7
witnesses' [1] -
39:18
wonder [6] - 26:21,
26:25, 96:21, 98:18,
148:3, 205:14
wondering [4] - 70:3,
122:20, 158:5, 161:9
word [40] - 9:29,
27:10, 27:29, 28:16,
56:26, 60:3, 65:11,
71:25, 72:2, 72:3,
72:14, 97:4, 97:16,
104:19, 106:23,
106:24, 123:20,
128:7, 132:19,
136:23, 150:19,
153:9, 165:8, 170:6,
176:7, 177:12, 185:7,
185:8, 196:6, 196:8,
206:14, 211:16,
211:17, 211:23,
211:26, 212:13,
212:14, 216:14
wording [1] - 129:3
words [28] - 6:6,
9:11, 9:28, 10:3,
12:17, 14:2, 14:29,
18:10, 24:29, 27:28,
34:16, 44:24, 66:4,
92:27, 104:7, 106:26,
166:24, 184:14,
188:12, 198:2,
203:11, 204:13,
206:19, 206:28,
210:18, 212:3, 213:3,
214:10
workplace [1] -
75:26
works [1] - 11:14
worry [1] - 89:18
worth [1] - 72:13
worthy [2] - 12:17,
33:17
write [1] - 65:14
writing [8] - 38:22,
76:28, 110:22,
146:13, 155:14,
157:7, 189:27, 190:17
written [15] - 7:9,
36:13, 80:3, 97:15,
100:4, 106:12,

106:20, 125:8,
128:23, 145:29,
165:21, 170:10,
189:23, 190:18,
195:29
wrongly ^[5] - 6:5,
6:17, 20:10, 28:21,
37:11
wrote ^[11] - 72:16,
106:18, 106:23,
123:14, 125:14,
151:2, 151:3, 152:17,
183:6, 183:15, 207:2

Y

year ^[2] - 116:16,
129:27
years ^[9] - 31:19,
65:10, 65:16, 67:13,
89:29, 152:15,
179:20, 215:19
yesterday ^[9] - 5:18,
14:5, 21:17, 26:20,
31:6, 41:15, 52:8,
63:6, 187:2
yourself ^[13] - 90:20,
128:19, 142:4,
145:11, 151:7, 153:6,
156:4, 160:23,
163:23, 168:22,
169:19, 171:21,
209:10
Yvonne ^[4] - 119:8,
181:16, 183:9, 189:29

É

ÉIREANN ^[2] - 1:5,
1:6

Ó

Ó ^[6] - 5:29, 7:13,
20:19, 74:25, 74:29,
76:24