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 MONDAY, 11TH JUNE 2018 - DAY 89

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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 <u>APPEARANCES</u>

SOLE MEMBER:	MR. JUSTICE PETER CHARLETON, JUDGE OF THE SUPREME COURT
REGI STRAR:	MR. PETER KAVANAGH
FOR THE TRI BUNAL:	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
INSTRUCTED BY:	MR. BREFFNI GORDON BL SEAN COSTELLO & COMPANY HALIDAY HOUSE 32 ARRAN QUAY DUBLIN 7
FOR THE COMMISSIONER:	MR. SHANE MURPHY SC MR. MÍCHEÁL P. O'HIGGINS SC MR. CONOR DIGNAM SC MR. NOEL WHELAN BL MR. DONAL MCGUINNESS BL
INSTRUCTED BY:	MR. JOHN FITZGERALD BL MS. ALISON MORRISSEY MS. EMMA GRIFFIN CHIEF STATE SOLICITOR'S OFFICE OSMOND HOUSE LITTLE SHIP STREET DUBLIN 8
FOR SUPT. TAYLOR:	MR. MI CHAEL O' HI GGI NS MS. TARA BURNS SC
INSTRUCTED BY:	MR. JOHN FERRY BL MR. CARTHAGE CONLON M.E. HANAHOE SOLICITORS SUNLIGHT CHAMBERS 21 PARLIAMENT STREET DUBLIN 2
FOR ALISON O'REILLY:	MR. DECLAN DOYLE SC MR. FÍONÁN Ó MUIRCHEARTAIGH BL
INSTRUCTED BY:	MR. MICHAEL WALL BL AUGUSTUS CULLEN LAW SOLICITORS 18 BOW STREET SMITHFIELD DUBLIN 7

FOR RTÉ:

INSTRUCTED BY:

MR. SEAN GILLANE SC MR. RONAN KENNEDY BL PATRICIA HARRINGTON, RTÉ

FOR INDEPENDENT NEWS AND MEDIA & PAUL WILLIAMS:

INSTRUCTED BY:

MR. ROSSA FANNING SC MR. JOHN FREEMAN BL MR. KIERAN KELLY FANNING & KELLY SOLICITORS HATCH HALL HATCH STREET LOWER SAINT KEVIN'S DUBLIN 2

FOR MICHAEL O' TOOLE:

MR. ANTHONY THUILLIER BL MR. KIERAN KELLY FANNING & KELLY SOLICITORS HATCH HALL HATCH STREET LOWER SAINT KEVIN'S DUBLIN 2

FOR ASSOCIATED NEWSPAPERS LIMITED, DEBBIE McCANN, SEBASTIAN HAMILTON & CONOR O' DONNELL: INSTRUCTED BY:

MR. TOM MURPHY BL MR. MICHAEL KEALEY DMG MEDIA IRELAND

FOR TIMES NEWSPAPERS LIMITED & NEWS GROUP NEWSPAPERS LIMITED:

MR. SIMON MCALEESE SIMON MCALEESE SOLICITORS CUNNINGHAM HOUSE FRANCIS STREET MERCHANTS QUAY DUBLIN 8

FOR THE I RI SH EXAMINER, JUNO MCENROE, DANI EL MCCONNELL CORMAC O' KEEFFE, TI M VAUGHAN & MI CK CLI FFORD:

MR. OISÍN QUINN SC MR. DARRYL BRODERICK RONAN DALY JERMYN SOLICITORS THE EXCHANGE GEORGE'S DOCK IFSC DUBLIN 1

FOR	THE IRISH TIMES
	DESIGNATED ACTIVITY
	COMPANY, THE IRISH
	TIMES TRUST & CONOR LALLY:

MR. DAVID PHELAN HAYES SOLICITORS LAVERY HOUSE 2 EARLSFORT TERRACE DUBLIN 2

FOR MICHELLE TAYLOR: INSTRUCTED BY: MR. FELIX MCENROY SC O'MARA GERAGHTY MCCOURT 51 NORTHUMBERLAND ROAD DUBLIN 4

FOR JOHN McGUINNESS: INSTRUCTED BY: MR. DARREN LEHANE BL LAWLOR PARTNERS SOLICITORS ARRAN SQUARE ARRAN QUAY DUBLIN 7

FOR GEMMA O' DOHERTY: INSTRUCTED BY: MR. MARK HARTY SC MR. JOHN BERRY BL MR. DARRAGH MACKIN KRW LAW THIRD FLOOR 9-15 QUEEN STREET BELFAST COUNTY ANTRIM

FOR ALAN SHATTER: INSTRUCTED BY: MS. EILEEN BARRINGTON SC MR. CATHAL MURPHY BL MR. BRIAN GALLAGHER GALLAGHER SHATTER SOLICITORS 4 UPPER ELY PLACE DUBLIN 2

FOR DEPARTMENT OF JUSTICE AND BRIAN PURCELL: 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

FOR JOHN KIERANS:

MR. CHRISTOPHER MCCANN MCCANN FITZGERALD RIVERSIDE ONE SIR JOHN ROGERSON'S QUAY DUBLIN 2 FOR ANNE HARRIS: INSTRUCTED BY:

FOR CONOR LALLY: INSTRUCTED BY:

FOR MS. D:

INSTRUCTED BY:

MR. DARREN LEHANE BL PATRICK F. O'REILLY & CO. 10 SOUTH GREAT GEORGE'S STREET DUBLIN 2

MR. PATRICK LEONARD SC MR. DAVID PHELAN HAYES SOLICITORS LAVERY HOUSE EARLSFORT TERRACE DUBLIN 2

MR. THOMAS P. HOGAN SC MR. NIALL BUCKLEY BL FANNING & KELLY SOLICITORS HATCH HALL HATCH STREET LOWER SAINT KEVIN'S DUBLIN 2

FOR JOHN MOONEY: INSTRUCTED BY: MR. CONLETH BRADLEY SC MS. CATHERINE ALMOND MR. DARA ROBINSON SHEEHAN & PARTNERS CUNNINGHAM HOUSE 130 FRANCIS STREET DUBLIN 8

FOR EAVAN MURRAY:

MR. EOIN McCULLOUGH SC MR. SIMON McALEESE SIMON McALEESE SOLICITORS CUNNINGHAM HOUSE FRANCIS STREET MERCHANTS QUAY DUBLIN 8

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THE HEARING RESUMED, AS FOLLOWS, ON MONDAY, 11TH JUNE 2018:

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Chairman, the first witness today is 4 MR. McGULNNESS: 5 Mr. John Mooney. Just for the benefit of everyone, 10:00 6 Mr. Mooney's statement is to be found in Volume 25 at 7 page 6795 and I think he is represented here today. You don't need to stand up, Mr. Bradley. 8 CHAI RMAN: The microphone won't catch you if you do. Thank you. 9 Thank you, Chairman. Good morning. 10 MR. BRADLEY: Ι 10.01 11 appear for Mr. Mooney, instructed by Mr. Dara Robinson, and I am attended by Ms. Catherine Almond of Sheehan 12 13 Solicitors, and I am asking for representations on 14 behalf of Mr. Mooney. 15 CHAI RMAN: Yes. That is absolutely fine. As I said to 10:01 16 others, I don't do 'good mornings'; it didn't appear in 17 the courts until about ten years ago so I am sticking 18 by the old-fashioned nod. 19 20 MR. JOHN MOONEY, HAVING BEEN SWORN, WAS DIRECTLY 10:01 21 EXAMINED BY MR. McGUINNESS, AS FOLLOWS 22 Mr. Mooney, I think you are a 1 Q. MR. McGUI NNESS: 23 journalist and you write for the Sunday Times, is that 24 correct? 25 That's correct. Α. 10:01 And how long have you been a journalist? Would you 26 2 Q. 27 just outline your career to us. I started working in journalism about 1993. I first 28 Α. worked as a freelance journalist, I worked as a 29

photographer for a while, abroad, and I subsequently 1 2 went on to specialise in crime, terrorism, national 3 security, but I do other -- have worked in other areas as well. 4 5 3 And I think you have been writing for the Sunday Times Q. 10:02 since 2007, is that right? 6 7 That's correct. Α. 8 4 0. Okay. And I think you were contacted by the Tribunal soon enough after its establishment and you were 9 written to on the 15th March of 2017? 10 10.02 11 That is correct. Α. 12 You may recall that letter? 5 Q. 13 That is correct. Α. 14 6 Q. And perhaps we'd just look at that, and that's in 15 Volume 25 at page 6818. Now, Mr. Mooney, we have a lot 10:02 16 of papers in front of you and you can either look at 17 them on screen or you can take out the volume. 18 It's fine, I will look at it on screen. Α. 19 7 Q. Okay. And the Tribunal's letter is there at page 6818, 20 and if we just go down the page it refers to the 10:03 opening statement, and the terms of reference, and then 21 22 in the third paragraph it stated as follows: 23 24 "From information in the possession of the Tribunal it 25 appears that you may -- that you were in contact with 10.03 the Detective Superintendent David Taylor while he was 26 27 the Press Officer for An Garda Síochána and after he 28 had ceased that role. In the event that you have 29 information relevant to the terms of reference of the

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1 Tribunal it would greatly assist the work of the 2 Tribunal if you would submit a statement containing such information." 3 4 5 And then it goes into the issue of privilege there, you 10:03 6 probably recall the letter. And your reply then at 7 6820 was as follows: 8 "Dear Ms. Mullan 9 I refer to your letter dated 15th March 2017. It's my 10 10.04 11 practice as a journalist not to comment on news 12 gathering activities and/or sources of information. 1 13 believe that I have certain professional obligations in 14 that regard. I note from your letter that the Tribunal 15 will be considering the issue of journalistic 10:04 16 pri vi lege." 17 18 And I think that remained your response in relation to 19 other letters sent by the Tribunal, and perhaps we'd 20 look at the next one, 6821. And in this letter, in the 10:04 21 fourth paragraph, it's pointed out that: 22 23 "The solicitors acting for Superintendent Taylor have 24 confirmed on his behalf to the Tribunal that he does 25 not claim privilege in respect of communications the 10.0526 subject matter of terms of reference of the Tribunal 27 with journalists in the print, broadcasting or other The Tribunal also received confirmation from 28 media. 29 both Commissioner O'Sullivan and former Callinan that

1 they do not claim any privilege should they be 2 identified as a source of any information, briefing 3 allegation or belief communicated to journalists in the print, broadcasting or other media directly or 4 5 indirectly relating to Sergeant Maurice McCabe in 10:05 relation to the work of the Tribunal." 6 7 8 And then there were a number of questions set out thereafter and I think you are familiar with those? 9 10 I am. Α. 10.05 11 8 Q. And just to look at the text of those, from question 3 12 onwards, these are taken ostensibly as questions 13 arising out of the protected disclosure made by 14 Superintendent Taylor and his statement to the 15 Tribunal, and I think you've seen both of those? 10:06 16 I have. Α. And in the context of those, a number of questions were 17 9 Q. 18 set out, seriatim, which deal with the issue of 19 negative briefing by Superintendent Taylor, and I'm 20 going to use that as a shorthand for this series of 10:06 21 questions and, would you like me to go through the 22 questions to identify each element of them or are you 23 familiar with them? 24 I'm relatively familiar with them. Α. 25 Okay. Well, it may be no harm just to put them on the 10 0. 10.06 record, as it were, so that you -- there is no 26 27 misunderstanding between us or anyone else. Of course. 28 Α. 29 And the first question was: 11 0.

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1 2 "Were you negatively briefed about Sergeant McCabe by 3 anyone and if so by whom?" 4 5 About Sergeant McCabe by anyone -- sorry. That is the 10:07 6 question. Number 4: 7 8 "Have you any information or evidence about an 9 orchestrated campaign directed by senior officers of 10 the Garda Síochána to discredit Sergeant Maurice McCabe 10:07 11 by spreading rumours about his professional or personal 12 life? 13 Were you contacted by Superintendent David Taylor 14 5. 15 in relation to Sergeant Maurice McCabe? 10:07 16 17 Were you briefed negatively by Superintendent David 6. 18 Taylor in relation to Sergeant Maurice McCabe? 19 20 7. Were you briefed negatively by Superintendent David 10:07 21 Taylor in relation to Sergeant Maurice McCabe to the 22 effect that his complaints had no substance? 23 24 Were you briefed negatively by Superintendent David 8. 25 Taylor in relation to Sergeant Maurice McCabe to the 10.07 26 effect that the Gardaí had fully investigated 27 complaints and had found no substance to his 28 allegations and that he was driven by agendas? 29

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1 Was your attention drawn by Superintendent David 9. 2 Taylor to an allegation or suggestion of criminal 3 misconduct against Sergeant McCabe in any respect? 4 5 10. Was your attention drawn by Superintendent Taylor 10:08 6 to an allegation that the root cause of Sergeant 7 McCabe's agenda was revenge against An Garda Síochána? 8 9 Were you informed by Superintendent David Taylor 11. that he was instructed/directed by former Commissioner 10 10.08 11 Callinan and/or then Deputy Nóirín O'Sullivan to 12 contact the media to brief the media negatively against 13 Sergeant Maurice McCabe? 14 15 Are you aware or have you any evidence of any 12. 10:08 16 attempt by former Commissioner Callinan or Commissioner 17 O'Sullivan or any other senior member of An Garda 18 Síochána to discredit Sergeant Maurice McCabe by 19 reference to an allegation of criminal misconduct made 20 against him?" 10:08 21 22 If I could just pause there. That's what we are 23 referring to in a shorthand way as negative briefing, 24 and would it be helpful perhaps at this stage if you 25 could outline your position to the Tribunal in relation 10:08 to that. 26 27 Α. Chairman, the optics of -- I suppose, I adopted an approach with the Tribunal because I am involved in a 28 29 certain type of work where I am often dealing with

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1 informants and contacts are passing me information that 2 could cause lots of difficulties if I was ever to reveal their identities, however I have given this 3 matter some thought and notwithstanding the optics of 4 5 this matter and the professional difficulties it poses 10:09 6 for me, I do think it's appropriate maybe that I do 7 assist the Tribunal in whatever way I can. Ι 8 personally wasn't negatively briefed by Dave Taylor or any member of An Garda Síochána who attempted possibly 9 to suggest that Sergeant McCabe was involved in child 10 10.09 11 abuse or something like that. That didn't happen with 12 me.

13 And you were obviously informed that Superintendent 12 Q. 14 Taylor had nominated you and perhaps we'd just look at, 15 I think it's page 158 of our documents. And if we just 10:10 16 go down there, this is in the context of the solicitors for Superintendent Taylor furnishing the names of 17 18 journalists in respect of this so-called negative briefing and you are there at number 4 on that list. 19 20 Insofar as Superintendent Taylor has nominated you in 10:10 relation to that, do I understand from your previous 21 22 answer that that is entirely incorrect?

23 A. That is incorrect, Chairman.

Q. You were, I think, made aware of the waivers executed
by Superintendent Taylor and the two former
commissioners and their expressed hope that any
journalist would come forward to support him and
obviously, from your answers, your evidence on your
oath is that you are not supporting him because it

didn't happen in that way, is that correct?

1

- A. That is correct, Chairman. Both former commissioners
 have actually threatened to sue me at various times. I
 don't think they would have been passing me
 confidential information with a view to undermining
 anyone.
- 7 I think the Tribunal prepared and I think you 14 Yes. **Q**. 8 were shown a copy of relevant phone contacts which Superintendent Taylor had with you in relation to a 9 period in 2014 that the Tribunal were looking at 10 10.11 11 particularly, and perhaps we'd look at 6839 to 6840 in 12 Volume 24. I think you've seen this list before and it 13 shows a number of contacts between February and, I 14 think it goes as far forward as June. And there's a 15 couple of phone calls in February there, they seem to 10:12 16 be fairly lengthy phone calls on 15th February and 22nd 17 February, at 15:18 on 15th February and on the 22nd of 18 February, 20-minute phone call, 27-minute phone call. 19 Are you in a position to recollect what those phone 20 calls might have been in relation to? 10:12 In The Sunday Times we have a policy of, when we can, 21 Α.
- definitely putting allegations to people.
 Superintendent Taylor was the designated Garda Press
 Officer. On various occasions I would have interacted
 with him in that role.
- 26 15 Q. This was obviously at a time, it was subsequent to the
 27 Commissioner Callinan's appearance at the PAC, do you
 28 recollect, does that help you what the queries might
 29 have been in relation to?
 - 14

10:13

10:11

Chairman, I was involved in a lot of the Garda 1 Α. 2 controversies at the time and I can't be specific about But I would have interacted with Dave Taylor at 3 that. the time. I don't see an issue with privilege arising 4 5 in this. He was the designated spokesperson, so I 10:13 6 spoke to him. And, I mean, I would have spoken to him 7 about lots of different issues at that time. 8 16 Yes. Obviously Commissioner Callinan retired from Q. office and there is a later phone call around the 10th 9 May there for 24 minutes or so. It seems to be at a 10 10.13 11 period when Superintendent Taylor apparently had ceased 12 to be involved in any campaign against Sergeant McCabe? 13 As I said, without sort of breaking privilege or Α. 14 anything like that, I would have documented various 15 matters affecting Superintendent Taylor and would put 10:14 allegations to him in that role. I don't -- whether 16 someone is the Press Officer or not we would always try 17 18 talk to someone where possible if we are writing a 19 story about them, so we would have would of course have 20 communicated with Dave Taylor about various matters and 10:14 indeed a number of stories that appeared subsequent to 21 22 various issues surrounding him, he is actually quoted in The Sunday Times as saying 'no comment'. 23 24 17 Yes. The Tribunal has heard from Superintendent Q. 25 Ferris, who was recalled, and he gave some evidence of 10.14 some queries that you had raised by email with the 26 Press Office. After Superintendent Taylor ceased to be 27 Press Officer, this was in 2016, one of them related or 28 29 a number of them related specifically to Superintendent

Taylor's protected disclosure. But it might suggest that you were privy to that and that Superintendent Taylor had briefed you in relation to his protected disclosure?

- 5 Chairman, I really can't go into who told me what, but Α. 10:15 if I can assist the Tribunal like this: Any contacts 6 7 that I have would be professional in nature where we 8 are trying to ascertain the accuracy of allegations or information that has been passed to us. I really can't 9 10 go into specifically what anyone may say to me off the 10.15 11 record because I am prevented professionally from doing 12 so, but any contacts we had would be in a professional 13 manner.
- 14 18 Q. The ones I was referring to were directly with the
 15 Press Office by email and presumably they wouldn't be 10:16
 16 considered to be off the record?

17 A. I suppose not.

18 19 Our attention was drawn to an article in which you Q. 19 appear to have been one of the -- perhaps the first 20 journalist to name Sergeant McCabe in connection with 10:16 the Cavan-Monaghan investigations. And I don't know if 21 22 you recall the article that you wrote in November 2010? I have written actual articles before that, in 23 I do. Α. 24 early November, about the whole issue of policing in Bailieboro as well. 25 10:16 26 20 Yes, yes. Perhaps we'd just look at that. It's at Q. 27 volume 27, page 7547. This is 24th November 2010, is that the one? 28 CHAI RMAN: 29 MR. McGUINNESS: 14th November, I think.

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 2 21 Q. MR. McGUINNESS: And I think that is probably a web 3 copy of the article, and just down in the third 4 paragraph there, Maurice McCabe is mentioned in the 5 second paragraph as well. 6 A. Yes. 7 22 Q. And obviously this makes no reference to any allegation 	10:17
 4 paragraph there, Maurice McCabe is mentioned in the 5 second paragraph as well. 6 A. Yes. 	
5 second paragraph as well. 6 A. Yes.	
6 A. Yes.	
7 22 0. And obviously this makes no reference to any allegation	
8 relating to Ms. D, isn't that correct?	
9 A. That is correct, Chairman.	
10 23 Q. Or no Garda investigation into it?	10:17
11 A. That is correct, Chairman.	
12 24 Q. And were you aware of it at that point in time, or can	
13 you recall?	
14 A. I was, Chairman, I was aware of it.	
15 25 Q. Okay. And may the Tribunal take it from your previous	10:17
16 answer that you hadn't been so made aware of it by any	
17 senior guard within the terms of reference?	
18 A. Chairman, I'll speak freely if I can about this matter.	
19 I always kind of need to know what I don't need to	
20 know. I had examined Sergeant McCabe's complaints or	10:17
21 became aware of them at that time and written a number	
22 of stories about it. Sergeant McCabe had made a number	
23 of very valid allegations about issues in policing in	
24 the Cavan-Monaghan area. Subsequent to that, I would	
25 have been contacted by lots of different people. I was	10:18
26 working in the border area quite a lot at that time;	
27 dissident republican factions, I suppose, were becoming	
28 very active in late 2008, 2009. So meeting people up	
29 there wouldn't have been a major issue to me. There	

1 was, someone made a very fleeting reference to an 2 allegation against Sergeant McCabe. I subsequently made an inquiry about that and was told categorically 3 that there was nothing in it. I didn't pursue it any 4 5 further for the simple reason that these matters are 10:18 confidential by the health services, the guards and the 6 7 other statutory agencies involved and I don't think 8 it's appropriate for journalists to get involved in examining them or trying to second-guess any sort of 9 proper investigation that has been taken -- that is 10 10.19 11 being undertaken. So, I left it at that. As far as I 12 was concerned, I would be very aware of internal Garda 13 procedures; if there was an allegation that was of any 14 substance against a member of the force they would be at the minimum suspended. So the fact that Sergeant 15 10:19 16 McCabe was still a sergeant would have clarified that 17 for me. I didn't get into looking at it in any great 18 detail. As far as I was concerned I treat such matters 19 as gossip and noise and that was it.

- 20 I think the Tribunal investigators asked you about an 26 Ο. 10:19 anonymous letter which was produced to you and, if we 21 22 perhaps just look at page 6480. I think this was a 23 letter which was purported to be dated 26th February 24 2014, which related, inter alia, or referred, inter alia, to a sexual assault of a minor and there is a 25 10.20 relevant extract there, and am I correct in saying that 26 27 your evidence is that you never saw that letter or received that letter? 28
- 29 A. I have no memory of receiving any document like that.

18

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1 And are you in a position to say that insofar as you 27 Q. know The Sunday Times never received that letter? 2 I don't believe we did. Material like that would 3 Α. usually come to me, but as a policy we are always very 4 5 cautious of anonymous documents like that because they 10:20 6 can be -- it's completely false and been designed it 7 set someone up or something like that. So I don't 8 really pay too much heed to them.

9 28 Q. All right. It was referred to by Ms. Katie Hannon in a
10 broadcast in RTÉ in July of 2016 and as in fact having 10:20
11 been received at least by RTÉ in 2014. Did you hear of
12 any other newspapers receiving it or any other media
13 organisations receiving it?

10:20

14 A. No, I didn't, Chairman.

15 29 Q. Okay.

16 And, Mr. McGuinness, I am just wondering, CHAI RMAN: 17 okay, it's an anonymous letter and dated 26th February 2014 but insofar as we can attach any importance to it, 18 19 if there is any importance to it, have we any idea as to when it may have been received? Because after all, 20 10:21 it could be dated anything. The first reference you 21 22 say is two years later. well, it was received in the sense 23 MR. McGUI NNESS:

- 23 MR. MCGOTINESS: Werr, it was received in the sense
 24 that Sergeant McCabe was in a position to give evidence
 25 about it to Mr. Guerin in the course of one of his 10:21
 26 interviews in early April 2014.
- 27 CHAIRMAN: So it's prior to that anyway?
- 28 MR. McGUINNESS: And he said that he had received it a 29 few weeks earlier in March 2014, so it seems to have

1			been out there at least in some capacity.	
2			CHAIRMAN: Yes. Thanks.	
3			MR. McGUINNESS: Some recipients at some stage.	
4	30	Q.	In any event, you weren't aware of it or didn't receive	
5			it?	10:21
6		Α.	I have no memory of that.	
7	31	Q.	All right. Just one other matter. Mr. Colum Kenny, a	
8			journalist who was writing and wrote an article for the	
9			independent in March of 2014, referred to the	
10			investigation against Sergeant McCabe, and perhaps	10:22
11			could you just look at page 3881. This is an article	
12			in the Sunday Independent which appears to have both	
13			predated a number of visits to Ms. D and a number of	
14			articles by Mr. Williams and just slightly down the	
15			page, it's in the context of an article about the	10:22
16			computer issue but it says in the paragraph there,	
17			fourth last third-last paragraph:	
18				
19			"It's understood that McCabe had also been subjected to	
20			a serious allegation by a senior garda that was	10:22
21			subsequently referred by Gardaí to the DPP who found no	
22			basis upon which to pursue the matter."	
23				
24			Now, does that accord with what you had effectively	
25			learned some number of years before?	10:23
26		Α.	About?	
27	32	Q.	About an allegation that had been made against him that	
28			had gone to the DPP?	
29		Α.	To be perfectly frank and honest, there was a remark	

made to me, it wasn't specific, and I don't go around 1 2 examining issues like this because they are shrouded in 3 secrecy and confidentiality. There is actually no real way for a journalist to examine these matters 4 5 appropriately. If there is an allegation involving a 10:23 child you can't approach the child. And I don't think 6 7 we are publicly justified to approach a family when somebody who is dealing with a minor. The fact that 8 there was no charges or even when there are it doesn't 9 mean somebody is guilty of any offence, it just means 10 10.23 11 there is an allegation there. But it was just off 12 I kind of actually parked that issue. limits. I deal 13 with a lot of information that is passed about all 14 sorts of matters and, you know, if something is not 15 really in the public interest and there is no 10:24 16 justification for pursuing it I kind of just left it. So I was aware that some sort of complaint had been 17 18 made and nothing had happened result of that. SO I 19 didn't, to be perfectly frank, pursue it further. All right. The Tribunal has heard, I'm not suggesting 20 33 Q. 10:24 that any of them were journalists approaching a child 21 22 about the matter, but the Tribunal has heard about a number of approaches to Ms. D in 2014 by other parties, 23 24 Ms. McCann, Ms. Murray and Mr. Williams, but I think it's -- am I correct in saying, certainly the Tribunal 25 10.24 26 has no evidence that you made any approach to Ms. D in 27 2013, '14, '15 or '16?

A. Your Honour, that story and this allegation and the
background to it did not meet any such threshold for

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1			publication in The Sunday Times. So I had no business	
2			looking at it. When the matter became public following	
3			the Prime Time broadcast, I couldn't understand the	
4			circumstances and how this thing with Tusla had arisen,	
5			so I did at the time send a message to Ms. D with a	10:25
6			view to trying to establish what had happened.	
7	34	Q.	Yes. But that is in February 2017, and I'm not	
8			concerned about that.	
9		Α.	Sorry, all right. Okay.	
10	35	Q.	It's really just to establish the fact you yourself	10:25
11			made no approach at all	
12		Α.	No, I didn't.	
13	36	Q.	in '12, '13, '14, '15, '16?	
14		Α.	No, I didn't.	
15			MR. McGUINNESS: Thank you very much, Mr. Mooney.	10:25
16				
17			THE WITNESS WAS CROSS-EXAMINED BY MR. McDOWELL:	
18	37	Q.	MR. McDOWELL: I am one of the counsel representing	
19			Sergeant McCabe. In relation to your story of 2010	
20		Α.	Yes.	10:25
21	38	Q.	could I bring you to the second-last paragraph of	
22			that. It's at 7547 in the book. And on the first	
23			page, the second-last paragraph says:	
24				
25			"Byrne's report was sent to Fachtna Murphy, the Garda	10:26
26			Commissioner, last month. It is understood to have	
27			recommended sanctions against a number of officers,	
28			including McCabe."	
29				

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1			That wasn't true, was it?	
2		Α.	Well, at the time that was the information that I was	
3			provided with.	
4	39	Q.	And then we go to the second page, the second-last	
5			paragraph:	0:26
6				
7			"Nacie Rice, the Deputy Garda Commissioner, is to	
8			investigate the allegations against Byrne."	
9				
10			That is arising out of the Hillgrove Hotel issue, isn't $_{10}$):26
11			that right?	
12		Α.	Yes.	
13	40	Q.	"McCabe is now under investigation himself for alleged	
14			breaches of internal Garda regulations."	
15			10	0:26
16			Was that correct?	
17		Α.	well, my understanding of that was, when this issuing	
18			concerning the final report by Byrne/McGinn had been, I	
19			suppose, completed, that other areas had arisen. There	
20			was obviously this incident at the Hillgrove Hotel	0:27
21			which I was aware or had become aware of, and I think	
22			there was the accessing information via Pulse and that	
23			kind of stuff. But just again to explain: We take a	
24			completely impartial view. If there are issues	
25			concerning, I suppose, the activities of a guard, 10	0:27
26			whether he is acting rightly or wrongly, I also have to	
27			be absolutely straight down the line in our coverage of	
28			that. So there were issues around the Hillgrove Hotel,	
29			there was allegation and counter-allegations	

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- 1allegations being thrown, you know, quite freely around2these matters. So we would have covered them and tried3to cover it impartially.
- 4 41 Q. Could I then ask you to cast your mind back to the
 5 period when Paul Williams was publishing his articles 10:28
 6 in April and May of 2014. You yourself had satisfied
 7 yourself that there was nothing in this story, isn't
 8 that right?

10.28

9 A. That is correct, but I'd --

10 42 Q. And that was as far back as 2010 or earlier?

11 A. That is correct.

12 43 Q. But when you saw Mr. Williams -- sorry, I interrupted13 you there.

14 A. You are fine.

- 44 Q. When you saw Mr. Williams publishing a story, what did 10:28
 you think? First of all, did you recognise it as
 referring to Sergeant McCabe?
- 18 I have to be honest with you, Chairman, I suspected it Α. 19 may have been. Again, I go back to my earlier answer: 20 I felt that these matters weren't fit for public 10:28 consumption, for the reason that allegations of this 21 22 type, because of their nature, are shrouded in secrecy, 23 even when they are before the courts there are, various 24 privacy issues arise. The matter had been dealt with, 25 I have to be honest, I didn't know the exact specifics 10.29 of it early on, but, you know, if these matters were 26 27 being rehashed, for want of a better word, by other newspapers, that's their business but we hadn't done 28 29 But I did recognise that they were referring to that.

1			Sergeant McCabe, it would be untrue to say I didn't.	
2	45	Q.	We have seen a series of articles, to use a	
3			colloquialism, ramping it up to Micheál Martin and then	
4			to the Taoiseach and then to GSOC. What was your view	
5			af that at the time?	0:29
6		Α.	Being perfectly honest, it wouldn't have been material	
7			that would have been published in The Sunday Times.	
8	46	Q.	At that time, were you aware of the identity of Ms. D?	
9		Α.	I think I was.	
10	47	Q.	And casting your mind back, can you identify when you 🗤	0:29
11			became aware of the identity of Ms. D rather than aware	
12			that there was an unsubstantiated allegation against	
13			Sergeant McCabe?	
14		Α.	It was probably around 2016.	
15	48	Q.	That you first became aware of her identity?	0:30
16		Α.	Sorry, there was an awful lot going on at the time.	
17			CHAIRMAN: I'm sorry, I am getting a wee bit mixed up.	
18			We were referring to the Paul Williams articles which	
19			were April and May of 2014 and then you were asked do	
20			you think you were aware and you thought that you were 10	D:30
21			aware in 2014.	
22		Α.	You know, you could it could have been 2014. I	
23			hadn't gone I knew it was the daughter of one of	
24			Sergeant McCabe's colleagues, I knew there was a	
25			background to this, that there was kind of unseemly 10	0:31
26			rows and this sort of stuff and I again, I wouldn't	
27			have probed this very much because it wasn't something	
28			that would be fit for publication by us.	
29	49	Q.	MR. McDOWELL: But it does appear that in 2017, after	

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		the Prime Time programme, you were in a position to	
	Α.		
			10:31
		I did know about her identity.	
50	Q.	-	
	·		
		Facebook person with whom you'd communicate with?	10:31
	Α.	I think I identified her through her father, she was	
		linked in as a friend to her father's Facebook account.	
51	Q.	Well, I suppose that immediately poses the question:	
		when did you become aware that Ms. D was her father's	
		daughter and who her father was?	10:32
	Α.	It was probably around the same time.	
52	Q.	Same time as what, now?	
	Α.	The same time that I was making these inquiries	
		beforehand.	
53	Q.	Sorry, I'm getting a bit lost. Was it in 2014 or	10:32
		2017	
		CHAIRMAN: Yes. I am sorry, Mr. Mooney, just the dates	
		are whizzing around and I am going from 2014 to 2016 to	
		2017. And certainly you made attempts to speak to	
		Ms. D vis-á-vis certainly the Internet in 2017, but I'm	10:32
		not certain any more as to what we are actually talking	
		about. I am sorry, Mr. McDowell, that may be my fault.	
54	Q.	MR. McDOWELL: Can we clarify this. You think that you	
		became aware of Ms. D's identity and her Facebook	
	51 52 53	50 Q. A. 51 Q. 52 A. 53 Q.	 business to, I suppose, find her and approach her and make that contact. But it could have been earlier that I did know about her identity. Q. And I am just trying to work out how could you have identified one particular her in particular as the Facebook person with whom you'd communicate with? A. I think I identified her through her father, she was linked in as a friend to her father's Facebook account. Q. Well, I suppose that immediately poses the question: when did you become aware that Ms. D was her father's daughter and who her father was? A. It was probably around the same time. Q. Same time as what, now? A. The same time that I was making these inquiries beforehand. Sorry, I'm getting a bit lost. Was it in 2014 or 2017 CHAIRMAN: Yes. I am sorry, Mr. Mooney, just the dates are whizzing around and I am going from 2014 to 2016 to 2017. And certainly you made attempts to speak to Ms. D vis-á-vis certainly the Internet in 2017, but I'm not certain any more as to what we are actually talking about. I am sorry, Mr. McDowell, that may be my fault. Q. MR. McDOWELL: Can we clarify this. You think that you

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account --

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2		Α.	Sorry, maybe I am sure I am not explaining myself	
3			properly. I probably had an aware that it was a	
4			guard's daughter, was the subject or had made this	
5			allegation. I have to say I didn't really probe it. I $_{10:33}$	i
6			knew in general terms what was going on. When Prime	
7			Time broadcast the documentary it was my job to try to	
8			establish or gather accurate information on what	
9			specifically had happened, and at that stage I kind of	
10			went looking for the specific names, etcetera, and $10:33$	i
11			would have located the family via that way. But I	
12			think I definitely had an awareness of who it was but I	
13			mightn't have had the specifics.	
14	55	Q.	Well, I mean, I am trying to put this in a context of	
15			2013, were you aware of Ms. D's identity in 2013, do $$_{10:33}$$	i
16			you think?	
17		Α.	I knew there was a daughter of a guard that had made an	
18			allegation but I don't think I knew her name at that	
19			stage.	
20	56	Q.	Well, in 2014, we know that Paul Williams is writing $_{10:34}$	
21			his articles and	
22		Α.	Yes.	
23	57	Q.	and purporting to quote Ms. D, isn't that right?	
24		Α.	Yes.	
25	58	Q.	At that stage, did you make any inquiries or did	
26			anybody assist you in identifying who Ms. D was?	
27		Α.	I remember having an awareness of those stories. We	
28			wouldn't have published them, and I remember I would	
29			have had a view that, like, you might have wondered	

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1 what was going on, but there were -- I'm not quite sure 2 how to explain it further than that. These are matters that I didn't believe should be in the public domain. 3 4 59 Yes. But I'm trying to say, I'm trying to identify for 0. 5 the Chairman just to clarify things, as best you can, 10:35 6 and I know memory is imperfect; would you have been 7 aware at the time that those articles appeared, bearing 8 in mind that you disapproved of them in a way, would you have been aware of Ms. D's identity at that stage? 9 I don't think I had her specific name, Chairman, but I 10 Α. 10.35 11 would have been a -- maybe if I can explain it more clearly. I would have assumed that this was this --12 13 that these articles were referring to that. 14 60 Q. Yeah. So can you -- moving forward towards 2017, at 15 some stage between 2014 and 2017, you do become aware 10:35 16 of Mr. D and Ms. D's identity? 17 Well, if I can just clarify that, counsel. When the Α. 18 Prime Time broadcast, when Prime Time broadcast that 19 information I would have set about to absolutely 20 clarify who I needed to contact, because you obviously 10:36 couldn't contact the wrong person on a matter like 21 22 that. 23 So you think it was immediately after the Prime Time 61 Q. 24 programme that you decided to --25 If my memory serves me correct --Α. 10:36 -- closely identify who Ms. D was? 26 62 Q. 27 Α. If my memory serves me correct Prime Time broadcasts on either a Wednesday or Thursday night. This had become 28 an issue the moment I arrived in the office the 29

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following day and at that point I think I had sent a 1 2 message on the Friday which had failed to elicit a 3 response, and then I would have pursued it again on the Saturday. And the only reason why I remember that is 4 5 because there were so many rumours swirling around and 10:36 6 I was under pressure to provide some sort of accurate 7 briefing to The Sunday Times on what I thought was 8 happening. Can you recall a programme that you participated in 9 63 Q. with a Joe Finnegan on Northern Sound in relation to 10 10.37 11 the O'Higgins Report? 12 I have a vague recollection of that programme. Α. 13 64 It's just that in the course of that programme, Q. Yes. 14 the programme host, referring to you, said "but John 15 Mooney, who is the security correspondent with The 10:37 16 Sunday Times, has seen the report and he's with me now 17 on line", and this was in respect of the report of the 18 O'Higgins Commission before publication, isn't that 19 right? 20 That's correct. Α. 10:37 21 CHAI RMAN: So we are going up then to? What date are 22 we at? Is there a date on that particular thing, Mr. McDowell? 23 24 MR. McDOWELL: I will come up with it. 25 65 And I think you went on to say that --Q. 10.38 It's sometime around 25 April '16, anyway, 26 CHAI RMAN: 27 isn't it? It was in April, it was prior to 28 66 MR. McDOWELL: Q. Yes. 29 the publication of the report but after it was

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1 furnished to the Minister, isn't that right? 2 I think that's correct. Α. 3 67 0. And Mr. Finnegan was in a position, having asked you on 4 to his programme, to say: 5 10:38 6 "I know it extends to over 300 pages and I'm sure it's 7 very complex." 8 Then he asked you what were the main findings of the 9 report, isn't that right? 10 10.38 11 That's correct. Well, I take your word for it, yeah. Α. 12 Yes. Can I suggest to you that, or maybe you are not 68 Q. 13 going to be in a position to answer this, that it 14 suggests that either the Department of Justice or the 15 Gardaí were furnishing you with that report at the 10:39 16 time? 17 CHAI RMAN: You don't need to answer that question, but 18 I mean, it has to be a broad spectrum of people; among 19 the main suspects would be those two, it would fair to 20 say, wouldn't it, Mr. McDowell? 10:39 I don't think it's that broad a 21 MR. McDOWELL: 22 The people who were given the full report. spectrum. 23 Maybe you don't want to answer that. 24 I don't think it's appropriate to discuss where we get Α. information from. 25 10.3926 69 I see. 0. 27 CHAI RMAN: But you have a point there, Mr. McDowell, that you wanted to make about it, which was? 28 29 70 MR. McDOWELL: The point was: I have got to suggest to Ο.

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1 you that you were in a position to give Mr. Finnegan an 2 account of what was in the report on the basis of him 3 understanding that you had read it and had seen it, isn't that right? 4 5 I gave -- I remember giving an interview to Joe Α. 10:40 6 Finnegan -- sorry, I have a loose memory of it. Ι 7 think it was only five or six minutes long. But I had 8 published the story in our sister newspaper on, I think, the day before, or something like that, or maybe 9 10 that morning, and that is why he had asked me to do an 10.40 11 interview. 12 71 I see. Could I ask you to go to page 4659, please. Q. DO 13 you see that? 14 CHAI RMAN: Maybe help me on this, because this is FSNI, 15 no? 10:41 I don't think -- I'm looking at a 16 MR. McDOWELL: 17 transcript of interview that you gave to Seán O'Rourke 18 on the 9th February 2017. 19 CHAI RMAN: Just tell us the page number again, please. 20 It's 4659 on my page. MR. McDOWELL: 10:41 21 MR. WHELAN: I wonder is that a page number from the 22 O'Higgins module? Oh, I see. 23 MR. McDOWELL: 24 That is probably it, yes. Mr. Kavanagh, can CHAI RMAN: 25 we go into the O'Higgins module papers? We can. It 10.41 will just take us a minute, please, Mr. McDowell, so 26 27 just wait a minute, please. Let's try and do it the 28 old-fashioned way insofar as we can, Mr. McDowell, tell 29 us about it, please.

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72 Q. 1 This is an extract of a transcript of an MR. McDOWELL: 2 interview which was forwarded by Amy Rose Harte of the Communications Clinic in Adelaide Road, to an 3 unidentified person. I think it's part of the Garda 4 5 discovery, and the extract is quoting you as saying: 10:42

7 "And if I can go back to my own sort of interaction 8 with the Garda Press Office and that kind of thing, 9 pretty much all, a lot of communication that on -- that 10 sort of journalists who are maybe involved in reporting 10:43 11 on matters against the Gardaí -- guards tend to get 12 threats to litigation and everything else. lt's not a 13 case that you are given steers on anything, so this is 14 a very small group of people who are involved in this. 15 It's not something that was spread, you know, across 10:43 16 the media in general.

17 Seán O'Rourke: Yes. But it's going to preoccupy minds 18 not least in this organisation here when there is a 19 term of reference in item [g] to investigate whether 20 Commissioner O' Sullivan used briefing material prepared 10:43 in Garda Headquarters, planned and orchestrated 21 broadcasts in RTÉ on 9th May 2016 purporting to be a 22 leaked account of the unpublished O'Higgins Report in 23 24 which Sergeant McCabe was branded a liar and 25 i rresponsi bl e. "

10.44

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27

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And you replied:

28 29

"Well, there's a couple of different approaches you

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1 could take to that. There was a lot of people who were 2 witnesses in the O'Higgins Commission and who were 3 provided with draft copies and advance copies before it was published." 4 5 10:44 6 Now, could I stop you there. Were you aware that there 7 was a distinction between a draft report and an advance of the final report? 8 I was, yeah. 9 Α. And were you aware that it was a serious criminal 10 73 Q. 10.4411 offence for anyone to disclose the content of a draft 12 report as distinct from breaking a deadline on the 13 final report? 14 Α. I'm unaware the legal situation around that. 15 74 But you go on to say: Q. 10:44 16 17 "And I can tell you in the days before that official 18 publication of the O'Higgins Report there were lots of 19 people who had possession of that. I am a little bit 20 unsure as to why there is a belief that Nóirín 10:44 21 O'Sullivan herself done that. Nóirín O'Sullivan 22 doesn't generally, to the best of my knowledge, deal 23 with journalists. She is a very secretive sort of 24 Most of her actions with the media are woman. 25 adversarial, including those with RTÉ. So again, I 10.4526 can't and I haven't managed to find out where that 27 specific allegation that she briefed the media, I 28 presume you were going to say, came from, isn't that 29 right?"

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2			Do you remember saying that?	
3		Α.	Yes, I do.	
4	75	Q.	Could I ask you, when you use the term briefed	
5			negatively and you have used it today and in your	10:45
6			interaction with the Tribunal investigators	
7		Α.	That is maybe just language that I use. That is not	
8	76	Q.	It's not a term you'd use it's a term that was put	
9			to you, is it, briefed negatively?	
10		Α.	I can't remember. I mean	10:45
11	77	Q.	I just want to ask you one thing, Mr. Mooney, and maybe	
12			you can assist the Tribunal with this; it appears that	
13			Debbie McCann was of the view that, to be given factual	
14			information such as that Sergeant McCabe had been the	
15			subject of the D allegation, that a file had gone to	10:46
16			the DPP, that the DPP had directed no prosecution, that	
17			that, in her view, didn't amount to a negative briefing	
18			but was simply telling facts about Sergeant McCabe,	
19			would you agree with that definition of briefing	
20			negatively that, it didn't include statements of that	10:46
21			kind about him?	
22		Α.	I suppose it would depend on the way it's being said.	
23			If I can be really, really straight. When I initially	
24			checked this out and this reference was made to me, and	
25			it wasn't a member of An Garda Síochána, I take the	10:46
26			approach of trying to deal with senior police officers	
27			who are in a position of knowledge and would know, in	
28			other words may have access to the relevant files, they	
29			would by their rank have to know about these issues or	

1			have an independent and good understanding of it, and	
2			certainly when I asked the question, quote-unquote,	
3			there is nothing in this was said to me, in terms of,	
4			you know like, that's that's what I was told.	
5	78	Q.	Can I ask you, can I ask you in relation to that, first	10.47
6	70	۷.	of all, as I understand it, you'd heard a rumour from a	
7			garda and then you decided to check it out?	
8		Α.	No, I heard a rumour from someone who wasn't a guard.	
9		۸.	It was a civilian, yeah. Who made a remark to me in a	
9 10			kind of fleeting way.	
	70	0		10:47
11	79	Q.	But you checked it out with a garda source?	
12		Α.	Of course, yes.	
13	80	Q.	And they said there is nothing in it	
14		Α.	That's correct.	
15	81	Q.	The garda source said there is nothing in it?	10:47
16		Α.	That's correct.	
17	82	Q.	Can we go back then to what Mr. Williams has told the	
18			Tribunal, and that is that, shortly after he had his	
19			interview with Ms. D at her home, he contacted	
20			Superintendent Taylor and asked him to confirm that	10:47
21			Sergeant McCabe had been the subject of these	
22			allegations	
23		Α.	Sure.	
24	83	Q.	and that the file had been sent to the DPP who had	
25			directed no prosecution.	10:48
26		Α.	Sure.	
27	84	Q.	Would you regard that as something that Superintendent	
28			Taylor was entitled to impart to a journalist?	
29		Α.	Honestly speaking, no.	

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1 And is the question, Mr. McDowell, is that CHAI RMAN: 2 negative? 3 MR. McDOWELL: That is what I am going to come to next. 4 85 I have got to suggest to you in the circumstance --Q. 5 CHAI RMAN: well we know that he is not, as a matter of 10.48 6 fact, because the Garda Press Office doesn't comment on 7 individual cases. 8 MR. McDOWELL: Exactly. Please, I am sorry, I am just trying to 9 CHAI RMAN: clarify. 10 10.4811 86 Q. MR. McDOWELL: Superintendent Taylor, Mr. Williams says 12 that he corroborated the fact that an allegation had 13 been made, the fact that it had been investigated, the fact that a file had been sent to the DPP and the fact 14 that no prosecution had been directed, that he 15 10:48 16 corroborated those matters on information from Superintendent Taylor. You are aware of that, are you? 17 18 I'm aware of that, yeah. Α. 19 87 And am I to take it from your last answer, that you Q. 20 believed that that was -- it was improper of 10:49 Superintendent Taylor to communicate that material to 21 22 Mr. Williams, is that what you are saying? 23 Chairman, I will go back to the public interest Α. 24 criteria with these matters; I don't know Dave Taylor 25 done that in an off-the-record fashion or an 10.4926 on-the-record fashion, or anything else, but what I can 27 say to you is that if someone has an allegation made against them like this, both the person making the 28 29 accusation and the person who is being accused of some

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1 sort of wrongdoing, rightly or otherwise, have an 2 entitlement to privacy, specifically because of the type of allegation that is involved, because I can't 3 think of anything worse than to have said about one. 4 5 My view on that is, is that I personally -- I can't 10:50 speak for the actions of other journalists, but my own 6 7 personal belief is these matters are dealt with in a 8 system, I believe in that system, and I don't think it's really helpful to anyone to have these matters 9 thrashed out in any public forum, particularly when 10 10.50 11 it's an offence of this type. And I have to be frank 12 with you, I haven't encountered it in any other sphere 13 in terms of information being relayed about these type 14 of allegations to anyone. 15 88 You see, the point, what I'm really saying is: To give 10:50 Q. 16 that corroboration on an inquiry, in my view of the matter, and it's a matter for the Chairman, amounts to 17 18 negatively briefing about Sergeant McCabe; to answer 19 those questions and to give out that information to somebody who is not entitled to have it, is to 20 10:50 negatively brief him about him, would you agree with 21 22 that proposition? 23 I accept your point of view on that. Α. 24 But on the other hand, Mr. McDowell, to say, CHAI RMAN: 25 look, the matter was investigated and there is nothing 10.51in it? 26 27 MR. McDOWELL: Thank you, Mr. Mooney. 28 Sorry, Mr. McDowell, if the answer had been CHAI RMAN: 29 the matter has been investigated and there is nothing

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1 in it, would that be negative briefing? 2 MR. McDOWELL: Well, I suppose not, judge, but --I'm just -- I mean, it may be an opportune 3 CHAI RMAN: time to have a brief discussion about the matter. 4 5 Being brought up in a particular way, we were thought 10:51 that there was a thing called calumny and there was a 6 7 thing called detraction. Calumny is where you say 8 something about someone which isn't true, child sex abuse is an obvious example of it; detraction is where 9 10 you tell someone asking negative about someone which is 10:51 11 true but they have no business in knowing about it, there is no reason for them to know about it. That is 12 13 one thing. And then one can split hairs and one can 14 say, and the example that I used last week was, I did 15 not have sexual relations with that woman, followed by 10:52 16 some weeks later, I was surprised at the definition. 17 So there you go. And that's a problem. And then 18 another problem is where the legitimate journalistic 19 shield may or may not be used, I'm not saying this has happened, illegitimately for the purpose simply of not 20 10:52 answering questions, because it would be embarrassing. 21 22 Which is a situation that everybody faces in a court 23 case, not just journalists. So we have a problem. And 24 also the other thing is, you may or may not be aware or 25 those at the Tribunal may or may not be aware that in a 10:52 26 particular case tried in the High Court, ten years ago 27 now, where something very unpleasant was said about something on the radio, the defence run by the 28 29 newspaper was look, we are not actually defaming

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1 someone by repeating that, we are simply making a 2 report that what happened on the radio was the So I mean, there is all kinds of loops and 3 followina. turns to this thing, and it may be that sanity and 4 5 reason are the only ways to approach it, but I think 10:53 6 personally I would tend to fall back on calumny and 7 detraction. 8 MR. McDOWELL: Yes, the point I am making is this: It appears from Ms. McCann's evidence that she 9 distinguishes between that information being given to 10 10.53 11 Paul Williams and negative briefing. And I'm just 12 asking Mr. Mooney does he distinguish between 13 information of a kind which most people would want to 14 remain private, if it concerned them, imparting that 15 information in an inappropriate way, whether that 10:53 16 amounts to negative briefing in your mind when you use 17 the term negative briefing. 18 CHAI RMAN: well, I think his view is that it does, 19 would that be fair to say? That the release of private information, that you don't need to know and which is 20 10:54 very unpleasant and which in the heel of the hunt is 21 22 unprovable and tends to set off a lot of alarm bells 23 ringing, and that is evidence that I have heard, would 24 not be the right thing to do. Chairman, I take both sides, but I suppose the fact of 25 Α. 10.5426 the matter is, if something is published that is where 27 it maybe becomes an issue, if that makes sense. 28 CHAI RMAN: It does. 29 MR. McDOWELL: Sorry, there was just one matter that I 89 Q.

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1 forgot to put to you. And that is, I think that, do 2 you recall saying on the radio that, in relation to the 3 dossier of allegations given by -- given to Micheál Martin emanating from Sergeant McCabe, that there was 4 5 no substance to them? 10:54 6 No. I think --Α. 7 No substance to the majority of them? 90 0. Sorry, I think some of them, they were maybe 8 Α. embellished and matters like that, but I have to say, 9 the real issue with this and having reported on it for 10 10.55 11 unfortunately too long, is that allegations are made, 12 they mutate into something else and then it becomes 13 something else. Now, in the various materials that we 14 have published about Sergeant McCabe we have stressed 15 that I believed he was acting in the public interest, 10:55 16 but in saying that, I think some things possibly may 17 have been said in haste or whatever, and that they were inaccurate. And we have a duty to report that as well. 18 19 But we don't always get it right. But we would try 20 keep it straight down the line. 10:55 Sorry, the point is, I am not trying to blame you at 21 91 Q. 22 all, because clearly you wouldn't have said on the 23 radio there was no substance to them unless you were 24 told by somebody that there was no substance to them, 25 you wouldn't have invented that as a thought of your 10.55own, isn't that right? 26 27 Α. That is correct. But we had -- again, I go back, 28 allegations are made, more allegations are made. At

this point in time, I couldn't even describe all the

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allegations that have been made because there's so many
 of them.

3 92 Q. Yes.

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But I do think it's important to say, and we published 4 Α. 5 this and we published this right at the very beginning 10:56 in 2009, I might have even written it in 2008 that 6 7 Sergeant McCabe was acting in the public interest. 8 93 Mr. Mooney, I am not trying to blame you, I am merely 0. saying that if you did say on radio that there was no 9 substance to the majority of the allegations made by 10 10.56 11 Sergeant McCabe in the Byrne/McGinn process, that was 12 because somebody had led you to believe that that was 13 the situation?

- 14 Α. I think the view of Garda management at that time was that Sergeant McCabe had raised important issues but 15 10:56 16 some of them were wrong, and it really was -- to be 17 perfectly frank with you, various people had different 18 perspective on it. But I think the general feeling was 19 it was very bad policing management in that division. 20 MR. McDOWELL: I see. Thank you. 10:57
- 22 THE WITNESS WAS CROSS-EXAMINED BY MR. FERRY: 23 Good morning, Mr. Mooney. 94 MR. FERRY: My name is John Q. 24 Ferry and I am one of the lawyers representing Superintendent Taylor, and I appreciate your position 25 10.57 26 and the evidence that you have given in relation to it, 27 I just have a couple of questions in relation to my instructions. 28

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1 You've outlined in your evidence how you go about your 2 work, obviously, without revealing any sources or material such as that, but you have mentioned that you 3 take the approach of trying to deal with senior police 4 5 officers who are in a position of knowledge in relation 10:57 In the course of your work, would 6 to certain matters. 7 there be various sources from An Garda Síochána that 8 are not the Press Office. in relation to the work that 9 you do?

- 10A. We have extensive contacts across military, police,11customs and other intelligence services.
- 12 95 Yes. And in dealing with police officers and the Q. 13 Gardaí, in relation to the rank structure, am I right, 14 from your evidence, that you take the word of senior 15 police officers who are in a position of knowledge, 10:58 16 that you assume that they have knowledge of the 17 relevant files and that they know what they are talking 18 about?

19 A. I would look for accurate information.

You spoke about working along the border and at the 20 96 0. 10:58 time of your initial report, about the Byrne/McGinn 21 22 matter back in 2010, you said that lots of various 23 people would have contacted you around that time. 24 Would they have included members of the Gardaí? 25 I don't really want to get into specific information. Α. 10.58 26 I am genuinely trying to assist the Tribunal and speak 27 freely to it, but again, I am involved in sensitive 28 areas of journalism, quite sensitive areas, and I don't 29 really want to get on to discussing who passes me

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information or how.

2 But in relation to Superintendent Taylor and I 97 Yes. Q. 3 don't know if you are aware of this or not, but the issue of briefing, Superintendent Taylor's evidence has 4 5 been that when he went into the Press Office, he hadn't 10:59 worked in that area before, he had been in different 6 7 sections in the Gardaí and that on entering the Press 8 Office, that the issue of Sergeant McCabe was becoming more and more prominent in relation to the Gardaí, and 9 that he was instructed by Martin Callinan to negatively 10:59 10 11 brief journalists. But, as I said to a previous witness here, it was never his evidence that he was 12 13 doing that, you know, in a very formal briefing sense. 14 So, in other words, what his instructions are and his 15 evidence has been, is that if Sergeant McCabe was 10:59 16 coming up in conversations or if it was high profile in 17 the media, that he would use those opportunities to 18 drop it into the conversation, that he would take the 19 opportunity to bring the conversation around to the 20 briefing that he had been given, which was then to 11:00 discuss Sergeant McCabe, that he was motivated by the 21 22 investigation that had been conducted and that he had 23 an agenda more or less of revenge against the Gardaí, 24 motivated by that investigation. So, in other words, 25 he has never said that he was going around ringing 11.0026 people up or deliberately starting a conversation by 27 saying I am now ringing you to brief you about Sergeant McCabe, do you understand the distinction, it was more 28 29 or less being dropped into conversations?

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1 I do understand the distinction but I go back to 2013, Α. 2 during that period I don't think I had any real 3 contacts with Superintendent Taylor. I did, however, have letters threatening legal action against me on 4 5 behalf of the former Commissioner Martin Callinan in 11:00 relation to other inquiries I was involved in. 6 I think 7 I dealt with him in 2014. But again, and I should 8 re-emphasise this: I don't think either myself or The Sunday Times would have made suitable targets for 9 anything of that nature, given the background of 10 11.01 11 communications that have followed the proceeding year. 12 No, I appreciate your position, but in relation to the 98 Q. 13 time period that the Tribunal is most interested in. it's the middle of 2013 to sort of March 2014, but in 14 15 particular the period of time in January, towards the 11:01 16 end of January, the public accounts hearings were 17 taking place in relation to the penalty points issue 18 and Commissioner Callinan was attending as a witness. 19 Were you covering those stories at that time or had you 20 an interest in that period? 11:01 I did some work in that area. 21 Α. 22 99 Yes. And would it be fair to say that you are also a Q. 23 journalist that would deal with frontline criminal 24 activity, murders, etcetera, would you be somebody who 25 would deal with the actual reporting of serious 11:02 criminal activity on a routine basis? 26 27 That's correct. Α. 28 100 So, you had a situation in 2014 where, as I Q. Yes. 29 referred to another crime reporter, that people who

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would normally be visiting scenes, visiting criminal 1 2 courts, reporting on serious criminal activity, found themselves around Government buildings reporting on 3 matters that were not your usual serious criminal 4 5 matters, it was a penalty points issue and finance 11:02 6 involving the use of the loss of revenue to the State: 7 wasn't that an unusual type of situation for crime 8 reporters to find themselves in? Because I deal with these issues right 9 Not for me. Α. across the board. 10 11:03 11 101 Q. And likewise, you are a journalist that would Yes. 12 deal with what we are dealing with here. I mean, you 13 have been reporting extensively on the work of the 14 Tribunal. 15 Sure. That's correct. Α. 11:03 16 So I appreciate your position that you are saying 102 Yes. 0. you weren't briefed, but I would also put it to that 17 18 you it was an exceptional circumstance, that period in 19 time, and in relation to context, it was an exceptional 20 circumstance in that the Garda Commissioner and all of 11:03 his senior officers, it appears, were travelling down 21 22 and attending at the PAC, it was a big show of force, 23 for want of a better term, that they all turned up in 24 full uniform at the PAC, that was an exceptional circumstance, I put to you? 25 11:03 Well, senior guards had turned up at previous hearings 26 Α. 27 of the Public Accounts Committee, going back to Pat Byrne's commissionership in the guards, actually 28 29 further, Paddy Culligan, I think, going back into the

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- very early nineties. So police officers had regularly
 and in the past attended hearings.
- 3 103 Q. Yes, but in this circumstance, what they were faced
 4 with was, that after the attendance of the Commissioner
 5 there was the question of a lower ranking officer, a 11:04
 6 sergeant, being called before the Public Accounts
 7 Committee. And I put it to you that was a very serious
 8 matters for An Garda Síochána at the time?
- 9 A. That was unique, Chairman, yeah.
- 10104Q.Yes. Now, in relation to that time period, when you11:0411were contacting the official Garda channels of12communication, was there a reason why you would ring or13talk to Superintendent Taylor directly as opposed to1414talk to the Press Office itself?
- 15 Superintendent Taylor had approached me in relation to Α. 11:04 16 articles that I'd written about, in an investigation I had been involved in for a long period of time that had 17 18 impacted on the Garda Ombudsman and it was effectively about garda units being possibly involved with drug 19 20 dealers in this State. And he had -- that had led to 11:05 lots of different issues with the Garda Ombudsman and I 21 22 had been involved in that story. And he approached me at the time that GSOC believed that it was under 23 24 surveillance, to kind of put across the State's or the Garda's position on that. And I think that's the first 11:05 25 26 time I ever spoke to him. 27 105 Yes. And that was to put across the garda's position Q.
- 28 or a particular guard's position?
- 29 A. It was the force's position.

The force's position, that had been the Commissioner's 106 1 Q. 2 position? 3 I presume so, yeah. Α. But in that time period when the Commissioner and 4 107 0. 5 Sergeant McCabe were due to appear at the PAC and in 11:05 that time period, do you recall having conversations 6 with Superintendent Taylor? 7 8 I would have dealt with him. yeah. Α. But what I'm getting at is, was it only in 9 108 Q. Yes. relation to that serious matter about drug dealing and 10 11.06 11 GSOC, was it only in relation to that that you would 12 call Superintendent Taylor directly as opposed to 13 ringing the Press Office? 14 Α. I think, I have a memory of him contacting me about 15 other issues, but nothing of significance. If you 11:06 16 don't mind me saying so, journalists, particularly that were involved in security issues, would have known that 17 18 what Sergeant McCabe was saying was true, about the penalty points issue. 19 109 20 Yes. Ο. 11:06 So there wasn't really a lot Garda management could do 21 Α. 22 to counter argue that. I think it was their own 23 handling of the issue was the main issue. 24 But would the journalists, in addition to knowing 110 Yes. Q. about Sergeant McCabe's issues, would they have known 25 11.07 26 that he had a sense of, a grievance in relation to the 27 investigation, would that have been known amongst journalists? 28 29 Sorry, could you repeat that question? Α.

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1	111	Q.	In addition to journalists knowing about what Sergeant	
2			McCabe was raising, etcetera, would journalists have	
3			also known that he had a sense of grievance in relation	
4			to the investigation that was conducted into him?	
5		Α.	Which investigation?	11:07
6	112	Q.	The Ms. D allegation?	
7		Α.	That was never suggested to me.	
8	113	Q.	Yes. But do you believe it or are you aware that other	
9			journalists had that view?	
10		Α.	No, I'm not.	11:07
11	114	Q.	But in relation to contacting the Garda Press Office	
12			did you ever contact the Press Office yourself?	
13		Α.	Of course.	
14	115	Q.	Yeah. And did you ever ring Superintendent Taylor	
15			yourself?	11:07
16		Α.	I'm pretty sure I did, yeah.	
17	116	Q.	I am not trying to pull a rabbit out of a hat here, but	
18			can you distinguish for me I know you have referred	
19			to the serious drug case and GSOC, but was there a	
20			particular reason why you would contact Superintendent	11:08
21			Taylor directly as opposed to contacting the Press	
22			Office, do you understand what I am saying?	
23		Α.	Well, if I was dealing with a sensitive matter I might	
24			say to him, we need to clarify this.	
25	117	Q.	Yes.	11:08
26		Α.	There was lots of different issues going on at that	
27			time. There was the Ian Bailey issue, there was the	
28			GSOC issue, there was collusion issues. It was ten a	
29			penny. So I often would have, if we weren't getting a	

speedy response, Chairman, to questions that we were
 under deadline, I would have called Dave Taylor and
 said we need to get some sort of formal position on
 this.

- 5 118 Yes. And just in relation to your evidence, you said Q. 11:08 6 that when you became aware of the issue and that there 7 was an issue of child abuse, etcetera, that it was just 8 off limits; but did that go further in relation to Sergeant McCabe, that he was off limits? Was there 9 something in relation to your knowledge of Sergeant 10 11:08 11 McCabe that you had in the back of your mind that he was just off limits? 12
- 13 A. Like what?
- 14 119 Ο. I noted in your own evidence you said in relation to 15 the allegation in relation to the allegation of child 11:09 16 abuse, you said it was just off limits? 17 Chairman, if I can be really, really clear on this: Α. 18 Matters like this are shrouded in secrecy and 19 confidentiality. It wasn't that there was allegation concerning Maurice McCabe or anything like that. 20 Ι 11:09 21 adopt that approach to anyone. We do of course, and I 22 have during my career, had people that have been 23 through the courts system that were victims who came to 24 us and we have reported on that, but there was no 25 special dispensation or anything like that. It's just 11.09 26 I don't believe that matter was something that was fit 27 for -- that met a public interest threshold for the Sunday Times. 28 29 Because one of the things about this is that the 120 Q. Yes.

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1 negative briefing, that there has been mention of it 2 having a chilling effect in relation to reports in 3 relation to Sergeant McCabe. Did you ever feel that in relation to your journalism, that it was a case not to 4 5 push or not to go near? 11:10 Chairman. I deal with a lot of information. 6 I have Α. confidential informants telling me about nominating 7 8 people involved in gangland murders, bomb attacks, whatever you are having, guite serious offences. 9 Ι deal with sensitive information, that's my job. 10 I take 11:10 11 a view of that particular type of allegation because it involves -- because of the privacy issues that arise, 12 13 and I didn't -- don't really get into those sort of 14 matters. It's not about whether it is Sergeant McCabe, 15 I would extend that courtesy or respect to anyone. 11:10 16 Yes. And again, just in relation to your coverage of 121 Q. 17 the PAC and that time again, I think you've said that 18 yourself and journalists knew that Sergeant McCabe was, 19 I think you said he was right in relation to the issue or that there was merit to his --20 11:11 Of penalty points? 21 Α. 22 122 Yes. Q. 23 Yes, and we published that. Α. 24 Yes. And in relation to that time period, you have 123 Q. 25 lots of journalists and lots of journalists who are 11:11 normally reporting on mainstream crime, are interested 26 27 in this matter. The Commissioner is due to attend and we have had evidence here of very high level management 28 29 meetings in preparation for his attendance at the PAC.

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So it was being taken very seriously at the highest 1 2 levels in An Garda Síochána. Would there be an interest or a reason for there to be an attack on 3 4 Sergeant McCabe in relation to something in his 5 background that would present him in a negative light, 11:11 6 could you see how that might be entered into the mix in 7 relation to the people that were covering this story? 8 I don't really want to engage in speculation. Α. Sergeant McCabe was absolutely 100 percent right about the 9 penalty points and we reflected that in the coverage we 11:12 10 11 gave to him, and his allegations, in The Sunday Times. 12 Yes. And were you ever made aware of anything negative 124 Q. 13 in relation to his attitude or approach towards Garda 14 management? 15 I'm not going to lie, I heard catty remarks. Ι Α. 11:12 16 remember one particular incident where someone person 17 made a catty remark about Sergeant McCabe. But that 18 was it. There was, no one briefed me negatively to suggest that Sergeant McCabe had committed an act of 19 20 child abuse or anyone. 11:12 No, no. And I'm not saying that for a minute. 21 125 No. no. Q. 22 But that's one of the aspects of this inquiry, 23 Mr. Mooney. Is that this whole issue of negative 24 briefing for somebody in your position, I could see how 25 you would be thinking, well, this means that somebody 11.12 formally briefed me, but that is not what is being 26 27 alleged by Superintendent Taylor; he is saying that he was briefed to bring this issue of revenge against the 28 29 Gardaí, that Sergeant McCabe had, as a result of an

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investigation that had been conducted into him. So
 that was just a negative aspect being introduced into
 the ether and he was doing that in his communication
 with journalists, do you understand?

- 5A.I do.But I can't really comment on that because I11:136just think it would be unlikely --
- 7 126 Q. You just referred there, and you referred there to
 8 having heard catty remarks, can you tell me what you
 9 had heard?
- No, it was -- I can tell you specifically what was 10 Α. 11:13 11 said, someone once made a remark to me saying -something along the lines of you're well able to hold 12 13 Garda management to account but you don't go asking questions of others so hard. 14 It was almost a criticism 15 of me for being unfair in our approach to senior Garda 11:13 16 management.
- 17 Yes. And another witness before the Tribunal, a crime 127 Q. 18 reporter, gave evidence that when he first heard of the 19 Sergeant McCabe issue, that he had been told that he'd 20 had a falling-out with Garda management and that was 11:14 the start of it, so there was -- and I questioned him 21 22 in relation to that, there was a sort of a tail end or 23 a rider or a clause put into the end of what he had 24 been told, which I suggested was a form of negative 25 Do you understand the distinction what I am briefina. 11.14 saying there? In other words, somebody said to him 26 27 factually what had happened, but then said, and that was why he fell out with the Garda management and that 28 29 was the start of it. So in other words, there was a

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1 negative tone put on to the end of the statement that 2 had been made to him by whoever made it, okay? Are you 3 aware of any circumstances like that where somebody would have described Sergeant McCabe in fair terms, 4 5 being factually correct but then included something, 11:15 6 well, there's more to this than meets the eye or words to that effect? 7 8 Not in any deliberate way, no. Α. I have to put it to you formally because I am 9 128 Q. 10 instructed by Superintendent Taylor that you are one of 11:15 11 the journalists that he was negatively briefing during his time as a Press Officer in relation to Sergeant 12 McCabe, I have to formally put that to you, Mr. Mooney. 13 14 Α. And I would go back to you and say most of the 15 communications I had with Dave Taylor when he was the 11:15 16 Garda Press Officer involved legal threats against me. I don't believe I would have been suitable fodder for a 17 18 smear campaign. 19 MR. FERRY: Thank you, Mr. Mooney. Chairman, you asked me for a date. 20 MR. McDOWELL: The 11:15 Northern Sound broadcast was on the 26th April 2016. 21 22 and the report was furnished to the Minister on the 23 previous day, the 25th April 2016. I have -- I can 24 make a transcript --25 No, I'm not sure it matters terribly much. CHAI RMAN: 11.16 I was aware of those dates and there was a lot of talk 26 27 about it. But who leaked what in relation to that, if 28 somebody else wants to investigate it, that's fine. It's not my job. Thank you. 29

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1 Those are the dates. MR. McDOWELL: 2 I think it's the garda. CHAI RMAN: 3 MR. WHELAN: No questions. You have no questions. 4 CHAI RMAN: 5 MR. McGUI NNESS: If Mr. Bradley has no questions? 11:16 6 7 THE WITNESS WAS RE-EXAMINED BY MR. McGUINNESS: 8 129 MR. McGUI NNESS: Mr. Mooney, you will recall, I take Ο. it, that after a number of protected disclosures were 9 made at the end of September 2016, Mr. Clifford broke a 11:16 10 11 story about them, in early October 2016, and he went on 12 the radio and Deputy Daly went on the radio and then 13 there was some comments made in the Dáil about it, I'm 14 not going to ask you for any comment yourself about 15 those, but the issue of what was alleged against the 11:17 16 commissioners had come out into the open then, negative 17 briefing, texts being circulated, a smear campaign 18 directed to the media. My first question is: Did you 19 see any evidence of that happening yourself in 2013 or 20 '14? 11:17 21 I personally didn't, no. Α. 22 And in 2016, when the storm broke, as it were, did you 130 Ο. 23 yourself have any evidence that the media had been 24 negatively briefed in '13 and 14? 25 About? Α. 11:17 26 About Sergeant McCabe? 131 0. 27 No. I didn't. Α. 28 132 Did any journalist come to you and say, look, I was one Q. 29 of those journalists who got the smear story or was

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1			negatively briefed at that time?	
2		Α.	Chairman, I believe journalists would have discussed	
3			this issue until the cows came home, but there was no	
4			one coming to me and telling me that they'd been	
5			negatively briefed about Sergeant McCabe, but certainly	11:18
6			the issues would have been discussed within newsrooms.	
7	133	Q.	But certainly you have no evidence of any other	
8		-	journalist saying claiming to have been so	
9			negatively briefed by Superintendent Taylor	
10		Α.	Not that I can recall, no.	11:18
11	134	Q.	at the relevant time?	
12		Α.	Not that I can recall. I don't go around discussing my	
13			interactions with police officers with other members of	
14			the press.	
15	135	Q.	All right. Thank you.	11:18
16			CHAIRMAN: Thanks very much, Mr. Mooney.	
17				
18			THE WITNESS THEN WITHDREW	
19				
20			MR. McGUINNESS: Chairman, could I ask you just for a	11:18
21			short break, before we commence the next witness, of 15	
22			minutes.	
23			CHAIRMAN: Certainly.	
24				
25			THE HEARING ADJOURNED BRIEFLY AND THEN RESUMED	11:19
26			AS FOLLOWS:	
27				
28			CHAIRMAN: So, ladies and gentlemen, the procedures of	
29			the Tribunal are well-known, and this is not at all to	

1 offer criticism against anybody, it's the last thing on 2 my mind, but as has been many times mentioned by Mr. Marrinan and by Mr. McGuinness, the procedure is 3 that if there is a statement. we need to circulate it 4 5 first, people need to have a chance to have a look at 11:42 6 it, and I think that's the right thing to do, so as 7 people are in a position where they say, well, this is 8 what this person is going to say and these are the questions I need to answer. It makes things a lot 9 I know my own preference would be that a 10 auicker. 11.4211 remark made by Mr. Justice Neilan about discovery, that 12 in the old days people used to go into court and then 13 they used to discover what the case was about, and I 14 sometimes wish we could go back to that, but we can't, 15 and I, therefore, because there is some things that now 11:42 16 need to be circulated and people are entitled to have time to have a look at them, I think the right thing 17 for me to do is to rise now, and I am sorry for this 18 19 inconvenience, and sit again at half past one and then 20 we will continue. 11:42 21 22 THE HEARING THEN ADJOURNED UNTIL 1:30 P.M. 23 24 25

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1 THE HEARING RESUMED, AS FOLLOWS, AFTER LUNCH: 2 Chairman, the first witness this 3 MR. McGUI NNESS: afternoon is Ms. Eavan Murray. 4 5 13:34 6 MS. EAVAN MURRAY, HAVING BEEN SWORN, WAS DIRECTLY 7 EXAMINED BY MR. McGUINNESS: 8 Ms. Murray, I will be referring you to 9 136 MR. McGUI NNESS: Q. a number of different documents throughout the course 10 13.34 11 of the questioning, and if you'd like to look at a 12 paper copy, you can choose the relevant volume, or you 13 can look at them on screen, whichever is your 14 preference. 15 Thank you. Α. 13:34 16 I should say, for the benefit of my colleagues, 137 0. 17 Ms. Murray's statement to the Tribunal investigators is 18 in Volume 15, commencing at page 4017, and a set of 19 answers to a number of questions set by the Tribunal is 20 also included in Volume 27 at page 7526, and then 13:35 there's another document which was produced today at 21 22 7583 in Volume 27. 23 24 Ms. Murray, could you just outline, firstly, your career as a journalist. You are a journalist? 25 13.35 26 Yes. I came to journalism in 2006. I came guite late Α. 27 to journalism. I'd worked previously in social I trained in Belfast, and from there I began 28 services. 29 working with the Sunday World in Belfast. After that,

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1 I took up employment with the Star on Sunday newspaper 2 That, sadly, closed down. in Dublin. I went to -- I 3 freelanced then with the News of the World, which also, sadly, closed down. Then I went to -- I was 4 5 freelancing then for the Irish Daily Mirror and then I 13:36 6 took up a full-time post as a court reporter. 7 As a court reporter? 138 **Q**. 8 Subsequent to that I was offered a full-time Α. Yeah. position with the Sunday World, and I lived -- I moved 9 back to Belfast and I lived there for a number of 10 13.36 11 years, and then I was offered a full-time position with 12 the Sun in Dublin in November 2013, and I have been 13 there since. 14 139 Q. All right. 15 I have been on maternity leave for the last year, so... 13:36 Α. 16 But for how many years then prior to November 140 Yes. 0. 17 2013 had you been working in Belfast? 18 well, all together I spent six years there, but I had Α. 19 been two years full-time, maybe a little bit longer, 20 two-and-a-half years. 13:36 And had you any interest or did you write about the 21 141 Ο. 22 Maurice McCabe story at any point of those years? 23 NO. Α. 24 And when you returned to Dublin then full-time with the 142 Q. 25 Sun in November 2013 --13:36 26 Yes. Α. 27 143 -- what was your position? Q. 28 Just news reporter. Α. 29 144 Q. A news reporter?

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1		Α.	Yeah. I would have had had a special, I suppose,	
2			interest and my job naturally moved into a position	
3			where I was reporting mostly on crime.	
4	145	Q.	I am sorry, could you just repeat that. Could you keep	
5			your voice up a little bit. 13:37	
6		Α.	Sorry. My job somewhat migrated; I moved into crime,	
7			mostly.	
8	146	Q.	Yes. And was that covering the courts or going out and	
9			about?	
10		Α.	I was spending a large amount of my time would have $_{13:37}$	
11			been covering the courts, yeah, for the Sun.	
12	147	Q.	And who did you report to or what was the structure	
13			above and below you, as it were?	
14		Α.	Well, I would have reported mostly to my news editor,	
15			Neil Cotter, but there'd be associate news editors, and $_{13:37}$	
16			whatnot; there would be a team of people there. So	
17			there was two news editors there was, sorry, two	
18			associate news editor, a news editor and then the	
19			overall editor.	
20	148	Q.	Yes. And were you free, as it were, to chase your own $_{13:38}$	
21			stories, or did you have to get approval?	
22		Α.	Em, I would have well, obviously you'd get stories	
23			yourself and then you would run them by a news editor	
24			and they would say yea or nay.	
25	149	Q.	Okay. Have you seen some telephone records relating to $_{13:38}$	
26			Superintendent Taylor's phone?	
27		Α.	Yes.	
28	150	Q.	And I think you will understand that the Tribunal	
29			obtained the billing records	

1		Α.	Yeah.	
2	151	Q.	for Superintendent Taylor's phone during the period	
3			of his tenure as Press Officer	
4		Α.	Yeah.	
5	152	Q.	2012 to June 2014.	13:38
6		Α.	Mm-hmm.	
7	153	Q.	And is it correct to say that you would have had no	
8			contact with him in 2012 and '13?	
9		Α.	Yes, that would be correct.	
10	154	Q.	And do you recollect when you first met Superintendent	13:38
11			Taylor?	
12		Α.	It would have been yeah, I do, actually, yeah. It	
13			was sorry, Chairman, it would have been very early	
14			2014. There was a week of actually seven murders in	
15			seven days, and I met him at a couple of those crime	13:39
16			scenes.	
17	155	Q.	All right.	
18		Α.	So that would have been the first time I met him.	
19	156	Q.	Yes.	
20		Α.	I didn't actually I didn't know Superintendent	13:39
21			Taylor well at all during the period that before	
22			that at all, I had no dealings with him whatsoever.	
23	157	Q.	All right. And, I mean, did you introduce yourself to	
24			him or	
25		Α.	Yeah.	13:39
26	158	Q.	did he make himself known to you? How did that come	
27			about?	
28		Α.	Yeah, I met him at a murder scene and I introduced	
29			myself to him. But I think my crime editor, who would	

1			have been, you know, a good friend and helpful	
2			colleague, introduced me to him, actually, I think had	
3			maybe told me to make myself known to him.	
4	159	Q.	Okay. I see. And certainly from the records, it would	
5		~ -	appear that Superintendent Taylor's first telephone	13:39
6			contact with you was somewhere around the 10th February	10100
7			of 2014?	
8		Α.	Yeah. Yes, Chairman, yeah. I recall it, actually, it	
9			was because Stephen, the crime editor, Stephen Breen,	
10			was going on holidays and he required me to you	13:40
11			know, I would have to cover a lot of the, kind of	
12			let's say if there was a murder or if there was some	
13			serious incident, I would have had to step into his	
14			place there, and he wanted me to be on the mailing list	
15			for the Press Office.	13:40
16	160	Q.	Yes.	
17		Α.	So that was it. I just I rang Dave, I think, I rang	
18			Superintendent Taylor then.	
19	161	Q.	Yes.	
20		Α.	And that was it.	13:40
21	162	Q.	We have a copy of those records, they are in Volume 13	
22			at page 3325.	
23		Α.	Oh, yeah.	
24	163	Q.	And these show both calls and texts emanating from	
25			Superintendent Taylor to you	13:41
26		Α.	Mm-hmm.	
27	164	Q.	from this period, 12th February up until - I think	
28			the last one is the 27th June.	
29		Α.	Yeah.	

Gwei Maloni Stenograpi Servici Lti.'

165	Q.	On page 3365. Now, that's over 40 pages	
	Α.	Yeah.	
166	Q.	of texts and calls to you in that period, there's	
		approximately 44 or 45 per page. It looks like an	
		awful lot of contact that Superintendent Taylor was	13:41
		initiating.	
	Α.	It wouldn't have that wouldn't have started until	
		quite a few months later.	
167	Q.	In what sense do you mean that?	
	Α.	Well, just from looking at it here, my recollection is	13:41
		that, you know, contact would have been it wouldn't	
		have been very common at the start at all.	
168	Q.	Yes. And did it grow you're pointing out it grew	
		much more frequent then?	
	Α.	It did, yeah.	13:42
169	Q.	And much more frequent on a daily basis, obviously?	
	Α.	Yeah. Well, I got to know him better, you know, and it	
		became easier to contact him.	
170	Q.	Now, were you covering any of the Maurice McCabe	
		stories	13:42
	Α.	No .	
171	Q.	at all at that point in time?	
	Α.	No. That wouldn't have been my position in the paper.	
172	Q.	All right. Now, the Tribunal wrote to you on the 15th	
		March of 2017, and perhaps we'd just look at that	13:42
		letter at it's at page 4007 in Volume 15.	
	Α.	Sorry.	
173	Q.	This was a letter written by the Tribunal's solicitor	
		to you. And did you receive that at the time?	
	166 167 168 169 170 171	A. 166 Q. A. 167 Q. A. 168 Q. 168 Q. A. 169 A. 170 Q. A. 171 Q. A. 172 Q.	 A. Yeah. 166 Q of texts and calls to you in that period, there's approximately 44 or 45 per page. It looks like an awful lot of contact that Superintendent Taylor was initiating. A. It wouldn't have that wouldn't have started until quite a few months later. 167 Q. In what sense do you mean that? A. Well, just from looking at it here, my recollection is that, you know, contact would have been it wouldn't have been very common at the start at all. 168 Q. Yes. And did it grow you're pointing out it grew much more frequent then? A. It did, yeah. 169 Q. And much more frequent on a daily basis, obviously? A. Yeah. well, I got to know him better, you know, and it became easier to contact him. 170 Q. Now, were you covering any of the Maurice McCabe stories A. No. 171 Q at all at that point in time? A. No. That wouldn't have been my position in the paper. 172 Q. All right. Now, the Tribunal wrote to you on the 15th March of 2017, and perhaps we'd just look at that letter at it's at page 4007 in volume 15. A. Sorry. 173 Q. This was a letter written by the Tribunal's solicitor

1 I believe I did. I'm sure I did. I don't have a Α. 2 direct --3 174 And you will, I'm sure, have noticed there that in the Q. last sentence of the third paragraph, it is stated: 4 5 13:43 6 "In the event that you have information relevant to the 7 terms of reference of the Tribunal, it would greatly 8 assist the work of the Tribunal if you would submit a statement containing such information." 9 10 Yeah. Α. 13.43 11 175 Q. And then it refers to possible claims of privilege, etcetera. Did you consider, in fact, whether you had 12 13 information of relevance to the terms of reference? 14 Α. Well, I didn't then, and I don't now, believe I was 15 negatively briefed about Maurice McCabe. 13:43 16 Pardon? 176 0. 17 I believed then, and I believe now, that I wasn't Α. 18 negatively briefed in the sense that nobody ever --19 like, Superintendent Taylor or any member of the guards 20 ever told me that he was a child abuser, ever. I 13:44 never -- in that respect, of the protected disclosure, 21 22 I never heard that. 23 well, that is what I am wondering. 177 Q. 24 Yeah. Α. 25 Obviously, if that's the position, you knew that the 178 0. 13.4426 terms of reference were into Superintendent Taylor's 27 protected disclosure? 28 Yeah. Α. 29 And we've looked at, in an overall sense, the volume of 179 Ο.

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1 contact that he had with you in 2014; that contact 2 continued after he left the Press Office for some considerable period, isn't that correct? 3 I'd be -- to be honest, I would like to claim privilege 4 Α. 5 on that. 13:44 6 180 Pardon? Q. I would like to claim journalistic privilege on that. 7 Α. 8 CHAI RMAN: Yes. well, I think it is fair to say, Ms. Murray, I'm not interested in what happened after. 9 I mean, if he was telling you about every single murder 13:44 10 11 scene after he left the Press Office, it's not --Superintendent Clerkin has investigated that, it's 12 13 nothing to do with me, as far as I know - unless, of 14 course, it impacts on this. 15 Okay. Α. 13:45 16 It may assist matters if I say that I MR. McGUI NNESS: 17 don't intend to ask Ms. Murray any questions about the 18 content of any communication that Superintendent Taylor 19 may have had with her, other than that the fact that you remained in contact, he with you, and vice versa, 20 13:45 for some period, right up until --21 22 That's correct, yeah. Α. Until when? 23 181 Q. 24 well, I know --Α. 25 Certainly until he was suspended, anyway? 182 Q. 13:45 26 Yeah, definitely. Yeah. Α. 27 183 Okay. Q. 28 It would have become a lot less. Like, I barely had Α. any contact with him, very, very infrequent. 29 To be

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1			honest, I'd have heard I would have been in contact	
2			a lot more with his wife Michelle than	
3	184	Q.	Okay. Well, we will come to different issues in	
4			relation to subsequent contact. But my question at	
5			this point in time is: Having regard to your knowledge	13:45
6			and experience of having dealt with Superintendent	
7			Taylor	
8		Α.	Yeah.	
9	185	Q.	and knowing, as you've told the Chairman, that he	
10			didn't negatively brief you, did you not think it was	13:46
11			important to come forward and tell the Tribunal about	
12			that when you got this letter?	
13		Α.	In retrospect, I suppose I probably should have then,	
14			yeah.	
15	186	Q.	Okay.	13:46
16		Α.	I was anxious at the time	
17	187	Q.	Yes.	
18		Α.	I suppose the best way I can explain it, Chairman, it's	
19			kind of counterintuitive to everything.	
20	188	Q.	Okay. I mean, you may have been concerned about the	13:46
21			other contacts that we're not concerned about, but if	
22			that was so, I mean, you're entitled to say that.	
23		Α.	It was that. I was deeply traumatised over everything	
24			that went on, to be honest.	
25	189	Q.	Okay.	13:46
26		Α.	And I just	
27	190	Q.	Okay.	
28		Α.	I can only tell you my feelings at the time. I	
29			couldn't believe that I was being dragged into another	

1			situation.	
2	191	Q.	Okay. But in any event, your reply to the Tribunal's	
3		-	request for information is set out at page 4009, and	
4			this appears to have been your own reply as opposed to	
5			one sent by a solicitor?	13:47
6		Α.	Yeah.	
7	192	Q.	It's similar to, almost word for word to other replies,	
8			for example.	
9		Α.	Yeah.	
10	193	Q.	But essentially it says:	13:47
11				
12			"It is my practice as a journalist not to comment on	
13			news-gathering activities or sources. I believe that I	
14			have certain professional obligations in that regard.	
15			I note from your letter that the Tribunal will be	13:47
16			considering the issue of journalistic privilege."	
17				
18			Now, just on that point, may the Chairman take it that	
19			if, in fact, your true position was that you hadn't	
20			been negatively briefed	13:47
21		Α.	Yeah.	
22	194	Q.	would you agree that, confirming that to the	
23			Chairman, at that time, if you had done it, wouldn't	
24			have infringed your journalistic privilege?	
25		Α.	Yeah, I do now.	13:47
26	195	Q.	So, I mean	
27		Α.	At the time I didn't feel like that, I'm sorry. Sorry,	
28			Chairman, I didn't.	
29	196	Q.	The next letter the Tribunal sent to you was on the	

21st April, it's at 4010, and you probably recall 1 2 getting this. It's sort of -- there's a series of requests for information about different matters. 3 4 Α. Yeah. 5 197 4010. Q. 13:48 6 Sorry, what date was that? Α. 7 I think it's the 21st April of 2014. CHAI RMAN: 8 I have it now, thank you. Α. MR. McGUINNESS: Yes. And this refers back, obviously, 9 198 Q. to the earlier letter and that had enclosed the terms 10 13.48 11 of reference, and presumably you had read the terms of 12 reference? 13 I did, yes. Α. 14 199 Q. And the issues raised by Superintendent Taylor's protected disclosures related to the instruction or 15 13:48 16 direction which he said he was given by Commissioner 17 Callinan to brief negatively about Sergeant McCabe, and 18 he said he did that in a number of ways? 19 Yeah. Α. 200 And I just want you to look at sort of, you know, 20 Ο. 13:49 questions 3 down to number 13, and different questions 21 22 arising out of what might have been done by 23 Superintendent Taylor to any journalist or with any 24 journalist that he had briefed negatively. Do I 25 understand your position to be that in no sense 13.4926 envisaged by these questions did Superintendent Taylor 27 brief you negatively about Sergeant McCabe? No, he certainly didn't then. No, I didn't know him 28 Α. very well then. 29

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1	201	Q.	Okay.	
2		Α.	I barely knew him at all.	
3	202	Q.	Okay. Well, we're concerned with his time in the Press	
4			Office, obviously.	
5		Α.	Yeah.	13:49
6	203	Q.	But during that time, did he ever communicate any	
7			information to you about Sergeant McCabe?	
8		Α.	Not before I visited	
9	204	Q.	Pardon?	
10		Α.	No, no, not before I ever visited the Ms. D family	13:50
11			home, no.	
12	205	Q.	Okay. And we'll come to that in due course. But may	
13			the Chairman take it from that, that he never informed	
14			you of the	
15		Α.	NO.	13:50
16	206	Q.	earlier investigation?	
17		Α.	NO.	
18	207	Q.	He never told you that this might have caused Sergeant	
19			McCabe	
20		Α.	NO.	13:50
21	208	Q.	to be motivated by some sort of revenge?	
22		Α.	No.	
23	209	Q.	Or had an agenda against the guards?	
24		Α.	No.	
25	210	Q.	And nothing of that nature in any way?	13:50
26		Α.	No.	
27	211	Q.	Right. Okay. Well, would there have been any	
28			difficulty in replying to the Tribunal and telling us	
29			that at that time? Because your position, as I	

1			understand it, is different today in terms of the	
2			amount of information you provided	
3		Α.	Yeah.	
4	212	Q.	isn't that right?	
5		Α.	Yeah. I mean, at the time, I was very, very	13:50
6			concerned	
7	213	Q.	At the time of these letters, is it?	
8		Α.	Yeah. And I was adopting the position just that I	
9			felt, you know, a lot of journalists were taking. I	
10			mean, as I said before, it's hugely counterintuitive to	13:51
11			you when you're being asked questions about your	
12			contacts with any guard, any source, you know, it was	
13			quite	
14	214	Q.	No, I understand that.	
15		Α.	Now, we did seek an opportunity at the early when I	13:51
16			did meet the investigators, we did seek an opportunity	
17			to maybe to say it then off the record because we just	
18			didn't want to impinge upon the journalistic privilege	
19			in any way. We did seek to say that at the time.	
20	215	Q.	Well, may I just say this: As I understand your	13:51
21			position, you're saying that Superintendent Taylor was	
22			never a source of yours in terms of negatively briefing	
23			against Sergeant McCabe?	
24		Α.	Absolutely, yeah.	
25	216	Q.	And I thought you had earlier agreed with me that	13:51
26			telling the Tribunal that wouldn't have infringed any	
27			source privilege, is that right? Am I	
28			misunderstanding?	
29		Α.	Yeah, no, you're correct.	

1	217	Q.	Okay. But the letter you wrote back then after a	
2			reminder is at page 4014, and you're referring to your	
3			earlier email there.	
4		Α.	Yeah.	
5	218	Q.	And that you weren't in a position to respond to the	13:52
6			Tribunal. Now, the next letter was at 4015 and this	
7			arose out of information that the Tribunal had received	
8			relating to visits to Ms. D's house, as she is known in	
9			the Tribunal. You got that, obviously.	
10		Α.	Yes.	13:52
11	219	Q.	And you knew that you had gone to the house, and we	
12			will just look at the circumstances of that. Did you	
13			see a difficulty in answering that at the time, setting	
14			out what your involvement had been?	
15		Α.	At the time - pardon, sorry, Chairman - at the time,	13:53
16			Chairman, I would have, yes.	
17	220	Q.	And what did you see as the difficulty, just in that	
18			regard?	
19		Α.	Well, the position we had taken is that we didn't	
20			comment on news-gathering activities generally, so I	13:53
21			regarded that as that.	
22	221	Q.	Yes. So it went to methodology in some sense, is that	
23			right?	
24		Α.	Yeah.	
25	222	Q.	Okay. All right. Well, this was, on its face, perhaps	13:53
26			an innocuous question about a factual issue, had you	
27			attended at the house	
28		Α.	Yes.	
29	223	Q.	and, if so, whether it involved anyone in the terms	

1 of reference. As I understand your position today, you're here to say on oath that it didn't involve the 2 3 prompting of anyone named in the terms of reference? 4 NO. Α. 5 224 In any way? Q. 13:54 6 Yes, Chairman. Α. 7 225 In any way, is that right? Q. 8 Yes. Chairman. Α. 9 226 You replied to that in any event at the time --Q. 10 Just for the completeness of the transcript, 13:54 CHAI RMAN: 11 the date isn't coming up there of that, Mr. McGuinness. 12 I'm sorry, Chairman. That is the 2nd MR. McGUI NNESS: 13 June, that letter. 14 CHAI RMAN: Yes, that is what I thought. 15 MR. McGUINNESS: And then you replied within the week, 227 Q. 13:54 16 and you reiterated your position at page 4016, isn't 17 that right? I think the Tribunal arranged for an 18 interview with the investigators of the Tribunal on the 19 19th October, actually, isn't that right? 20 Yeah. Α. 13:54 21 228 And at that time you seem to have had Mr. McAleese, Ο. 22 your solicitor, on board then, is that right? 23 Yes. Α. 24 229 Other than setting -- and your statement Q. Okay. 25 commences at page 4017. And other than setting out 13.55 26 your experience and, at line 39, saying that you knew 27 David Taylor in his role as a Garda Press Officer, you referred back to your original email and effectively 28 29 said nothing, isn't that right?

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1 A. That's correct, Chairman, yeah.

_				
2	230	Q.	And is there any particular reason why you were doing	
3			that at that point in time?	
4		Α.	At that point, I suppose I was still trying to protect	
5			my position, you know, that we didn't comment on	13:55
6			sources or news-gatherings activities. As I said	
7			before, I mean, we did, at that meeting like, I had	
8			explained my experience to my solicitors. We did	
9			actually, at that meeting, attempt to get my side	
10			across, but I also, I didn't you know, I just didn't	13:56
11			want to in any way impinge on my	
12	231	Q.	Well, just to be clear, I'm sure I'm not going into any	
13			advices you were given, but you knew you were facing	
14			two Tribunal-appointed investigators who had a duty to	
15			seek out information and evidence	13:56
16		Α.	Yeah.	
17	232	Q.	and to interview you, and they couldn't, in a sense,	
18			require your attendance and require you to answer	
19			questions.	
20		Α.	Yes.	13:56
21	233	Q.	And it would appear from what you were saying that you	
22			wanted to give an account off the record?	
23		Α.	Yes.	
24	234	Q.	Without, in fact and you didn't at that time tell	
25			them what the account was and they didn't	13:56
26		Α.	That's right.	
27	235	Q.	and couldn't take it on that basis, and I think you	
28			understand that?	
29		Α.	That's correct, yeah.	

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236 Now, at page 4020, in the course of that investigators' 1 Q. 2 statement that you made, you are asked at line 40, at 3 the top of page 4020: 4 5 "I have been asked to provide an account to the 13:57 6 Disclosures Tribunal relating to all meetings, 7 interviews and all attendant circumstances, including 8 the facts and circumstances in relation to why, how, 9 when, in what circumstances you sought to interview Ms. D and/or members of her family in 2014." 10 13.57 11 Yeah. Α. 12 And you didn't answer that at the time. 237 0. 13 NO. Α. 14 238 Ο. But what were the circumstances in which you went up? 15 Because you did, in fact, go up. 13:57 16 I suppose it's important for me to say at this Yeah. Α. 17 juncture, the Tribunal has been mistaken up to now in 18 the timeline of events, the timeline of visits. 19 239 Okay. Q. 20 I was actually the third journalist to go to Cavan and Α. 13:57 21 attempt to interview Ms. D. 22 And the other two being, before you? 240 Q. 23 Yeah, I understand -- I don't know exactly in what Α. 24 sequence, but I think Debbie McCann would have gone 25 initially, then Paul Williams. And how I came to know 13.58 about this is we heard that Paul Williams had some huge 26 27 exclusive that they intended to run over a number of 28 days in the Irish Independent in a couple of days' time. 29

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1	241	Q.	Okay. Well	
2		Α.	And that was sorry.	
3	242	Q.	Go ahead, please finish your answer.	
4		Α.	So that word was in the newsroom, and I was tasked with	
5			going up there and seeing if we could I don't want	13:58
6			to use the word 'spoiler' as such.	
7	243	Q.	Yeah.	
8		Α.	That wouldn't even be correct. It was just in case	
9			something was published by the Irish Independent, that	
10			we wouldn't be entirely	13:58
11	244	Q.	Without a story?	
12		Α.	Exactly, yeah.	
13	245	Q.	Well, can I just ask you then about the timeline.	
14			First of all, did you know Debbie McCann had gone up?	
15		Α.	No, I didn't know. When I got there, Mrs. D informed	13:59
16			me.	
17	246	Q.	Well, just to be clear, do you know when you went up?	
18		Α.	It would have only been a couple of days after	
19			Mr. Williams went up there.	
20	247	Q.	well, how do you know that?	13:59
21		Α.	Because they told me, the family told me that well,	
22			one of the things that we discussed was, they were	
23			quite anxious about the fact that she had done an	
24			interview to camera.	
25	248	Q.	Yeah.	13:59
26		Α.	And they were I was there it was unusual in the	
27			sense that I was there in the capacity as a journalist,	
28			Chairman, but it turned into really a conversation just	
29			between three people. As soon as I got to the house, I	

1 felt quite guilty, to be honest, because they seemed 2 very weary. I wouldn't go so -- like, they were very, 3 very, very nice, but they just seemed exhausted, and I can remember just feeling guite sorry for them. 4 5 249 Yes. Q. 14:00 6 And I don't mean that in any kind of a slur on Α. 7 Mr. McCabe at all. But I can remember feeling quite 8 It turned into a conversation just between quilty. three individuals and they asked me about my experience 9 10 as reporting on people that tend to go public with 14.00 11 accusations - and, again, I would just like to say I do 12 not in any way mean that as anything against Maurice 13 McCabe - and I gave them a fairly honest answer about 14 that, as much as I could in my experience. 15 250 Yeah. Q. 14:00 16 People that go public about these things, it can seem Α. 17 like a good decision when you're very young, in your 18 early 20s, but in ten years' time it may not be such a 19 good decision; like, if you are married and you have children of your own. 20 14:00 21 251 Is this -- are you recounting sort of advice that you Q. 22 gave at the time? 23 Yeah. Α. 24 well, the first thing to be clear about, I think you 252 Q. 25 never, in fact, met Ms. D, is that right? 14.0126 Never, no. Α. 27 253 And had no contact with her in any way, shape or form, Q. is that right? 28 29 No, never. But I actually, I think I added her on Α.

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1			Facebook later that day, but I never actually contacted	
2			her.	
3	254	Q.	Okay. Well, can I just draw your attention to some	
4			evidence given by Mr. D on Day 10, which was the 10th	
5			July.	14:01
6		Α.	Yeah.	
7	255	Q.	Now, this was it's page 62. It'll come up shortly.	
8		Α.	My birthday.	
9	256	Q.	But this was a private sitting, the transcript was	
10			published subsequently, and have you seen this	14:01
11			transcript?	
12		Α.	Em	
13	257	Q.	Of the Ds' evidence?	
14		Α.	At some point I have, yeah, I did read it, yeah.	
15	258	Q.	At page 62 there, line 19, there's reference there to	14:02
16			Debbie McCann and Mrs. D now said she politely	
17			declined, that was the first this is about contacts.	
18		Α.	Mm-hmm.	
19	259	Q.	"I know Eavan Murray contacted us. Mick O'Toole sent a	
20			message on Facebook. We didn't discuss the case."	14:02
21				
22			So, in your statement today, you're saying that you	
23			obtained Ms. D's family mainline phone number and made	
24			an introductory call, is that right?	
25		Α.	That's my memory of it, yes. I rang I found it	14:02
26			fairly easy to get like, I think it was Directory	
27			Inquiries.	
28	260	Q.	Okay. Well, I take it, from that, that you had the	
29			name of the family?	

1		Α.	Yes.	
2	261	Q.	And was this when you were up in Cavan that you phoned	
3			or was this from Dublin that you had phoned?	
4		Α.	Yeah, no, it would have been from Dublin, yeah.	
5	262	Q.	From Dublin. And in terms of	14:03
6		Α.	I rang from the office, actually.	
7	263	Q.	Pardon?	
8		Α.	I rang from the office.	
9	264	Q.	You rang from the office. And is this a clear memory	
10			of obtaining the number from 11811 or is it	14:03
11			reconstructed, as it were? Is that where you think	
12		Α.	That might be a good word, yeah. But that is my	
13			feeling, I did, yeah.	
14	265	Q.	Well you see, somebody had obviously given you the	
15			name?	14:03
16		Α.	Yes.	
17	266	Q.	So are you in a position to say who gave you the name?	
18		Α.	I'd rather not name the person, but it's not a member	
19			of the guards, it was a member of the media.	
20	267	Q.	You say a member of the media, is that right?	14:03
21		Α.	Yes.	
22	268	Q.	Well, just can we pause at that point, because	
23			paragraph 2 of your statement today, you say:	
24				
25			"I have already informed the Tribunal that	14:03
26			Superintendent Taylor did not draw my attention to	
27			Ms. D's complaint against Sergeant McCabe. It was at	
28			all relevant times something that was fairly well known	
29			in the world of Irish journalism."	

1		Α.	Yeah.	
2	269	Q.	"This information was not drawn to my attention by	
3			Superintendent Taylor or any member of the Gardaí."	
4				
5			So could I just ask you about that statement there; it	14:04
6			was "something that was fairly well known". What did	
7			you mean when you said that?	
8		Α.	I can recall the first time I heard it.	
9	270	Q.	Yes. When was that?	
10		Α.	You see, as I said, I wasn't entirely familiar with	14:04
11			Maurice McCabe, or anything like that.	
12	271	Q.	Yes. No, I understand that.	
13		Α.	I can only put a date on it would have been early 2014,	
14			January or February.	
15	272	Q.	January or February?	14:04
16		Α.	Yeah.	
17	273	Q.	So, I mean, not immediately after you came to Dublin,	
18			but certainly in the new year?	
19		Α.	Yeah.	
20	274	Q.	January or February?	14:04
21		Α.	When I heard the allegation.	
22	275	Q.	In what context?	
23		Α.	Em, the person actually, they didn't go into a huge	
24			amount of detail about it, he just said that there was	
25			an allegation in the past about Maurice McCabe, there	14:05
26			had been an allegation of sexual assault. But it	
27			didn't go anywhere, was	
28	276	Q.	Okay. And are you excluding a garda as being the	
29			source of this?	

1		Α.	Yes, yeah.	
2	277	Q.	But was there any detail given to you?	
3		Α.	No. That was it, that was it. It was very it was	
4			just a very, very small	
5	278	Q.	Pardon?	14:05
6		Α.	It was a very small interaction.	
7	279	Q.	Okay. Well, was that the basis upon which you	
8			discussed this with your news editor?	
9		Α.	NO.	
10	280	Q.	Well, what was the basis of that, then?	14:05
11		Α.	Well, my understanding was that this allegation was	
12			never proceeded with. I never really thought about it	
13			again, to be honest. And then when I heard that the	
14			Irish Independent had this rather massive exclusive, I	
15			thought that maybe there was something else to it. I	14:05
16			thought that maybe there was another branch to it or	
17			maybe it had been reinvestigated or maybe it was a	
18			different allegation. I just didn't know.	
19	281	Q.	Well, had you obtained any more information?	
20		Α.	No .	14:06
21	282	Q.	Or any more detail at all?	
22		Α.	Not at that point, no. That is why I	
23	283	Q.	And did you obtain any more detail before you went up?	
24		Α.	No. We didn't know a huge amount. Like, we wouldn't	
25			have known, like.	14:06
26	284	Q.	And when you say "we", are you referring to yourself	
27			and your news editor?	
28		Α.	Yes.	
29	285	Q.	And did you know Debbie McCann?	

1		Α.	I do know Debbie, yes.	
2	286	Q.	And did you discuss this with her at any point?	
3		Α.	Only when the Tribunal was set up. Like, this kind	
4			have been thrown together over this rather traumatic	
5			situation.	14:06
6	287	Q.	Right, okay.	
7		Α.	That would be my only like, I never discussed it	
8			with Debbie. I didn't know she had been up there.	
9	288	Q.	Okay. Well, did you find that out that year, in 2014?	
10		Α.	That Debbie went up?	14:07
11	289	Q.	Yes.	
12		Α.	Oh, the D family, the mother told me that Debbie had	
13			also called.	
14	290	Q.	And she named her, did she?	
15		Α.	She did, yeah, she did name her. And I didn't know	14:07
16			that Debbie was pregnant actually, it was her that told	
17			me.	
18	291	Q.	Okay. Well, just going back to Superintendent Taylor's	
19			evidence.	
20		Α.	Yeah.	14:07
21	292	Q.	And, in fact, in one of his several statements to the	
22			Tribunal, it's in Volume 1, and perhaps if you look at	
23			page 218 of that. And on page 218, at line 223, he is	
24			being asked whether he provided information to Debbie	
25			or to you in relation to this issue. At line	14:07
26		Α.	Sorry, pardon me.	
27	293	Q.	I'm sorry. Page 218, Volume 1.	
28		Α.	Yes. Yeah, thank you.	
29	294	Q.	At line 227 he says:	

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1 2 "I was aware they were going up. I did not discourage it." 3 4 5 Do you see where that is? 14:08 6 I'm aware of it, yes, certainly. That's incorrect. Α. 7 295 "I do remember Debbie McCann and Eavan Murray Q. 8 contacting me separately and telling me at the time that they were going to do a story before each of them 9 went up to Cavan." 10 14.08 11 12 Is that right? 13 That's incorrect. It's not true. Α. 14 296 Ο. It's not correct. Did you have any conversation with 15 Superintendent Taylor about your visit at all? 14:08 16 I have taken advices and I don't regard this as Α. 17 privileged. It would have been some time after I went 18 up there, I did say to him that I had been up there, I 19 said I'd interviewed that family. I said I thought 20 that they were very nice, the parents, I said, but 14:09 there's just absolutely no way you could ever publish 21 22 something like that. He wasn't too bothered. 23 You see, he goes on to say that: 297 Q. 24 25 "I don't think I gave these journalists any information 14:09 about the address of Ms. D. I recall they had a fair 26 27 amount of information themselves." 28 29 Did you ever tell Superintendent Taylor in February or

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1			March	
2		Α.	NO.	
3	298	Q.	that you had information about Sergeant McCabe?	
4		Α.	NO.	
5	299	Q.	But in the context of your recent introduction to him 14:	: 09
6			as a new crime reporter	
7		Α.	Yeah.	
8	300	Q.	and being anxious to see perhaps could you get a	
9			story out of it, is he not someone that you would turn	
10			to to seek information from? 14:	:09
11		Α.	I, to be very honest, had very little interest in the	
12			penalty points issues. And I was also I have heard	
13			the term, Chairman, being used here, front line, I	
14			would have been every day at crime scenes or in the	
15			courts, you know, I really 14:	: 10
16	301	Q.	Yes.	
17		Α.	And to be honest, the Maurice McCabe, the penalty	
18			points issue would have been very much kind of more a	
19			political story than a	
20	302	Q.	All right. Well, my question wasn't so much about	: 10
21			the	
22		Α.	Sorry.	
23	303	Q.	story concerning the penalty points, but it was in	
24			the context of you being a new crime reporter.	
25		Α.	Yes. 14:	: 10
26	304	Q.	And being anxious perhaps to see if you could develop a	
27			story about Ms. D	
28		Α.	Okay.	
29	305	Q.	and Sergeant McCabe. Would it not have been the	

1			most natural thing for you to go to Superintendent	
2			Taylor and look for information about Ms. D and	
3			Sergeant McCabe?	
4		Α.	I didn't, though. I didn't know him very well at the	
5			time. I didn't like, I barely knew him at all, so,	14:10
6			no. And like I wouldn't.	
7	306	Q.	So is it your evidence that you had no conversation?	
8		Α.	Before going up there	
9	307	Q.	Before going up?	
10		Α.	no, I didn't.	14:10
11	308	Q.	You see, at line 235 he says:	
12				
13			"I would have encouraged them."	
14		Α.	Yeah, I saw that.	
15	309	Q.	And then:	14:11
16				
17			"I do believe that I would have texted or contacted the	
18			former Commissioner Callinan at the time about what the	
19			journalists told me."	
20		Α.	No.	14:11
21	310	Q.	On the next page, at 219, he told the investigators:	
22				
23			"I have been asked if I confirmed the information that	
24			it was Mr. D's daughter that made the allegation	
25			against Sergeant McCabe and I believe that I did	14:11
26			confirm that to them both separately."	
27		Α.	NO.	
28	311	Q.	"They would have been aware of our attitude to Sergeant	
29			McCabe. They would have known this from my previous	

1			bri efi ngs. "	
2		Α.	NO.	
3	312	Q.	"They would, therefore, have been telling me what they	
4			were going to do."	
5		Α.	No. I only found out	14:11
6	313	Q.	Is that wholly inaccurate, from your point of view?	
7		Α.	Yes. I would have only found out that it was a guard's	
8			daughter that day when I went looking for the phone	
9			number.	
10	314	Q.	Yes. Page 220 at line 267	14:11
11			CHAIRMAN: I am sorry, Ms. Murray, you said a	
12			particular rank, and the media will know that there is	
13			an embargo over saying the rank because it's only a	
14			certain number of people	
15		Α.	I'm very sorry.	14:12
16			CHAIRMAN: I wouldn't worry about it. Lots of other	
17			people have slipped into that.	
18		Α.	Sorry.	
19			CHAIRMAN: Not to worry. But, I mean, we're just	
20			calling him, and it is a ruling of the Tribunal, a	14:12
21			colleague in the Garda Síochána. So he could be a	
22			superintendent, or anything, we don't know.	
23		Α.	My apologies.	
24			MR. McGUINNESS: It will be taken from the transcript,	
25			in any event.	14:12
26	315	Q.	At page 220, line 267, I don't know if you see that:	
27				
28			"They both told me they called to the house."	
29		Α.	Sorry, 220?	

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1	316	Q.	This is still Volume 1.	
2		Α.	Yeah, yeah.	
3			CHAIRMAN: So the bit is: "They both told me they	
4			called to the house".	
5		Α.	Yes, I see it there, yeah.	14:12
6	317	Q.	MR. McGUINNESS: And do you recollect when you told him	
7			that you had called to the house?	
8		Α.	It would have been if I was to put a time on it, it	
9			would have been maybe a week later.	
10	318	Q.	Okay.	14:13
11		Α.	Now, I don't know actually, to be honest, I couldn't	
12			put a it was a good few days, so	
13	319	Q.	Okay. At page 221 he's asked to clarify how many	
14			contacts he had with Debbie McCann and Eavan Murray in	
15			respect of this matter, and at line 275 he says:	14:13
16				
17			"A. There were two contacts made with me by Eavan	
18			Murray in this context before and after she went to	
19			Cavan to Ms. D's home."	
20		Α.	No.	14:13
21	320	Q.	That is incorrect, as far as you are concerned, is that	
22			right?	
23		Α.	Yes.	
24	321	Q.	Can I just bring you back to contacting Ms. D.	
25		Α.	Mm-hmm.	14:13
26	322	Q.	You say in your statement today that you phoned the	
27			landline, and do you recollect who you spoke to?	
28		Α.	Mr. D.	
29	323	Q.	Mr. D. And you seem to describe asking whether it	

1			would be possible to visit them, is that right?	
2		Α.	Yeah, that's correct, yeah.	
3	324	Q.	And that he said he would think about it?	
4		Α.	Yes. I think he said that they had I don't know	
5			what the exact term was but that Paul Williams, I	14:14
6			think, was their preferential choice.	
7	325	Q.	Sorry, he said something about Paul Williams?	
8		Α.	Paul Williams being their preferential choice, you	
9			know. Somewhat alarmed when I said I was from the Sun.	
10	326	Q.	Okay. And you're saying in your statement today that	14:14
11			he rang you back to say that it was okay, you could	
12			come down and visit them?	
13		Α.	Yes.	
14	327	Q.	And how many days later did he phone back?	
15		Α.	Sorry, when did I phone?	14:14
16	328	Q.	How many days later did he phone back, do you	
17			recollect, after your phone call?	
18		Α.	It was very shortly after. I mean, it was a matter of	
19			minutes after. I think he I don't mean in he was	
20			maybe quite abrupt, the first phone call, and then it	14:15
21			was as if he maybe felt bad about that when he rang	
22			back.	
23	329	Q.	Okay.	
24		Α.	It was just a matter of minutes, actually, I think.	
25	330	Q.	Okay.	14:15
26		Α.	To be honest, it wasn't so much that he said you can	
27			come down, it was more that he was wasn't hostile to	
28			the he wasn't hostile to the notion that I could	
29			call down.	

1	331	Q.	Okay.	
2		Α.	He was very, very nice.	
3	332	Q.	Okay. Well, had you sort of outlined to him what you	
4			hoped to do or what the purpose was?	
5		Α.	Not really. I mean, he knew, he knew, he knew that I	14:15
6			was down there to try and find information.	
7	333	Q.	But were you anxious to interview Ms. D? Did you ask	
8			him, for instance, like, will Ms. D be there?	
9		Α.	No.	
10	334	Q.	Will she speak to me if I come down?	14:15
11		Α.	No, I don't recall saying that.	
12	335	Q.	Mrs. D's evidence is also on Day 10 on the transcript,	
13			and perhaps we could look at page 138 of that.	
14		Α.	Yeah.	
15	336	Q.	And at line 18, Mrs. D says:	14:16
16				
17			"I have a vague recollection of this other girl, I	
18			think she is a big tall girl, I remember sort of having	
19			a cup of tea and a chat with her maybe just in the	
20			l ounge.	14:16
21			Q. And who was there at that time?	
22			A. Myself and Mr. D.	
23			Q. Do you remember when that was?	
24			A. It would have been I suppose it was around my	
25			birthday time, it was around February or March.	14:16
26			Q. Do you think it was before or after Paul Williams	
27			attended at your house?	
28			A. Before, before, because I know we had a party for	
29			me on the 8th March, it was the day Paul Williams	

1 called, so it would have been a few days, I think, 2 after Debbie McCann called. 3 0. In relation to Ms. Murray, do you remember did you ask her how she knew to call at your house? 4 5 Α. No, I can't remember. I can't remember if she was 14:16 6 one of the reporters maybe that had been speaking to 7 Mr. D. No, I can't. I just remember this big tall 8 girl in the house. That is all I remember. 9 What did you talk to her when you were having tea Q. with her?" 10 14.17 11 12 And she then answers: 13 14 "A. I suppose we probably would have said that our 15 daughter was after going through a couple of years of 14:17 16 very, very hard time, that all this Maurice McCabe 17 stuff back in the papers wasn't helping her, probably 18 something along those lines." 19 20 She doesn't really detail that any more. Are you clear 14:17 21 in your recollection that she, in fact, gave an account 22 to you of what she was saying Sergeant McCabe had done? 23 Em, I'm sorry, do you mean in terms of the alleged Α. 24 allegation? 25 Yes. 337 0. 14:17 26 Yeah. Α. 27 338 You see, you say in your statement, Ms. D was not Q. 28 present --29 I didn't know the nature of the assault -- the Α.

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1 allegation. I didn't. I can remember being somewhat 2 surprised at the minor nature of it, and the thought 3 crossed my mind that maybe it was worse and she hadn't been truthful with her parents about that, because I 4 5 just couldn't understand how anyone -- you couldn't 14:18 6 publish something like that, you could never publish 7 something like that. Okay. Well, I don't want you to comment on the 8 339 Ο. allegation in any way --9 10 Sure. Α. 14:18 11 340 -- other than you believe you found out some of the Q. details of it at that time? 12 13 Yes. Α. 14 341 Ο. well, did you report that back to your news editor? I did, yeah. But now, it's unusual in that, that there 14:18 15 Α. 16 was actually no interest in the office about this story 17 at all. When I rang them afterwards, they were just --18 like, normally I would give a memo after I had been 19 somewhere and I'd managed to talk to people, I would 20 give some kind of a memo to the desk afterwards, but 14:18 there was just no interest in this whatsoever. 21 It was 22 very much a kind of wait and see what the Irish 23 Independent does and we will follow on afterwards. SO 24 I told -- I did, I told -- I can remember saying, look, 25 they're nice people and everything, I said, but there's 14:19 absolutely nothing here that we could ever publish. 26 27 342 Q. Well, when you spoke with Superintendent Taylor after the visit, what did you tell him? 28 29 Exact same thing. And I just said -- this is just my Α.

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1 memory, is that he was somewhat annoyed about comments 2 Leo Varadkar had made, where he had said that the 3 whistleblowers were distinguished, and I said I met that family, I went up to Cavan and met that family, I 4 5 said. I actually said, do you realise that that was 14:19 6 such a very minor allegation? I said that that wasn't 7 something that you could ever --Well --8 343 Ο. He wasn't at all -- he didn't -- he didn't seem at all 9 Α. put out that I had no intention to publish. 10 14.1911 344 And did he make any attempt to, as it were, talk you Q. out of that view --12 13 NO. Α. 14 345 Q. -- or suggest anything else about Sergeant McCabe? 15 No. And my recollection is, it was extremely brief and 14:20 Α. 16 then he moved on to something else. And that would have been -- honestly, I would say that was -- like, I 17 18 spoke to him very rarely on the phone at that stage. 19 So I do actually recall that conversation quite well. It would seem that you are in agreement with 20 346 Ο. 14:20 Superintendent Taylor that he had no hand, act or part 21 22 in your going up to Ms. D? 23 That's very true. Α. 24 And as far as you can recollect, no knowledge that you 347 Q. 25 were going, is that right? $14 \cdot 20$ 26 Α. Yes. 27 348 Can you offer an explanation as to how he thinks, and Q. he has sworn that he discussed the matter with you 28 29 before you went up?

1		Α.	I don't know. I mean, I have seen questions asked of
2			him here where they have asked why Debbie and I were
3			named later, and I think his answer was that he forgot.
4			I think that actually may be the truthful answer,
5			because it didn't seem like a conversation of any major $_{14:21}$
6			importance at all at the time.
7	349	Q.	Well, it wasn't that he forgot about the visit.
8		Α.	Okay.
9	350	Q.	He forgot, on his account, that he had briefed yourself
10			and Ms. McCann negatively about Sergeant McCabe 14:21
11		Α.	He hadn't.
12	351	Q.	according to Commissioner Callinan's instructions?
13		Α.	Yeah.
14	352	Q.	And your names were added to the list of nine
15			journalists, to become a list of eleven journalists 14:21
16			that he was claiming
17		Α.	Yeah.
18	353	Q.	had been negatively briefed. It wasn't just about
19			the visit.
20		Α.	Sorry, okay.
21	354	Q.	But he hadn't mentioned the visit until after the Ds
22			had given evidence.
23		Α.	Yeah.
24	355	Q.	But it's just perhaps a little strange that neither
25			Ms. McCann, nor yourself, nor Superintendent Taylor
26			volunteered any information about the visit until after
27			the Tribunal had found out about it through the Ds. Do
28			you see the point?
29		Α.	Yeah, I can actually see your perspective on that. All

1 I can say, I suppose my thinking at the time, my 2 feeling at the time was one of, you know, fear; it's 3 very, very, very much counterintuitive that you would ever reveal a source, and my position was that, you 4 5 know, I didn't comment on sources or I didn't comment 14:22 6 on news-gathering activities, you know. 7 356 Yes. **Q**. 8 And I also, I didn't -- I really didn't feel that it Α. was hugely important. I know the Tribunal now takes a 9 view that it is, but I didn't think that it was. 10 14.2211 357 Yes. Can I just go back to --Q. 12 Because I never wrote about it --Α. 13 No. I understand that. 358 Ο. 14 Α. -- if that means anything to you. 15 359 I understand that. Q. 14:22 16 And I would never allow myself to be part of a smear. Α. 17 I would never allow myself to be used like that, I 18 wouldn't. 19 360 Well, Superintendent Taylor, obviously has made the Q. claim and he's stood over it on oath in the box. 20 14:23 T know. 21 Α. 22 And what I would like your evidence on is this: 361 Did **Q**. 23 you hear of any journalist in the period from 2013 on 24 to June 2014 who was talking about a smear campaign or 25 was talking about being negatively briefed by 14.2326 Superintendent Taylor? 27 No, Chairman, no. Α. Superintendent Taylor's protected disclosure was made 28 362 Q. 29 then at the end of September 2016, and it broke as a

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1			big news item, and presumably you picked up on that?	
2		Α.	I did, yes.	
3	363	Q.	And had he talked with you about making it or having	
4			made it or what he	
5		Α.	No, I was shocked. 14:2	23
6	364	Q.	Okay. Well, did you contact him	
7		Α.	I did, yeah.	
8	365	Q.	to ask what was in this or why he	
9		Α.	Well, the strange thing, I suppose, was, he was	
10			uncontactable for a few days. 14:2	24
11	366	Q.	Pardon?	
12		Α.	He was uncontactable for a few days.	
13	367	Q.	Yes.	
14		Α.	So when I heard it first about his protected	
15			disclosure, it did cross my mind could that possibly be 14:2	24
16			Superintendent Taylor but nobody else	
17	368	Q.	Could it be possibly what?	
18		Α.	Could it possibly be him that had made this.	
19	369	Q.	Yes.	
20		Α.	Because it didn't it did cross my mind that it	24
21			sounded quite like him, but I wasn't sure. You know, I	
22			didn't know	
23	370	Q.	Yes.	
24		Α.	and nobody else knew. And then it was a day or two	
25			later I recall getting a text off a friend of mine, and $_{14:2}$	24
26			he said: Do you realise that that's Taylor - is the	
27			word he used - that made that? So I was very	
28			surprised.	
29	371	Q.	well, did you ring him and ask him about the smear	

1			campaign?	
2		Α.	Em, yes.	
3	372	Q.	And when was that?	
4		Α.	Just around then.	
5	373	Q.	Pardon?	14:24
6		Α.	Just around then.	
7	374	Q.	And what did he say?	
8		Α.	He kind of I was just kind of like, why are you	
9			doing this to yourself, how could you drag yourself	
10			into another investigation, kind of, and he was very	14:25
11			sort of, trying to get me off the phone as quick as	
12			possible.	
13	375	Q.	Well, I mean, you had obviously known about the other	
14			investigation that he had been involved in?	
15		Α.	Yeah.	14:25
16	376	Q.	And had he been keeping you up to date about that?	
17		Α.	No. I'd very, very little contact with him after that.	
18	377	Q.	After that?	
19		Α.	Like, I would have mostly after his suspension.	
20			Most of the contact I would have had, like, both he and	14:25
21			Michelle tend to come as a pair, you know. I would	
22			have had most contact with Michelle.	
23	378	Q.	Well, just going back to the genesis of your visit.	
24			You said in your statement today:	
25				14:25
26			"It became known in the Irish Sun newsroom, I think	
27			around March 2014, that the Irish Independent was	
28			planning to do a massive exclusive on the Maurice	
29			McCabe story, in particular the fact that Sergeant	

1 McCabe had been suspected of child abuse offence. 2 was deputed, I believe, by Fergus O'Shea of the Irish Sun newsroom to travel to Bailieboro -- " 3 That's true, yeah. 4 Α. 5 379 "-- to meet with Ms. D in an effort to ensure that the Q. 14:26 6 Irish Sun would not be on the back foot whenever the 7 Independent ran a story." 8 Is Mr. O'Shea still working there in the Sun? 9 No, he doesn't work there any more. 10 Α. 14.2611 380 He's gone from that? Q. 12 He doesn't work there any more. Α. 13 And where is he now? 381 **Q**. 14 Α. I'm not sure. You're not sure? 15 382 Q. 14:26 16 Α. NO. 17 383 But how did it become known in the Sun newsroom, 0. Okav. 18 can you help us on that? 19 I don't know how they came to know about it, but it Α. 20 wouldn't be unusual that we would hear that one 14:26 newspaper has a big story, you know, it wouldn't be 21 22 unusual at all. I mean, particularly, I suppose, Paul 23 Williams is a very accomplished and experienced man, he 24 tends to, when he has big stories, they're massive 25 stories - you know, he had the Anglo tapes and things 14.26 26 like that - so you pay attention. 27 384 Yes. Q. It wouldn't be unusual for us to hear that another 28 Α. 29 newspaper had a big story.

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1	385	Q.	Yes. Well, I mean, did you hear that from Debbie,	
2			perhaps?	
3		Α.	NO.	
4	386	Q.	Okay.	
5		Α.	I didn't.	14:27
6	387	Q.	Did you hear that from Superintendent Taylor	
7		Α.	NO.	
8	388	Q.	that Mr. Williams was on the case?	
9		Α.	NO .	
10	389	Q.	Okay. Well, did you have any hand, act or part in	14:27
11			bringing this information about a story into the	
12			newsroom?	
13		Α.	NO .	
14	390	Q.	And who did you first hear it from then in the	
15			newsroom?	14:27
16		Α.	Fergus, I think.	
17	391	Q.	Okay. Now, we know, according to Mr. Williams'	
18			previous evidence, that he only found out about the	
19			allegation in early 2014 and then very shortly	
20			afterwards he was contacted by Mr. D and went up very	14:27
21			shortly after that, apparently on the 5th March, and	
22			then arranged to come back and did come back on the 8th	
23			March to conduct the interview. Do you think or do	
24			you know when you went up, in fact, relative to the 8th	
25			March?	14:28
26		Α.	I couldn't put an exact date on it, but it was	
27			literally only a matter of days, like just a very short	
28			time after.	
29	392	Q.	A very short time after he been there or after you had	

1			been told that he had been there?	
2		Α.	After he had been there.	
3	393	Q.	Okay. And is that what you gleaned from the Ds, from	
4			your visit?	
5		Α.	Yes.	14:28
6	394	Q.	Or did somebody else tell you that?	
7		Α.	They told me that.	
8	395	Q.	So do you think	
9		Α.	Well, I knew that before	
10	396	Q.	Pardon?	14:28
11		Α.	I knew that he had this big story.	
12	397	Q.	Pardon?	
13		Α.	I knew that he had done this big story, you know.	
14	398	Q.	Okay.	
15		Α.	This big story that never was. It was never it	14:28
16			ended up like, we were under the impression that it	
17			was going to run within a matter of days.	
18	399	Q.	Yes.	
19		Α.	But then it never appeared.	
20	400	Q.	Yeah.	14:28
21		Α.	Until there was something months like, a long	
22			time after it.	
23	401	Q.	well, could I just ask you to look to the phone	
24			records. This is in Volume 26, if you wish to take it	
25			up.	14:29
26		Α.	Sorry, what number?	
27	402	Q.	Volume 26, if you can see it there. It may be up on	
28			top.	
29		Α.	Yes.	

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1	403	Q.	At page 6989.	
2		Α.	Yeah.	
3	404	Q.	On the 12th February there, they appear to be the first	
4			recorded calls to you from Superintendent Taylor.	
5		Α.	Yeah.	14:30
6	405	Q.	There's a couple of calls in the following days, and if	
7			we go to 6991, there's two, it would appear, very short	
8			calls on the 20th February	
9		Α.	Yeah.	
10	406	Q.	in the evening. And then there's a phone call the	14:30
11			following day with Debbie. Would you be in the habit	
12			of discussing ongoing journalistic projects with other	
13			colleagues?	
14		Α.	Not just within my own newspaper.	
15	407	Q.	Just within your own newspaper?	14:30
16		Α.	Yeah.	
17	408	Q.	And you certainly didn't discuss this with	
18			Mr. Williams, did you?	
19		Α.	Absolutely not. I don't know Mr. Williams at all.	
20	409	Q.	Yes. Ms. McCann originally thought that she might have	14:30
21			gone up on either the 14th February, and it appears	
22			Superintendent Taylor had a call with her on the 15th	
23			February - this is on page 6990 - some time after five	
24			o'clock that evening, a six-minute call, at 17:11.	
25		Α.	Sorry, on the 14th, is it?	14:31
26	410	Q.	On the 15th.	
27			CHAIRMAN: It's in the middle of the screen there.	
28			MR. McGUINNESS: Yes.	
29		Α.	Sorry. Yeah. Yes, I see it, yeah.	

1	411	Q.	And he appears to have spoken to you the following day	
2			on the 16th, just again at ten to five in the	
3			afternoon, 16:51?	
4		Α.	Okay.	
5	412	Q.	Ms. McCann originally perhaps plumped also for the	14:31
6			21st, and there's a 12-minute call that Superintendent	
7			Taylor had with her on the 20th of the 2nd, at 6991.	
8		Α.	Was that	
9	413	Q.	In the middle of the page there.	
10		Α.	That is for Debbie, sorry?	14:32
11	414	Q.	18:30 with Debbie.	
12		Α.	Debbie, yeah.	
13	415	Q.	Just drawing your attention to those.	
14		Α.	Okay.	
15	416	Q.	And then on the following day there seems to be another	14:32
16			short, perhaps, message call to Debbie. And then on	
17			the 25th, at 6992, there's a call to you on the 25th,	
18			in the morning, and then a call later with	
19			Mr. Williams, some five minutes' duration there, at	
20			16:57.	14:32
21		Α.	Okay.	
22	417	Q.	And then there's a couple of calls to you on the 26th.	
23			Is there a possibility, do you think, that	
24			Superintendent Taylor might have been in a position to	
25			inform you of Mr. Williams' intention?	14:33
26		Α.	well, I'm sure you can see there, the phone call to me	
27			lasted 24 seconds.	
28	418	Q.	Okay.	
29		Α.	So	

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1	419	Q.	On the 26th?	
2		Α.	On the 26th.	
3	420	Q.	There's two there on the 26th.	
4		Α.	There's one minute and 27 seconds. No, absolutely not,	
5			I never discussed that with him.	14:33
6	421	Q.	Okay. And then there's a number of calls to Ms. McCann	
7			after that.	
8		Α.	That would have been a day later, is it?	
9	422	Q.	Yes. And then, later, there's another short message,	
10			it would appear, to you on the 27th.	14:33
11		Α.	27th February?	
12	423	Q.	And then Mr. Williams is spoken to a little bit later.	
13		Α.	That looks like an unanswered sorry.	
14	424	Q.	Yes, it does.	
15		Α.	That looks like a call that wasn't answered. It was	14:34
16			four seconds long.	
17	425	Q.	Yes. It appears to be followed by an immediate call to	
18			Mr. Williams.	
19		Α.	Can I just say, I would imagine the sequence of that	
20			maybe had something to do with an incident that was	14:34
21			occurring, you know.	
22	426	Q.	Pardon?	
23		Α.	You know, it could have been just something that was	
24			going on.	
25	427	Q.	Yes.	14:34
26		Α.	That was happening.	
27	428	Q.	Yes.	
28		Α.	As I said, I did not know Superintendent Taylor well at	
29			that stage at all.	

Okay. Well, there's a number of calls to Debbie McCann 1 429 Q. 2 in early March, there appear to be none to you until 3 the 12th March --Yeah. 4 Α. 5 430 -- at page 6997. And then there's a number of calls on 14:34 Q. the 13th March, at page 6998, near the top. 6 7 Sorry, yeah. Α. 8 431 And then there appear to be a number of calls grouped 0. 9 together on the 15th March involving yourself and 10 Ms. McCann being phoned by Superintendent Taylor, on 14.35 11 page 6999. 12 On the 16th, is it? Α. 13 Yes, on the 15th, in the middle of the page, 17:04. 432 Q. 14 Α. I see, that yes. 15 433 Is it possible that Superintendent Taylor could have Q. 14:35 16 furnished you with information relating to the Ds? 17 I don't see where he called me on the 16th --Α. 18 434 Pardon? Q. 19 On the 15th, I had a 27-second phone call with him. Α. 20 435 **0**. Yes. 14:36 I don't see where I called him. 21 Α. 22 There's one then at 17:04:55, it appears to be 39 436 **0**. 23 seconds. 24 I'm sorry, I can't see that. Oh, on the 15th, is it? Α. 25 437 Q. Yes. 14.36 26 Yes, I see that, yeah. So I'd imagine, I'd imagine Α. 27 that's related to a breaking-news incident. Going forward to the date of publication of 28 438 Q. Okay. 29 Mr. Williams' article on the 12th, maybe stopping on

1			the 10th April, at page 7008.	
2		Α.	Yeah.	
3	439	Q.	There's a page of texts to you, but on the 10th April	
4			there appears to be a message perhaps left for you in	
5			between a message left for Mr. Williams and a call to	14:37
6			Mr. Williams.	
7		Α.	Okay.	
8	440	Q.	Do you recall any discussion with Superintendent Taylor	
9			about the fact that Mr. Williams was going to be	
10			publishing an article that weekend	14:37
11		Α.	No.	
12	441	Q.	on Sunday the 12th?	
13		Α.	No, Chairman, not at all.	
14	442	Q.	If one looks at page 7009, there is a page with quite a	
15			few calls and texts to you, and then there's a sequence	14:37
16			of calls on the 12th of the 4th from 15:38 onwards	
17			there, involving Ms. McCann, and then perhaps messages	
18			to you, then to Mr. Williams, then texts to you, a call	
19			to Mr. Williams, and then it would seem a call to you	
20			at 21:52 lasting one minute 37. Do you recollect the	14:38
21			article being published by Paul Williams on that	
22			Sunday?	
23		Α.	I do.	
24	443	Q.	And did you speak to Superintendent Taylor about it?	
25		Α.		14:38
26	444	Q.	Is it possible?	
27		Α.	No, I think I'd remember, because I remember everything	
28			else, so	
29	445	Q.	Right. The Tribunal has heard reference to and has	
25		۲	Register the tribular has heard reference to and has	

1			possession of an anonymous letter relating to Sergeant	
2			McCabe dated in February 2014. Did you ever see that	
3			before?	
4		Α.	No .	
5	446	Q.	And you've referred already to some conversations with	14:38
6			Superintendent Taylor since he made the protected	
7			disclosure. Did he ever ask you to come forward as a	
8			witness for him	
9		Α.	No.	
10	447	Q.	in that regard?	14:39
11		Α.	No, sorry, no.	
12	448	Q.	And in the context of having been named by him as	
13			someone to whom the smear campaign was directed, are	
14			you surprised at that?	
15		Α.	I was very shocked, yeah. I was very shocked	14:39
16			because well, sorry	
17	449	Q.	Yes, go ahead.	
18		Α.	Out of the blue, a few months ago, I got a text off his	
19			wife asking me for my address and she sent me a present	
20			for my baby, but it was unusual in that he was six	14:39
21			months old at this stage, and obviously I was curious	
22			about the Tribunal, I was I was sort of in naive	
23			hope that maybe I wouldn't be called, Chairman, to be	
24			honest, I was hoping, and I hadn't heard from you in a	
25			long time, so I just was hoping it was just a bad	14:40
26			memory, and so I was in Dublin for that week, my mother	
27			was in hospital, I used the opportunity to meet with a	
28			few people, but one of them being Superintendent	
29			Taylor, because, to be honest, my motivation in doing	

1 so was to find out just information, you know, I wanted 2 to find out did he name me. And he, even though he was sitting across from me in a coffee shop, did not admit 3 that he had given my name to this Tribunal. 4 And I had 5 said -- I recall saying, oh, I don't think they're 14:40 going to come looking for me now, I said I think that 6 7 maybe they don't really want me, and he said, oh, well, 8 they might, they might, you know. He did not, he didn't -- and do you know, I suppose, the bizarre part 9 was, the letter from yourselves must have actually 10 14 · 41 11 literally been in the post because I got it just a 12 couple of days later. 13 But, I mean, if your evidence today is correct, of 450 Q. 14 course, why would you have any worry about being called 15 as a witness? 14:41 16 I had a huge anxiety around it. Α. 17 451 Pardon? Q. 18 I had a huge anxiety around it. I kind of feel now, as Α. 19 it has come closer, I am, thankfully, you know, more logical about it, but at the time I was very 20 14:41 overwhelmed by it, I was very upset about it. 21 I found 22 the meeting where you sent the investigators down to 23 Galway very upsetting, because I had only recently 24 given birth, and just, I was very upset about it. I 25 had to bring the baby to the hotel with me. It was 14 · 41 26 just a horrible experience, to be honest, even though 27 they were very, very lovely, you know, the 28 investigators were very nice, but just it was very stressful. 29

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1	452	Q.	Yes.	
2		Α.	I found the whole thing extremely stressful.	
3	453	Q.	And I understand what you are saying about the birth of	
4			your child and other pressures. But in terms of your	
5			express concern, and Superintendent Taylor, as you	14:42
6			pointed out, I think, doesn't agree that the Tribunal	
7			was discussed; you are saying it was discussed between	
8			yourself and him?	
9		Α.	Yeah, of course it was. It would be illogical to have	
10			something of such a major significance would not come	14:42
11			up in a conversation like that.	
12	454	Q.	Yes. But your concern about him being named, what did	
13			you think he might be naming you about or in relation	
14			to?	
15		Α.	Well, my fear was that he would use the fact that the	14:42
16			Ds had named me to named me and Debbie, that he	
17			would use that to bolster his own story.	
18	455	Q.	Okay. Well, I mean	
19		Α.	And I was correct.	
20	456	Q.	if he hadn't been engaged in a smear campaign, in	14:42
21			trying to use you and telling you about Sergeant McCabe	
22			in a malign way, you had nothing to worry about,	
23			because you would be able to come and tell the	
24			Tribunal, no, he didn't brief me negatively?	
25		Α.	Yeah.	14:43
26	457	Q.	And that begs the question, why didn't you, in fact,	
27			tell the Tribunal of that, all through the previous	
28			year?	
29		Α.	I wish I did, now.	

1	458	Q.	I mean, one explanation is that one interpretation	
2			that might be put upon it is that he was, in fact,	
3			trying to keep you out of it	
4		Α.	Yeah.	
5	459	Q.	for his own reasons.	14:43
6		Α.	I've seen that question being asked of him, but I can	
7			assure you that it feels the exact opposite.	
8	460	Q.	Well, you see, the point is that he, on one	
9			interpretation, he perhaps did try and keep you out of	
10			it because you weren't in the original nine.	14:43
11		Α.	Yeah.	
12	461	Q.	He included you after the evidence from the Ds about	
13			the visit had come about, and obviously we had all the	
14			details of the phone contact. So he put you back in it	
15			then.	14:44
16		Α.	Yeah.	
17	462	Q.	And are you saying to the Tribunal he didn't tell you	
18			ever that he had named you?	
19		Α.	Never.	
20	463	Q.	And in terms of your evidence today, this unsigned	14:44
21			statement, you drafted that presumably in your own	
22			words, is that right?	
23		Α.	Yeah. Well yeah.	
24	464	Q.	Okay.	
25		Α.	with the assistance of my legal team.	14:44
26	465	Q.	Yes. I mean, one other possible interpretation is that	
27			Superintendent Taylor was carrying out this campaign of	
28			smearing Sergeant McCabe and that you were involved in	
29			it to the extent that he told you all about Sergeant	

1			McCabe?	
2		Α.	Didn't.	
3 4 5	466	Q.	And he recruited you to try and stand up a story that would do Sergeant McCabe some damage; would you like to respond to that possible view?	14:45
6		Α.	That is not true.	
7			MR. McGUINNESS: Perhaps you would answer any questions	
8			anyone else might have.	
9			CHAIRMAN: Just before you go on. I'm just trying to	
10			fix the date of the meeting in the coffee shop	14:45
11			vis-à-vis the correspondence, et cetera.	
12		Α.	Sure.	
13			CHAIRMAN: And you said the letter from the Tribunal	
14			probably was already in the post.	
15		Α.	I imagine it was.	14:45
16			CHAIRMAN: That, presumably, was the letter saying we	
17			now know that you	
18		Α.	Yeah.	
19			CHAIRMAN: met with Ms. D so would you mind telling	
20			us something about that, type of letter?	14:45
21		Α.	Yes, Chairman.	
22			CHAIRMAN: And maybe you can place it by reason of how	
23			old your young baby was. And as I understand it, you	
24			don't live in Dublin?	
25		Α.	NO.	14:45
26			CHAIRMAN: You don't need to tell me where you live, so	
27			don't worry about that; I think the investigators have	
28			it, in any event. But when do you think the meeting	
29			was in the coffee shop?	

1	Α.	Well, my understanding now is that that letter was	
2		dated February 20th, that it was received now I was	
3		a little bit later.	
4		CHAIRMAN: You'd better give me years.	
5	Α.	Oh, sorry, this year. It was this year. My mother 👍	14:46
6		the reason I was in Dublin was, my mother was in	
7		hospital.	
8		CHAIRMAN: Yes. No, and we have all had things like	
9		that. But even still, it does help to place it.	
10	Α.	My understanding, it was a Thursday.	14:46
11		CHAIRMAN: Yes.	
12	Α.	And it was on the following Monday that I got the	
13		letter. And the letter was a few days delayed because	
14		my correspondence goes to my solicitor in Dublin,	
15		Chairman.	14:46
16		CHAIRMAN: And then he or she would have sent it down	
17		to you?	
18	Α.	Yeah.	
19		CHAIRMAN: So do you think it was February of this	
20		year?	14:46
21	Α.	It was definitely February of this year, but I'm trying	
22		to to pin down a date, it would have been if I	
23		can just find out what day of the week if I had a	
24		calendar, I might be able to figure out.	
25		CHAIRMAN: Yes. Well, you can use your mobile phone if a	14:46
26		you wish and just have a look at it.	
27	Α.	It's down there.	
28		CHAIRMAN: I have no problem with somebody giving it to	
29		you, if they want to do that, or you getting it,	

1 Ms. Murray. 2 Chairman, I believe it would have been around the 14th Α. 3 or the 15th February. CHAI RMAN: Of this year? 4 5 Of this year, yeah, that's correct. Α. 14:47 6 CHAI RMAN: Yes. And does that accord, I wonder, 7 Mr. McGuinness, with relevant correspondence? Forgive 8 my obsession with trying to pin things down to dates, but in a way it's one of the few things that I have. 9 MR. McGUINNESS: we sent a letter dated the 20th 10 14.4811 February. 12 CHAI RMAN: Yes. 13 Of this year. MR. McGUI NNESS: 14 CHAI RMAN: So the weekend then passes, I presume, and 15 then you would have got the letter? 14:48 16 Yeah. Α. 17 CHAI RMAN: Okay. There it is. 18 Thank you. Α. 19 CHAI RMAN: I am sure no one is going to be terribly 20 long. 14:48 21 MR. McDOWELL: No, I won't be, Judge. 22 23 THE WITNESS WAS CROSS-EXAMINED BY MR. MCDOWELL: 24 MR. McDOWELL: 25 Michael McDowell is my name and I'm 467 0. 14.48 appearing for Sergeant McCabe. Can I just ask you in 26 27 relation to the sequence of events that led to your 28 visit to the D house. Firstly, you were aware from 29 rumours among journalists that there had been some kind

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1			of sexual assault allegation, is that right, that was	
2			background?	
3		Α.	An allegation, yes.	
4	468	Q.	Against Sergeant McCabe?	
5		Α.	Yes.	14:49
6	469	Q.	Were you aware at that stage who the alleged victim of	
7			this assault was?	
8		Α.	NO.	
9	470	Q.	When did you become aware who the alleged victim of the	
10			assault was?	14:49
11		Α.	Just that day I was sent down.	
12	471	Q.	So you were informed by your news editor of the	
13			identity of the alleged victim, is that it?	
14		Α.	No, they basically said Paul Williams has this big	
15			story, it's down in Cavan, it's related to Maurice	14:49
16			McCabe and this allegation going back years. Then I	
17			contacted, I contacted a friend of mine in the media	
18			who I asked to try and find out for me. It was very	
19			like, the information	
20	472	Q.	So you contacted another journalist?	14:49
21		Α.	Yes.	
22	473	Q.	To find out who the alleged victim was, is that it?	
23		Α.	Yeah.	
24	474	Q.	I'm not going to ask you who the - and you're not going	
25			to tell me, I presume - who the other journalist was.	14:50
26			But that journalist at that time, it wasn't Debbie	
27			McCann, can we take that for a certainty	
28		Α.	No. Actually, to be honest, I didn't know Debbie	
29			terribly well until this process began. We've been	

 2 475 Q. And it wasn't Mick O'Toole either? 3 A. No, no, no, no. 4 476 Q. So this was some other journalist who and we're now talking about probably March of 2013, is that right? 6 A. 2014. 7 477 Q. 2014, rather. 8 A. Yeah. 9 478 Q. Some other journalist knew the name and gave it to you? 10 A. Not the name of the complainant, it would have been her 14:50 father. 11 father. 12 479 Q. Her father's name? 13 A. Yes. 14 480 Q. The family name? 15 A. Yes. 16 481 Q. And did you find that information out before you were instructed 18 A. No 19 482 Q by your news editor or afterwards? 20 A. Try and get down there, try and get a chat with that family. 25 484 Q. I see. So he says Paul williams has a massive exclusive? 27 A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know, this big story is going to break in a few days. 	1			thrown together.	
4476Q.So this was some other journalist who and we're now talking about probably March of 2013, is that right?44:506A.2014.7477Q.2014, rather.8A.Yeah.9478Q.Some other journalist knew the name and gave it to you?10A.Not the name of the complainant, it would have been her11father.12479Q.14480Q.15A.Yes.16481Q.17instructed18A.No19482Q.14483Q.15A.Yes.16481Q.17instructed18A.19482Q.19482Q.19482Q.19482Q.10A.10Try and get down there, try and get a chat with that family.11family.12484Q.14:30I see. So he says Paul williams has a massive exclusive?17A.18Q.1948210I see. So he says Paul williams has a massive exclusive?11family.1248413Q.1414:3015A.1648417ise. So he says Paul williams has a massive exclusive?18Yes. And my mem	2	475	Q.	And it wasn't Mick O'Toole either?	
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 A. Yeah. 478 Q. Some other journalist knew the name and gave it to you? A. Not the name of the complainant, it would have been her 14:50 father. 479 Q. Her father's name? A. Yes. 480 Q. The family name? A. Yes. 481 Q. And did you find that information out before you were instructed a. No 482 Q by your news editor or afterwards? A afterwards. I see. Your news editor, what was the instruction he gave to you? A. Try and get down there, try and get a chat with that family. 484 Q. I see. So he says Paul Williams has a massive exclusive? A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know, 	6		Α.	2014.	
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11father.12479Q.Her father's name?13A.Yes.14480Q.The family name?15A.Yes.16481Q.And did you find that information out before you were17instructed18A.No19482Q by your news editor or afterwards?20A afterwards.21483Q.23A.Try and get down there, try and get a chat with that family.24484Q.25484Q.26I see. So he says Paul Williams has a massive exclusive?27A.28Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know,	9	478	Q.	Some other journalist knew the name and gave it to you?	
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13A.Yes.14480Q.The family name?15A.Yes.16481Q.And did you find that information out before you were17instructed18A.No19482Q by your news editor or afterwards?20A afterwards.21483Q.23A.Try and get down there, try and get a chat with that24family.25484Q.26So he says Paul williams has a massive27A.28Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know,	11			father.	
14480Q.The family name?14:5015A.Yes.14:5016481Q.And did you find that information out before you were instructed14:5017instructed14:5018A.No19482Q by your news editor or afterwards?14:5120A afterwards.14:5121483Q.I see. Your news editor, what was the instruction he gave to you?14:5123A.Try and get down there, try and get a chat with that family.14:5125484Q.I see. So he says Paul Williams has a massive exclusive?14:5127A.Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know,14:51	12	479	Q.	Her father's name?	
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 16 481 Q. And did you find that information out before you were instructed 18 A. No 19 482 Q by your news editor or afterwards? 20 A afterwards. 14:51 21 483 Q. I see. Your news editor, what was the instruction he gave to you? 23 A. Try and get down there, try and get a chat with that family. 25 484 Q. I see. So he says Paul Williams has a massive exclusive? 27 A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know, 	14	480	Q.	The family name?	
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21 483 Q. I see. Your news editor, what was the instruction he gave to you? 23 A. Try and get down there, try and get a chat with that family. 25 484 Q. I see. So he says Paul Williams has a massive exclusive? 27 A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know,	19	482	Q.	by your news editor or afterwards?	
22 gave to you? 23 A. Try and get down there, try and get a chat with that 24 family. 25 484 Q. I see. So he says Paul Williams has a massive exclusive? 27 A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know,	20		Α.	afterwards.	4:51
 A. Try and get down there, try and get a chat with that family. 484 Q. I see. So he says Paul Williams has a massive 14:51 exclusive? A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know, 	21	483	Q.	I see. Your news editor, what was the instruction he	
 family. 484 Q. I see. So he says Paul Williams has a massive 14:51 exclusive? A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know, 	22			gave to you?	
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 exclusive? A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know, 	24			family.	
 A. Yes. And my memory of it was that the Indo would be running, like, maybe a three-day special, you know, 	25	484	Q.	I see. So he says Paul Williams has a massive	4:51
28 running, like, maybe a three-day special, you know,	26			exclusive?	
	27		Α.	Yes. And my memory of it was that the Indo would be	
29 this big story is going to break in a few days.	28			running, like, maybe a three-day special, you know,	
	29			this big story is going to break in a few days.	

1	485	Q.	I see. And I just want to be clear about this: He	
2			tells you that that is his understanding of what the	
3			Independent are going to do?	
4		Α.	Yes.	
5	486	Q.	And he then says to you find out who the alleged victim	14:51
6			is, is that right?	
7		Α.	Yes.	
8	487	Q.	And you contact another journalist who tells you the	
9			identity of the alleged victim?	
10		Α.	Of her dad.	14:52
11	488	Q.	Yeah. Sorry, of her dad, I see, yes. And did you have	
12			any reason I mean, how did you know that that	
13			information was correct?	
14		Α.	Well, I got their landline number and I rang.	
15	489	Q.	No, no, I mean, before we get to that point	14:52
16		Α.	Sorry.	
17	490	Q.	how did you know that this other journalist would	
18			have that information?	
19		Α.	This person would have been very good to me, really. I	
20			would have trusted his sources, to be honest, Chairman.	14:52
21	491	Q.	I see. So it was a journalist with a very good track	
22			record of being correct on these matters	
23		Α.	Yeah, he would have been	
24	492	Q.	was in a position to tell you that the D family	
25		Α.	That's true.	14:53
26	493	Q.	was the family involved, is that what you are	
27			saying?	
28		Α.	Yes.	
29	494	Q.	Did you go back to your news editor and say, I have now	

1			identified the family in question?	
2		Α.	Yeah, I did.	
3	495	Q.	And what	
4		Α.	That would have been the evening before I went down	
5			there.	14:53
6	496	Q.	I see. What were you told to do?	
7		Α.	Said to go down in the morning. It's a strange thing,	
8			but I very nearly didn't go, could have avoided all	
9			this.	
10	497	Q.	I thought you said you had a landline conversation with	14:53
11			Mr. D, is that right?	
12		Α.	Yeah, that would have been the evening, the evening	
13			before.	
14	498	Q.	And the next morning	
15		Α.	Yeah.	14:53
16	499	Q.	you say you very nearly didn't go?	
17		Α.	Yes.	
18	500	Q.	Why so?	
19		Α.	Because I think something else had happened and they	
20			were going to send me on that instead.	14:53
21	501	Q.	I see.	
22		Α.	To be very honest, as well, I just thought it would be	
23			a nice kind of casual run up to Cavan, a nice county,	
24			and then come back. Day out of the office.	
25	502	Q.	But on the other hand, the Independent is planning a	14:54
26			massive three-day exclusive on your information?	
27		Α.	Yeah.	
28	503	Q.	So this wasn't just a nice little casual day up in	
29			Cavan; you were going there to see could you get the	

1			same story, isn't that right?	
2		Α.	I don't mean to be flippant about it, I'm sorry. I	
3			suppose I just wasn't massively invested in the story	
4			whatsoever because it wasn't my story.	
5	504	Q.	Put it this way: From the point of view of your	14:54
6			newspaper	
7		Α.	Yeah.	
8	505	Q.	if you could, and I don't want to use the phrase	
9			'spoil the story'	
10		Α.	Yeah.	14:54
11	506	Q.	but if you could get in first with a massive	
12			exclusive, it would be a big feather in your cap,	
13			wouldn't it?	
14		Α.	It wasn't even to be honest, a 'spoiler' would have	
15			been the wrong word for it. It was just that if they	14:54
16			broke this massive story, that we wouldn't be behind	
17			the wave, you know, that we would be	
18	507	Q.	I see.	
19		Α.	The term I use there is actually that would be my	
20			term, that we wouldn't be on the back foot. That was	14:55
21			it. It was so much a spoiler because it would have	
22			been unlikely that we'd have got the same level of	
23			contact you know, level of what's the word I'm	
24			looking for? cooperation, I suppose, as maybe	
25			Mr. Williams would. He's a very accomplished and	14:55
26			persuasive man.	
27	508	Q.	Did I get the impression from you that you believed	
28			that your news editor knew about this because Paul	
29			Williams had been indiscreet or had somehow revealed	

1			this information when he shouldn't have done?	
2		Α.	No, I wouldn't think so, no. I would doubt that very	
3			much. It's just we tend to hear, you know, if there is	
4			something big coming in other newspapers. It does	
5			happen. We all it's a very it's quite a small	14:56
6			industry in that respect, you know, we would know each	
7			other and we all have friends in different papers. And	
8			I suppose as the Tribunal has learned itself, all of us	
9			tend to work in each newspaper as the years go by, you	
10			know.	14:56
11	509	Q.	So when you arrived there, have you any date to put on	
12			this at all?	
13		Α.	Just that it was literally a matter of days after Paul	
14			williams had been there, like a small number of days -	
15			I'd say, like, maybe three or four days.	14:56
16	510	Q.	You see, I think Mr. McGuinness has already done this,	
17			but Mr. D gave the impression to the Tribunal that you	
18			and Debbie McCann and Mick O'Toole, via his Facebook	
19			contact, preceded his decision to go to Detective	
20			Superintendent Reilly and to approach Paul Williams.	14:56
21		Α.	Okay.	
22	511	Q.	So I'm just wondering, when you say that they expressed	
23			a preference to Paul Williams or for Paul Williams,	
24			what did you mean by that? Can you just elaborate	
25			slightly on that?	14:57
26		Α.	I rang up and I said who I was and he confirmed he was	
27		-	Mr. D.	
28	512	Q.	Mr. D, yeah.	
29	512	Q. А.	And he was just kind of, oh he wasn't, I would say,	
25		~ •	And he was just kind of, on the wash t, I would say,	

slightly taken aback that I was calling when I said I 1 2 was from the Sun, to be honest, and he said, well, we 3 have dealings with Mr. Williams. You know, was very polite, and everything, generally speaking, but I 4 5 suppose he was quite brusque on the phone at that 14:57 6 point, and then he rang back a few minutes later, I 7 I would try to be as polite as possible think, maybe. 8 whenever I am dealing with anybody, and said, look, basically that they wouldn't turn me away if I knocked 9 on the door, or maybe that was just an impression that 10 14.58 11 I got, just that they were so -- were so polite and 12 nice, I thought I'd chance it. Well, just to put it in context. Your understanding is 13 513 Q. 14 that Mr. Williams had already got his exclusive --15 Yes. Α. 14:58 16 -- is that right, and carried out his interview, is 514 Q. 17 that right? 18 That's correct, yes. Α. 19 515 And they were expressing some kind of preference for Q. keeping the matter exclusive to Mr. Williams, is that 20 14:58 21 what you understood? 22 well, my feeling was I had made some headway. Α. 23 well, you go up there the next day and you have 516 Yes. **Q**. 24 tea with Mr. D and Mrs. D in their room, in their 25 lounge, is that right? 14.58 26 Yeah, must have been their lounge, yeah. It's like a Α. 27 sitting room. 28 And as I understand your evidence now, you're saying 517 Q. that it was during the course of that conversation that 29

- 1 you became acquainted for the first time with the
- 2

nature of Ms. D's allegation, is that right?

3 A. I found them to be extremely forthright.

- 4 518 Q. Yes.
- 5 They were very honest about the situation. I don't Α. 14:59 6 want to be betraying anyone's confidences here, but 7 when they described exactly what the alleged incident 8 was, I remember being very surprised, just being kind of -- I don't mean to say is that it, but that was my 9 feelings, like, I just was surprised that such a minor 10 14.5911 incident, and again I really -- I hope I'm not 12 upsetting anyone by saying this, but my abiding memory 13 is of Mrs. D, that she was a very, very nice lady, but 14 she said to me they themselves struggle with the fact that it was such a minor incident had such a massive 15 14:59 16 affect on, allegedly on their daughter, you know, and 17 she asked a child counsellor about it at one stage. 18 why -- how can such a minor incident affect someone so 19 much.
- 20 519 Q. Without going into detail, did they explain to you the 15:00
 21 difficulties that Ms. D had gone through in the recent
 22 past?
- A. That would have been the bulk of the conversation. It
 was all --

25 520 Q. I don't want to go any further with that.

- 26 A. Okay.
- 27 521 Q. They did explain that to you?
- 28 A. They did.
- 29 522 Q. And so when you were finished your conversation with

1 them --2 Yeah. Α. 3 523 -- and came back to Dublin, you said this is a story Q. 4 that nobody could publish? 5 Absolutely not, no. Α. 15:00 6 CHAI RMAN: Do you mean the past relevant to the time 7 when the allegation was made, is that -- you said 'in 8 the recent past'. Are we speaking about 2014 or 2006? In the recent past, in two thousand 9 MR. McDOWELL: 10 and -- sorry, maybe I should be clearer about that. 15.0011 You're okay. Α. 12 I didn't want to get down into detail. But they spoke 524 Q. about --13 14 Α. With the difficulties their daughter's encountered, 15 yes. 15:00 And had been having for some time? 16 525 Q. 17 And I remember quite clearly, to be honest, because --Α. 18 You needn't go into detail about it. 526 Q. 19 No, no, that is fine, no, no. I was able to -- she was Α. volunteering in a charity that I had also volunteered 20 15:01 21 with, so we talked about that at length as well. 22 You see, the point that I'm asking you: When you got 527 Q. 23 back to Dublin, you'd come to the view that this was a 24 story that nobody could publish? 25 Now, I do believe that the only way Α. Absolutely, yeah. 15.0126 it could possibly ever -- the way it did see the light 27 of day in -- even though it didn't really, it was 28 half-cloaked, was the way that it was published in the 29 Irish Independent, is the only possible way you could

1			ever publish something like that.	
2	528	Q.	Yes.	
3		Α.	But, you know, we would never have published that, and	
4			that is what I said.	
5	529	Q.	This is by anonymising Ms. D?	15:01
6		Α.	Exactly, yeah.	
7	530	Q.	And then semi-anonymising Sergeant McCabe, it wouldn't	
8			be a story at all, is that right?	
9		Α.	It's just not something that we would have ever	
10			published, no. And I couldn't at the time I	15:01
11			couldn't see how anyone could.	
12	531	Q.	And can you just tell the Tribunal what your attitude	
13			was when you did see it coming out in pieces in the	
14			Independent? It was a three-day exclusive, obviously.	
15		Α.	I was surprised.	15:02
16	532	Q.	It trickled out over a difficult period of time, isn't	
17			that right?	
18		Α.	Well, firstly, I wasn't surprised when it didn't go,	
19			when it didn't run, and then when it finally did run I	
20			thought that was the only way they could have ever ran	15:02
21			it.	
22	533	Q.	And just arising out of that - just, I'm coming to the	
23			end now, I don't want to detain you much longer - you	
24			did speak to Superintendent Taylor after the event?	
25		Α.	Yes.	15:02
26	534	Q.	And you conveyed to him that you thought there was	
27			little or no story in it, is that right?	
28		Α.	I just said, do you realise how minor this do you	
29			realise the nature of that?	

1	535	Q.	Can I ask you, what preceded that? I mean, why were	
2			you discussing the allegation at all with him?	
3		Α.	He was somewhat exercised by comments made by Leo	
4			Varadkar.	
5	536	Q.	Just hold on a second. The former Commissioner had	15:02
6			said that the actions of the whistleblowers were	
7			'disgusting'.	
8		Α.	Mm-hmm.	
9	537	Q.	And he's told us that he meant the actions in	
10			disclosing information about third parties.	15:03
11		Α.	Yes.	
12	538	Q.	Minister Varadkar says in public: I would use the term	
13			'distinguished' rather than 'disgusting'	
14		Α.	Yes.	
15	539	Q.	referring to the penalty points matter, is that	15:03
16			right?	
17		Α.	Yes.	
18	540	Q.	So would you now tell me how, in that context, the	
19			allegation of sexual abuse arose in conversation	
20			between yourself and Superintendent Taylor?	15:03
21		Α.	He was giving out about Leo Varadkar.	
22	541	Q.	Yeah. And he was criticising, used the word	
23			'distinguished'	
24		Α.	He just thought he was causing trouble for Commissioner	
25			Callinan.	15:03
26	542	Q.	Yes. And I'm suggesting to you that the missing link	
27			here is that he must have said something to you about	
28			the sexual assault because you said	
29		Α.	No, I said to him: You know that allegation, I	

1 actually interviewed those people, there was nothing in 2 it. How was that relevant to whether he was 'distinguished' 3 543 Q. rather than 'disgusting'? 4 5 I suppose it's kind of --Α. 15:04 You know that allegation you put to him, isn't that 6 544 Ο. 7 right? You just said now: I said to him, you know 8 that allegation, I actually interviewed those people, there's nothing in it. 9 I said it's just not something we could ever --10 Α. 15.0411 545 So you must have had some prior conversation about it? Q. It might help - and I don't mean to 12 CHAI RMAN: 13 interrupt, Mr. McDowell - Ms. Murray, if you would --14 you know, maybe, sometimes, it is possible to put out 15 from your head, look, here's the first thing that was 15:04 16 said, he said, I said, he said, I said. I don't know 17 if you can do that? Maybe it would help. 18 MR. McDOWELL: Maybe go slowly through it, is that what I should say. 19 20 That's it. In the office, there was CHAI RMAN: 15:04 interest in it, I remember saying there's nothing in 21 22 this that could be published, and then I remember I had 23 some contact with David Taylor and he was somewhat 24 exercised about Leo Varadkar and saying, I would say --25 This would have been a good while, now I would say a Α. 15.05significant amount of time after I had been --26 27 CHAI RMAN: Oh, yes, we are talking about a long time 28 after, yes. 29 Α. Yes.

1	546	Q.	MR. McDOWELL: I'm just trying to put sense on it.	
2		Α.	Yeah.	
3	547	Q.	He says, you know, that man Varadkar is completely	
4		Α.	Causing trouble, yeah.	
5	548	Q.	goes on and saying that he is distinguished. How do	15:05
6			you get from that to a discussion about Ms. D's	
7			allegation of sexual assault?	
8		Α.	I said it to him. I said, I told him.	
9	549	Q.	You told him what?	
10		Α.	That I had been up there to Cavan.	15:05
11	550	Q.	To do what?	
12		Α.	To interview	
13	551	Q.	About what?	
14		Α.	About this allegation. It was well-known	
15	552	Q.	Were you telling him for the first time in all of your	15:05
16			dealings that you had	
17		Α.	There hadn't been a huge amount of dealings with him,	
18			though.	
19	553	Q.	No. But, I mean, the point is, that if you are saying	
20			this in response to his suggestion that the word	15:05
21			'distinguished' was inappropriate for Sergeant McCabe,	
22			it seems to me, and I'm just giving you an opportunity	
23			to deal with it, that you must have had a prior	
24			discussion	
25		Α.	I didn't.	15:06
26	554	Q.	or must have brought up the subject with him of the	
27			sexual allegation?	
28		Α.	I have no recollection of ever bringing that up with	
29			him, ever, or him bringing it up with me. I went up	

1 there, as I explained. I have tried to be as helpful 2 as I can possibly, I really have. 3 CHAI RMAN: Mr. McDowell is not challenging any of that, he is not saying you were being helpful [sic] -- it's 4 5 just --15:06 I'm trying to just think how the subject 6 MR. McDOWELL: 7 could move from him being annoyed with the use of the 8 word 'distinguished' about Sergeant McCabe --Yeah. 9 Α. -- and you then throwing in, you know, I went up there 10 555 Q. 15.0611 and discussed --12 That's exactly how it happened, as you are saying. Α. Ι 13 just said it. No, but what Mr. McDowell is really asking 14 CHAI RMAN: 15 you is, he is saying kind of this: Quite often a 15:06 16 conversation is like a jigsaw, there's a piece of it, 17 there's another piece and a piece fits in, if you like. 18 Yeah. Α. 19 CHAI RMAN: And his puzzle is: Well, how does an 20 allegation of sex abuse fit in to the fact that Leo 15:07 Varadkar is saying they're not disgusting, they're 21 distinguished? 22 23 Yeah. Α. 24 CHALRMAN: So how does it come in? 25 Yeah. Α. 15:07 26 CHAI RMAN: There's some people who produce non 27 sequiturs in the source of conversation. I don't know, 28 but maybe you could try and help him as to how you 29 dropped that in without any kind of prior talk about

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1			sex abuse or Maurice McCabe?	
2		Α.	I would have said that there was nothing in there	
3			was nothing that you could ever publish as regards the	
4			allegation.	
5	556	Q.	MR. McDOWELL: Yes. well, you see, the point is 1	5:07
6			well, maybe can I put this proposition to you.	
7		Α.	Yeah.	
8	557	Q.	If he thought the word 'distinguished' was	
9			inappropriate for Sergeant McCabe and	
10		Α.	He didn't really go that far, in fairness. It was kind $_{ m 1}$	5:07
11			of	
12	558	Q.	No, but if the conversation was running along that line	
13			and that 'disgusting' was the better word to apply to	
14			him, could that have been a trigger for you mentioning	
15			the sexual abuse allegation?	5:07
16		Α.	Yeah. Yes. Yes, sir. Yes, Chairman. I suppose so.	
17			MR. McDOWELL: Thank you. That is all.	
18		Α.	Is there any chance I could have a break for two	
19			minutes, is that okay?	
20			CHAIRMAN: Yes, of course you can. No problem at all. 1	5:08
21			You can just tell me when you are ready.	
22		Α.	Thank you.	
23				
24			AFTER A SHORT ADJOURNMENT THE HEARING RESUMED	
25			AS FOLLOWS:	5:16
26				
27			THE WITNESS WAS CROSS-EXAMINED BY MR. FERRY:	
28				
29	559	Q.	MR. FERRY: Good afternoon, Ms. Murray. My name is	

1 John Ferry, and I'm here representing Superintendent 2 Taylor. And just in relation to your evidence today, you've given an account of having an interaction with 3 somebody who, I think you said shortly after you came 4 5 to Dublin, you had a very small interaction, it was 15:17 6 your first contact in relation to anything to do with 7 Maurice McCabe, is that correct? 8 That's correct, yes. Α. And I think you also said then that you had been 9 560 Q. 10 directed or, I think, deputed by your -- by Fergus 15:17 11 O'Shea to travel to Cavan, is that correct? 12 That's correct, yes. Α. 13 But I don't know and I could have missed it. but did 561 Q. 14 you actually say what you had heard about Maurice 15 McCabe in relation to Ms. D? I don't know if you --15:17 16 what did you actually hear? What were you told? 17 Sorry, that there had been an allegation in the past Α. 18 made against him, an allegation of a sexual nature with 19 a minor. 20 562 Yes. And was that the height of it? Was it just put **Q**. 15:18 to you like that? 21 22 Pardon? Α. 23 563 Was that the height of it? It was just put to you like **Q**. 24 that? It wasn't even said, like, in that much detail, even. 25 Α. 15.18It was just, oh, there's something in the past there. 26 27 564 And was this by the first interaction you had? Q. That was the first and only. The next I heard of it 28 Α. 29 was --

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1	565	Q.	And this was, I think you said, shortly after you came	
2			to Dublin?	
3		Α.	I couldn't put an exact date on it, but I would say it	
4			was just early 2014.	
5	566	Q.	Yes. And so this person just said to you there was an	15:18
6			allegation. Did he say who it was or	
7		Α.	NO.	
8	567	Q.	I'm asking you what were you told by that person? Can	
9			you tell us what you were told?	
10		Α.	We were discussing Maurice McCabe and sorry, we were	15:18
11			discussing the penalty points issue.	
12	568	Q.	Yes.	
13		Α.	And the person just goes, there's something in the	
14			background there, there was an allegation made against	
15			him years ago.	15:19
16	569	Q.	So whoever you were talking to and the conversation was	
17			about the penalty points issue?	
18		Α.	Well, yeah, it would have yeah.	
19	570	Q.	Yes.	
20		Α.	I would regard the two in the same	15:19
21	571	Q.	Yes. Now, you said in your evidence that you said	
22			that you weren't interested in the penalty points issue	
23			or story, is that right?	
24		Α.	Not particularly, no.	
25	572	Q.	Yes, because of your line of work, that wasn't	15:19
26		Α.	It would be more a politics side of things. Even	
27			though I do like, I mean, on a personal level, I	
28			enjoy politics, but I suppose I fell into a role in the	
29			Sun, you know.	

1	573	Q.	Crime was your primary concern?	
2		Α.	Yeah.	
3	574	Q.	So I am just like, if somebody was talking to you	
4			about the penalty points issue	
5		Α.	Mm-hmm.	5:19
6	575	Q.	why did they suggest there was something else to	
7			Sergeant McCabe?	
8		Α.	I don't know. I suppose that's an issue for them.	
9	576	Q.	Was this somebody that was a new acquaintance of yours	
10			or was it somebody you had known before you came to 💦 🕫	5:19
11			Dublin?	
12		Α.	I had known them before, yeah. I worked I would	
13			have had I didn't just work in Belfast; I mean, I'd	
14			worked in Dublin for a number of years, I knew a lot of	
15			people.	5:20
16	577	Q.	Yes. And the way that it was presented to you, was it	
17			presented in a manner that this was something to be	
18			wary of in relation to Sergeant McCabe?	
19		Α.	Not particularly. I mean, the person wasn't that	
20			period wouldn't have been invested in any kind of to	5:20
21			malign Maurice McCabe either.	
22	578	Q.	But, I mean, maybe you can't say, but why had they an	
23			interest in Maurice McCabe, this particular person?	
24		Α.	There was a discussion going on at the moment, it could	
25			have been a day where a news story broke about it, you 🛛	5:20
26			know. I just recall	
27	579	Q.	So Maurice McCabe came up in the conversation?	
28		Α.	Yeah.	
29	580	Q.	He may or may not have been in the news that day?	

1		Α.	Mm-hmm.	
2	581	Q.	The penalty points issue was discussed and that there	
3			was something said about Maurice McCabe?	
4		Α.	Literally, it would have been a matter of seconds	
5	582	Q.	Yeah.	15:20
6		Α.	you know what I mean? It would have been literally	
7			just like, there's penalty points. To be totally	
8			honest, I actually think the tone of the conversation	
9			was that the penalty points issue was somewhat	
10			tiresome.	15:21
11	583	Q.	Right.	
12		Α.	Just sick of hearing it in the news	
13	584	Q.	Okay.	
14		Α.	would have been the tone of the conversation.	
15	585	Q.	Yes. But was this prior to the PAC meetings? Had the	15:21
16			Garda Commissioner appeared at PAC at that time?	
17		Α.	I don't know, I'm sorry.	
18	586	Q.	When did you come to Dublin? What year?	
19		Α.	I came in November 2013, I began to work in the Sun.	
20	587	Q.	Okay. So it's likely it was before the Commissioner	15:21
21			appeared at the PAC?	
22		Α.	I'd say so. I don't know. I'm sorry. I don't know.	
23	588	Q.	That is okay. But you're not sure exactly what the	
24			detail was about the allegation?	
25		Α.	No, no.	15:21
26	589	Q.	But you were told there was an allegation and it	
27			involved a minor?	
28		Α.	Yeah.	
29	590	Q.	And were you told it was a garda sergeant?	

1		Α.	No, I didn't know that, no.	
2	591	Q.	Well, what detail was given about Maurice McCabe?	
3		Α.	Just that single piece of information that he was	
4			accused years ago.	
5	592	Q.	Yes. And did you know he was a garda sergeant?	15:22
6		Α.	Maurice McCabe?	
7	593	Q.	Yes.	
8		Α.	Yes, yeah, just from he'd been in the news, yeah. I	
9			did at that point, yeah.	
10	594	Q.	well, as opposed to being a guard or a superintendent	15:22
11			or a chief, would you have known that he was a	
12			sergeant?	
13		Α.	I don't know. I think he had been in the news, that he	
14			was a sergeant. So I'm sure I did, yeah, I sure	
15	595	Q.	Yes. Well, I mean, somebody in your position dealing	15:22
16			with the Gardaí and going to crime scenes, you would be	
17			very familiar with the rank structure in the guards?	
18		Α.	Yes.	
19	596	Q.	And would you be very familiar with the distinction	
20			between a uniformed member and a plain clothes member?	15:22
21		Α.	A detective, yes, I would.	
22	597	Q.	Yes. And in relation to the first interaction you had	
23			in relation to this man that is the subject of a lot of	
24			the queries before the Tribunal, Sergeant McCabe	
25		Α.	Mm-hmm.	15:22
26	598	Q.	when that person spoke to you, were you aware that	
27			it was a uniformed garda sergeant that that allegation	
28			was being made about?	
29		Α.	Well, yeah, I was aware it was Maurice McCabe and I	

1 knew he was a sergeant, yeah	۱.
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CHAIRMAN: No, but at this point --

3 A. Sorry.

2

No, don't worry, it's no problem. It's just 4 CHAI RMAN: 5 that we're zeroing things down now, Mr. Ferry, you 15:23 6 appreciate that, and, I mean, I have made a ruling that 7 we can't publish a rank. I mean, these people are 8 entitled to be left alone. So there, I just have to mention it any time someone mentions a rank or whether 9 they are detective branch or non-detective branch. 10 SO 15.23 11 please carry on. So if you just zeroed it down to a 12 rank, there would be no problem. 13 MR. FERRY: Okay, I appreciate that. 14 CHAI RMAN: Yes. That is the reason I'm intervening. 15 It's in the interests of the family. 15:23 16 MR. FERRY: Yes. But was it -- I suppose what I'm 599 Q. 17 getting at: So was that story presented to you in a 18 way that, be wary of Sergeant McCabe? 19 NO. Α. Was it presented in a way that there's more to this 20 600 **Q**. 15:23 21 than meets the eye? 22 Α. NO. 23 well, whatever way it was presented, you seem to have 601 **Q**. 24 said that it was presented in a way that the penalty 25 points was tiresome at this stage? 15.2426 Well, that would have been the conversation before it, Α. 27 if you know that kind of --28 Yes. 602 Q. 29 Yeah. Α.

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And you said you had no issue in the penalty points, as 1 603 Q. 2 such? 3 No, not really. Α. So if penalty points had become tiresome --4 604 0. 5 Mm-hmm. Α. 15:24 6 605 -- and for some reason you end up travelling to **Q**. 7 Cavan --8 Mm-hmm. Α. -- is it fair to say that the other element of what you 9 606 Q. had been told in that first interaction became very, 10 15.2411 very important? 12 It wasn't very important to me. Α. 13 607 So are you saying now that the first interaction you 0. 14 have in relation to Sergeant McCabe, there's a 15 reference to penalty points and there's a reference to 15:24 16 the allegation of sexual assault on a minor, so you're 17 saying the penalty points had become tiresome and was 18 not important? 19 That was just the general sort of feeling about it. Α. But are you actually saying that in light of your 15:24 20 608 **Q**. Yes. own evidence where you were then directed and you 21 travelled to Cavan? 22 23 That would have been sometime later. Α. 24 But what I am saying to you: Of the two elements 609 Yes. Q. 25 in that first interaction you had, the penalty points 15.2526 was of no relevance, but, for some reason, you end up 27 being directed to travel to a stranger's house in Cavan where you have information that a child may have been 28 29 subject to sexual abuse by a serving garda sergeant.

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1 Now, what I'm saying to you is: Isn't that for some 2 reason something that at that time took on major 3 significance in the journalism world? It wasn't that major. 4 Α. 5 610 Because I would suggest that why would you be Q. 15:25 6 travelling to Cavan if it was not important? 7 As I've explained repeatedly, the reason I was there Α. 8 was because we heard another newspaper were about to publish a series of articles that -- it was obvious 9 this didn't happen, but the reason I was there was 10 15.2511 because we were informed the Irish Independent were 12 going to -- had some major story. I didn't know what 13 that major story was. 14 611 Q. Yes. 15 So I was going to try and find out what it was. Α. 15:25 16 612 Okay. Well, coming to that major story --Q. 17 which wasn't, it wasn't a major story. Α. 18 The Paul Williams story? 613 Q. 19 It turned out not to be, yes. Α. Well, that is something that -- I think that is your 20 614 **Q**. 15:26 opinion. 21 22 The reason we went down there --Α. 23 If you were Sergeant McCabe, for example --615 Q. 24 Of course, yes, yeah. I'm sorry, I did not mean to be Α. 25 at all flippant about that. 15.26 26 616 No, no, I know, I appreciate that. But, I mean, there 0. 27 have been witnesses who said that they have never read the articles, but I am sure many's the person did. 28 There are articles from the 12th April onwards --29

1		Α.	Indeed.	
2	617	Q.	in relation to this case, in relation to the family	
3			that you visited in Cavan.	
4		Α.	Yeah.	
5	618	Q.	Now, you didn't publish them, but another journalist	15:26
6			did publish them, and they were significant articles?	
7		Α.	Okay. I didn't really regard them as being	
8			significant. I remember thinking	
9	619	Q.	Just for a minute, Ms. Murray, I am not going to dwell	
10			too long on it, but this Tribunal is sitting now for	15:26
11			over a year, okay, in relation to this?	
12		Α.	Okay.	
13	620	Q.	There was an article published in relation to a serving	
14			member of the Gardaí, okay?	
15		Α.	Yeah.	15:27
16	621	Q.	And the article was in relation to an investigation	
17			that there was a suggestion was not properly conducted	
18			into an allegation against a serving member, and there	
19			was mention of it being referred to politicians,	
20			etcetera, etcetera?	15:27
21		Α.	Yes.	
22	622	Q.	So I put it, it was a very significant article?	
23		Α.	Mr. Ferry, I didn't think it was.	
24	623	Q.	Yes. But in any event, for somebody who had just	
25			arrived in Dublin, had been given this information from	15:27
26			a small interaction with somebody about Sergeant	
27			McCabe, what further information did you get? Now, I	
28			know you already referred to this, but you seem to be	
29			suggesting you knew very little about	

1 A. I didn't.

T		А.		
2	624	Q.	Sergeant McCabe, penalty points or the allegation?	
3		Α.	No, that is not true. I mean, I suppose I would have	
4			known about the penalty points issue, definitely. You	
5			know, I read the newspapers. I would like to think	15:27
6			that I am a person that is well-informed.	
7	625	Q.	Yes.	
8		Α.	I think it's just that my feelings at the time were	
9			that there was a lot of attention being put on penalty	
10			points when maybe the guards had bigger issues, bigger	15:27
11			problems.	
12	626	Q.	Yes. But prior to travelling Cavan, you spoke to	
13			Fergus O'Shea, I think you spoke to Fergus O'Shea, or	
14			he was a person	
15		Α.	I was directed by him.	15:28
16	627	Q.	Yes. Well, did he give you further information	
17		Α.	No.	
18	628	Q.	in relation to the whole issue?	
19		Α.	No.	
20	629	Q.	So at this stage you'd had a small interaction with	15:28
21			somebody after coming to Dublin, Fergus O'Shea doesn't	
22			give you any further information, okay. So apart from	
23			that initial interaction, what other information did	
24			you have?	
25		Α.	Nothing. I didn't know, I didn't know the nature of	15:28
26			the allegation until I got to Cavan and they told me.	
27	630	Q.	Okay. Now, Superintendent Taylor has given evidence	
28			that you're one of a number of journalists that he	
29			spoke to prior to attending at the Ms. D household,	

1			okay. So in relation to your inquiries, you'd only	
2			been in Dublin for a couple of months?	
3		Α.	Yes.	
4	631	Q.	And you're now about to head to Cavan, okay?	
5		Α.	Yeah.	15:29
6	632	Q.	You said that you first met Superintendent Taylor at	
7			crime scenes?	
8		Α.	Yeah.	
9	633	Q.	And I think you'd also been you've said that you	
10			were directed or advised or recommended by somebody in	15:29
11			your employment to make yourself known to	
12			Superintendent Taylor. Now, would you not have made	
13			any inquiries of the Garda Press Office in relation to	
14			travelling to Cavan	
15		Α.	NO.	15:29
16	634	Q.	or information prior to going there?	
17		Α.	I wouldn't inform the Press Office of stories that I	
18			would be trying to do, no, absolutely not. To do it	
19			beforehand would be counterintuitive, actually.	
20	635	Q.	Yes. Well, I mean, to talk to Superintendent Taylor	15:29
21			beforehand?	
22		Α.	I did not speak to him beforehand.	
23	636	Q.	But you had been in contact with him beforehand?	
24		Α.	Very, very little, and you'll see from	
25	637	Q.	Yes.	15:29
26		Α.	I mean, if you don't know someone at all, you're not	
27			going to bring up some kind of	
28	638	Q.	Do you have maybe you've already said this, but do	
29			you have a note of the date that you travelled to the	

1 Ms. D household? 2 I don't, except I suppose I found when Paul Williams Α. 3 was certain of the date that he was there, that some -that enlightened me as to the -- I must have been 4 5 there. It was literally just a matter of days later. 15:30 So after Mr. Williams or after Ms. McCann? 6 639 Yes. Q. 7 Mr. Williams. The Tribunal has been mistaken up to Α. 8 this point where they thought that I had gone there second as opposed to third. 9 10 640 So I think Mr. Williams is saying he was up there 15:30 Q. Yes. 11 on the 5th March --12 Okay. Α. 13 -- and I think conducted the interview on the 8th, 641 Ο. 14 maybe 9th March? 15 whatever day that he took video footage. Α. 15:30 16 I think that is the 8th or 9th March. 642 0. Okay. Well, I would have been a few days after that. 17 Α. 18 643 So just in relation to contact with Okay. Q. 19 Superintendent Taylor, the phone records that have been 20 referred to by Mr. McGuinness, they're set out at page 15:30 3325 in the document that I have in Volume 13, and 21 22 again I appreciate your evidence, but on my looking at 23 the document there, it starts on the 12th February. 24 Yeah. Α. 25 And between that and the 12th March, I count I think 644 Q. 15.31 26 there's 12 contacts with Superintendent Taylor. 27 Okay. Α. 28 645 Q. Okay? 29 None of those calls lasts longer than -- the longest Α.

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1			calls lasts three minutes, I suppose, maybe that could	
2			be something but that was on the 26th February.	
3	646	Q.	Yes.	
4		Α.	So I did not discuss anything to do with I didn't.	
5	647	Q.	But you had had contact with him	15:31
6		Α.	Yes.	
7	648	Q.	on the phone. And would you have met him also at	
8			crime scenes around that time?	
9		Α.	I suppose I would have. I can't recall specific.	
10	649	Q.	But your evidence is that you had no discussion with	15:31
11			him about	
12		Α.	Before I went down there, absolutely not, no.	
13	650	Q.	Had you any discussion with him about Sergeant	
14			McCabe	
15		Α.	No.	15:32
16	651	Q.	before going up there?	
17		Α.	No. I didn't really know him, and any contact I would	
18			have had with him at that stage, it would have been	
19			directly related to a breaking-news incident.	
20	652	Q.	Yes. And again, after attending at the house with	15:32
21			Ms. D, would you have had any contact about Sergeant	
22			McCabe with Superintendent Taylor in the immediate	
23			aftermath?	
24		Α.	Not in the immediate, no. Like, it was about a week,	
25			I'd say, later I mentioned it to him.	15:32
26	653	Q.	Well, I think you're putting a timeline on it, on the	
27			comments of the now-Taoiseach, Minister Varadkar?	
28		Α.	Okay, yeah.	
29	654	Q.	You're putting that as a timeline, I think, Ms. Murray,	

1			is that correct?	
2		Α.	Yeah, yeah.	
3	655	Q.	So I think your evidence is that when you did discuss	
4			the Ms. D visit, that you knew that Superintendent	
5			Taylor was somewhat exercised about the Varadkar	15:32
6			comment	
7		Α.	Mm-hmm.	
8	656	Q.	in relation to Commissioner Callinan?	
9		Α.	Yeah.	
10	657	Q.	Now, on my notes, now subject to correction, but those	15:33
11			comments by Mr. Varadkar, I think, were made on the	
12			20th March 2014.	
13		Α.	Okay. I will take your word for it. I don't know.	
14	658	Q.	Yes. An again, just looking at the phone records that	
15			have been referenced there at Volume 13, between the	15:33
16			12th March 2014 and 20th March 2014, there are 28 phone	
17			contacts?	
18		Α.	Okay. I see that, yeah.	
19	659	Q.	So, for some reason, you've 28 phone contacts, but it's	
20			not until the 20th March, after 28 phone contacts	15:33
21		Α.	So, sorry, from which date are you saying?	
22	660	Q.	Well, I'm just giving a rough guesstimate. From the	
23			12th March. So Mr. Williams has been up on the	
24			either the 8th or the 9th and taken a video. You go up	
25			some days after that?	15:34
26		Α.	Yes.	
27	661	Q.	So I am just taking it from the 12th March right	
28			through until	
29		Α.	Okay.	

-- the 20th March. I could be wrong, but I just give a 1 662 Q. 2 quick count there, I think there's 28 contacts there. 3 Okay. Α. Now, in your evidence, you're saying that it was only 4 663 0. 5 when the Mr. Varadkar comments were made --15:34 6 That is my memory of when I spoke to him about it. Α. 7 664 -- that you mentioned Ms. D and the story? **Q**. 8 Yes. Α. Now, in those circumstances, when you said you 9 665 Q. Yes. 10 were talking to Superintendent Taylor and he was 15.3411 exercised about the impact of the Varadkar comment, 12 which I think was referring to Sergeant McCabe as being 13 distinguished, and the impact of that on Commissioner 14 Callinan, in the course of recollecting the Ms. D 15 visit, you said there was nothing you could ever 15:34 16 publish? 17 Yes. Α. 18 Now, if you had never discussed Ms. D and the visit to 666 Q. 19 Ms. D with Superintendent Taylor before --20 Yeah. Α. 15:35 -- how could that have come into that conversation in 21 667 Ο. 22 relation to the 'distinguished' comments and 23 Mr. Varadkar? 24 Because I brought it up. Α. 25 Yes. But why would you bring it up if Mr. Taylor, if 668 0. 15.3526 you had 28 contacts from around the time you say you 27 visited Ms. D until the Varadkar comment? 28 I understand the point you're trying to make, but I Α. 29 certainly did not -- like, I can only tell you what my

1 memory is of it, you know. I didn't -- that's the only 2 timeline I can put on it. I didn't. And you certainly 3 wouldn't be texting someone something like that, you know. 4 5 669 You wouldn't be texting someone something like that. Q. 15:35 6 But also, I put it to you that as a journalist with the 7 Irish Sun, you certainly would not be bringing that up 8 with the Garda Press Officer unless there had been some prior discussion about Ms. D and your visit to her 9 household? 10 15.3511 There wasn't. Α. 12 670 I put it to you it would be absolutely absurd to Q. suggest otherwise? 13 It's not absurd because it's the truth. 14 Α. It's absolutely not. So I'm sorry, I really tried to be as 15 15:36 16 helpful as I can possibly be to you here. 17 CHAI RMAN: No, but you've got to appreciate the process 18 is that the questions are put to you. 19 I know. Α. 20 CHAI RMAN: You don't have to actually engage with him 15:36 on a level where you think this person actually 21 22 believes that. 23 Okay. Α. 24 CHAI RMAN: It's his client's instructions. 25 Α. Okav. 15:36 26 CHAI RMAN: So that is the way to look at it. 27 671 Q. MR. FERRY: Now, just at the very start of your 28 evidence, Ms. Murray, you had said that you had - just 29 bear with me a second, I have a note made of it here

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1 somewhere - I think you said: 2 "I believe I wasn't briefed negatively by any member of 3 An Garda Síochána." 4 5 15:37 6 Sorry, I am wrong in that. I will start again. 7 "I believe I wasn't briefed negatively. No member of 8 An Garda Síochána told me that Maurice McCabe was a 9 child abuser, ever. I never heard that." 10 15:37 11 12 Okay? And you have also said: 13 14 "I never allowed myself to be part of a smear campaign." 15 15:37 16 17 Okay? 18 Yes. Α. 19 672 Have you got that? Now, I have to put it to you that Q. 20 while that may be, that is your evidence, within a very 15:37 21 short period of time of arriving in Dublin --22 Pardon? Α. 23 673 Within a short period of time of arriving in Dublin, Q. 24 your first interaction in relation to Sergeant McCabe 25 includes what is a smear campaign, in that whoever had 15.37 spoke to you added on a rider that there was a back 26 27 story to Sergeant McCabe? I didn't regard it as a smear campaign at the time. 28 Α. 29 674 And prior to travelling up to Ms. D's household, you 0.

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1 had spoken, by his own phone records, to the Garda 2 Press Officer, or there had been contacts, they weren't 3 all telephone calls, but there were 12 different contacts before travelling to her household? 4 5 From when? Α. 15:38 6 675 From the time that you started communicating with **Q**. 7 Superintendent Taylor on the 12th February 2014? 8 As I said before, none of those phone calls lasted a Α. 9 minute, even, so, I mean --10 676 Q. Yes. 15:38 11 -- it's somewhat absurd that you think that I could Α. 12 have this full detailed conversation with him. 13 well, I will ask you this: Prior to travelling 677 Yes. Q. 14 on the day trip that you said would -- you thought 15 would be a nice casual run up to Cavan, had you heard 15:38 16 anything positive about Sergeant McCabe? 17 There was a lot of -- yeah, I mean -- unfortunately for Α. 18 me now, I'm on Twitter a lot, people are always saying 19 how wonderful he is. 20 Yes. You are a relatively young journalist --678 **Q**. 15:39 21 Thank you. Α. 22 -- who is new into the Dublin journalist scene, isn't 679 Q. 23 that fair to say, at that time? 24 No, that is incorrect. Α. 25 well, I thought you'd said you'd --680 Q. 15.39I began working here in Dublin a decade ago, I split my 26 Α. 27 time between here and Belfast over the years. 28 681 Q. Yes. I would be very familiar with the Dublin media scene. 29 Α.

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1	682	Q.	Yes. But at that time you had just come to your new	
2			role in the Sun?	
3		Α.	Yeah, but prior to that I worked for the Sunday World	
4			and I would have had a lot of contact with the Dublin	
5			office as well. I did a mixture of stories north and	15:39
6			south. I lived in Belfast, but I was very, you know,	
7			this is learn from, and I would	
8	683	Q.	But I understood it was a new role in the Sun that	
9			you'd commenced?	
10		Α.	Yes.	15:39
11	684	Q.	And you're new in the Sun. Your first interaction in	
12			relation to Sergeant McCabe is as outlined. You're	
13			saying that you had, just you're directed by your	
14			journalist	
15		Α.	My first interaction as in it's the first time I heard	15:39
16			the allegation. I can't say it's the first	
17			conversation I ever had of it. I just recall that,	
18			because it was you know, it's the kind of news you	
19			would remember.	
20	685	Q.	Yes. It's at a time when the issue involving Sergeant	15:40
21			McCabe, I would say, was at its height, in that it's	
22		Α.	I'd agree with you, yes.	
23	686	Q.	Yes. And it's at a time when all of the journalists	
24			certainly that have come before this Tribunal, even	
25			though you have said you've no interest in the penalty	15:40
26			points, we have had evidence from numerous, who are	
27			normally crime journalists, who are all covering the	
28			story of the penalty points.	
29		Α.	Okay. I barely did. I was surprised today to hear	

1			that I actually did author a couple, because I don't	
2			remember ever writing about it.	
3	687	Q.	Yes. Now, you're giving evidence that what seems to	
4			be coming across to me is that you are saying, you	
5			didn't think it was that big a deal, this whole story? $_{15}$	5:40
6		Α.	No, that's not true at all. Of course it's a big deal.	
7			It's an issue of huge public importance, but me	
8			personally	
9	688	Q.	Yes.	
10		Α.	it just was in the news all the time, I thought that ${}_{15}$	i:41
11			maybe it was being politicised unfairly in some way.	
12			You know, I think I felt that my job at the time, I	
13			was covering courts a huge amount of the time, and I	
14			can remember feeling quite sorry for regular guards,	
15			thinking that they are being sort of done down 15	5:41
16			constantly by this one issue that I thought there was,	
17			you know that was my feeling at the time.	
18	689	Q.	Yes.	
19		Α.	It's not that I didn't think it was important. Of	
20			course it was important. And it is, of course. 15	5:41
21	690	Q.	Yes. Well, I think in relation to the visit to Ms. D's	
22			house, you said you were expecting a nice casual run up	
23			to Cavan. I don't think that	
24		Α.	Again, I didn't mean to be flippant at all, and I'm	
25			sorry.	5:41
26	691	Q.	I'm not saying you were flippant, I am not saying that	
27			at all, but I think	
28		Α.	I very nearly didn't go to Cavan that day, because	
29			there was discussions I was going to be sent somewhere	

1 else, and I kind of thought, like I can remember it 2 was -- it's quite a beautiful county, I can remember my 3 feelings that day, it's really nice, and that was it. But I understood that you were of the view that 4 692 0. Yes. 5 it wasn't -- you didn't expect it to be a huge story in 15:42 6 whatever you were being sent on, you didn't think there 7 was a huge story in it, in whatever job you were sent 8 on? Well, I didn't know. I was curious, obviously, you 9 Α. But, I mean, I didn't know what it was, because 10 know. 15.4211 my understanding from that first interaction I had with 12 someone, that this was an allegation years ago. Τ 13 never really gave a huge amount of thought afterwards 14 until this other thing. I was sent down there. 15 693 Yes. Q. 15:42 16 And then I believed just maybe there's more to it. то Α. be honest, it was kind of -- I was wondering maybe it's 17 18 being reinvestigated, maybe there was -- you know, it was something like that. That was my feelings. 19 Well, what you did say was that, at the time 15:42 20 694 Ο. Yes, yes. you said: We were under the impression that the 21 22 story - and I think you were referring to the Paul 23 Williams story - was going to run for days. 24 Three days was my -- yeah. Α. But then it didn't? 25 695 0. 15:42 26 Yes. Α. 27 696 Yeah. Why didn't it? Q. Well, I wasn't surprised when it didn't because I 28 Α. 29 thought if I had got -- if the story was as I had heard

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1 it from that family, I was not surprised that it didn't 2 run. 3 697 Q. No, no, but before you heard it from the family, you said "we", so there's more than yourself, were under 4 5 the impression that this story, the Paul Williams 15:43 6 story, was going to run for days. So you're saying three days? 7 8 I don't know, yeah, three days. Α. What was giving you or the people in journalism in 9 698 Q. Dublin at that time such an impression --10 15.4311 I don't know. Α. 12 -- because it would be rare, would it for --699 Q. I think that is a question for Mr. Williams. 13 Α. 14 700 Ο. No, no, no, you're saying that you -- or you're said, 15 we were under the impression that this story, so the 15:43 16 Williams story, so the people in the journalism 17 world --18 Yes. Α. 19 701 -- at this particular time when Sergeant McCabe is a Q. 20 big story? 15:43 21 Yeah. Α. 22 Regardless of penalty points and what you think of it, 702 **Q**. 23 Sergeant McCabe was a big story at this time, okay, so 24 I put it to you, it's relevant in relation to context 25 here? 15.4326 Okay. Α. 27 703 Okay. So while certain people were attending at the Q. 28 PAC and different places, within a very short timeframe 29 journalists are travelling to Cavan, okay?

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1 Α. Okay. 2 And those journalists, at least one of them, yourself, 704 Q. 3 and somebody else, when you're referring to "we", somebody else in your employment has an impression that 4 5 the Paul Williams story is going to run for three days; 15:44 where did that impression come from? 6 7 I don't know. I mean, it would have been -- as I said Α. 8 before, the grapevine, you know, journalism grapevine. Okay. But surely it was something major? Surely you 9 705 Q. just didn't hear, oh, listen -- somebody didn't come 10 15.4411 into a meeting and say, I have an impression that story 12 is going to run for three days? Surely they came in 13 and said, Paul Williams is going to write a story about X, whatever --14 15 Okay. Α. 15:44 16 -- and it's going to run for days. So what had you 706 Q. 17 heard at that time? There's something missing here? 18 There isn't. I've told you exactly everything. Α. 19 707 Had you worked with Mr. Williams before? Q. 20 Α. Never. 15:44 21 708 Did you work with him in the Sunday World? Ο. 22 NO. Α. 23 Did you work with people who worked with him in the 709 Q. 24 Sunday World? 25 Α. Yes, I am sure I have, yes. 15:45 26 710 And did any of them work with you at this period of 0. 27 time in the Sun? 28 No, no. Α. 29 So again, you're saying there was nothing in particular 711 Q.

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1			to suggest why it was going to run for three days?	
2		Α.	It's just things sometimes I mean, newspapers, they	
3			can get - I wouldn't say be blown out of proportion,	
4			but never in publication, but sometimes people would	
5			say this big thing is coming up and then it's not.	15:45
6	712	Q.	Yes. Now, I have to put it to you that at that time	
7			the story of Sergeant McCabe was a big story?	
8		Α.	Yes.	
9	713	Q.	And I put it to you that at that time the impression	
10			that you had was that Paul Williams was about to write	15:45
11			something very big about Sergeant McCabe?	
12		Α.	Well, I imagine that it was new information.	
13	714	Q.	Yes.	
14		Α.	That's the only thing I can think of.	
15	715	Q.	Yes. And on my instructions, I have to put it to you	15:45
16			that, in the course of your interactions with	
17			Superintendent Taylor prior to travelling up, that you	
18			had spoken to him and that you had informed him that	
19			you were travelling to Ms. D's house?	
20		Α.	That's incorrect.	15:46
21	716	Q.	And I put it to you that that is the only thing, that	
22			would be a natural	
23		Α.	I think my phone records will back up exactly what I am	
24			saying. I don't know how I mean, literally, there's	
25			no length of phone calls there at all. So, I'm sorry,	15:46
26			I can't I can't help you any further with that.	
27			It's not true.	
28	717	Q.	well, I mean, we have about 40 contacts from the time	
29			that you first had contact on the phone on the 12th	

1			February.	
2		Α.	Could I have a look at that? What page is that on,	
3			please?	
4	718	Q.	That's at page 3325.	
5		Α.	Sorry, what volume is it?	15:46
6	719	Q.	That's Volume 13, Ms. Murray.	
7		Α.	Okay. So from the 12th February up until?	
8	720	Q.	Up until the 20th March, which was when I put a time on	
9			Mr. Varadkar's comment.	
10		Α.	Okay. So when do you before I went up there	15:47
11			before I went up there, was actually the question you	
12			asked me, I believe.	
13	721	Q.	No, but you were saying that you didn't have a	
14			significant amount of contacts with Superintendent	
15			Taylor?	15:47
16		Α.	Prior to me going up there?	
17	722	Q.	Yeah. Well, prior to you going up there, you had 12	
18			contacts by phone?	
19		Α.	Okay.	
20	723	Q.	But I think in your own evidence you've also said that	15:47
21			you had some face-to-face contacts at crime scenes?	
22		Α.	There's absolutely no way I spoke to him about this at	
23			a crime scene.	
24	724	Q.	No, I know that, yes. But you would have had	
25		Α.	Maybe. I don't know.	15:47
26	725	Q.	Okay. And in any event, after going up, there appears	
27			to have been a further 28 contacts up until the date	
28			that you say you then discussed Ms. D for the first	
29			time, which was when the Varadkar comment was made?	

1		Α.	Most of those calls are lasting 27 seconds, 39 seconds,	
2			you know, there's one you know, they're just not of	
3			any kind of significance.	
4	726	Q.	Yes. But what I am suggesting to you is that the only	
5			way that a rational explanation for what you say	15:48
6			occurred on the 20th March	
7		Α.	Okay, yeah, I understand. No, I do understand the	
8			question.	
9	727	Q.	is that you had a prior conversation with	
10			Superintendent Taylor	15:48
11		Α.	I didn't.	
12	728	Q.	about Ms. D and Sergeant McCabe?	
13		Α.	I didn't. I said to him, you know, I travel up to	
14			it was I said it to him.	
15	729	Q.	Yes. And I have to put it to you, on my client's	15:48
16			instructions, that there was a discussion prior to you	
17			going up?	
18		Α.	NO.	
19	730	Q.	And there was a discussion after you having been up	
20			there?	15:48
21		Α.	Okay, I understand that, but I disagree.	
22	731	Q.	Yes.	
23		Α.	There wasn't.	
24	732	Q.	I appreciate that, I appreciate that. And finally, I	
25			just have to put it to you that, like any journalist	15:49
26			going anywhere, I mean, you've already expressed the	
27			stress that this has caused you, and that is natural,	
28			but any person, where there's a suggestion that they	
29			have been part of a smear campaign or that perhaps they	

1 may have been played in some way, nobody is going to 2 believe that happened unless there was something 3 expressly pointed out to them that they uncovered it themselves. But what I'm suggesting to you is that 4 5 you're here in Dublin, you have one interaction with 15:49 6 somebody that is unnamed, and that, right from the 7 outset, you're given a negative briefing about Sergeant 8 McCabe, do you understand what I am saying? That first person you spoke to --9

10A.That person was not at all invested in it at all.15:4911733Q.Exactly. So therefore, why would they have been given12a negative -- anything negative about Sergeant McCabe13about an investigation, a sexual allegation involving a14minor?

A. These things -- sadly for Maurice McCabe, that, 15:50
 unfortunately, these kind of things tend to follow you
 around. I mean, it was widely known because he's a
 person that came to prominence, you know.

15:50

15:50

19 734 Q. They tend to follow him around, it was widely known?20 A. Yeah.

21 735 Q. Isn't it the case that you walked into a newsroom, but, 22 unknown to you, this was one of the biggest stories in 23 Dublin, and you walked right into the middle of it and 24 was having little or no --

25 A. I didn't think it was.

26 736 Q. -- was having little or no knowledge -- if we stand
27 back -- let's stand back objectively for a second and
28 talk about a journalist.

29 A. Okay.

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1	737	Q.	So, out of a newsroom, you have, I'm sure, all	
2			different levels of journalists?	
3		Α.	Mm-hmm.	
4	738	Q.	But here we have one journalist who has spoken to one	
5			person and says then she's sent on a mission to Cavan.	15:50
6			But if we stand back and look at it, the subject matter	
7			of the mission to Cavan is somebody who the entire	
8			senior branch of An Garda Síochána is answerable to	
9			just about a week or a couple of weeks beforehand	
10		Α.	Okay.	15:51
11	739	Q.	in the PAC?	
12		Α.	Yeah.	
13	740	Q.	The entire senior ranks of An Garda Síochána are in the	
14			Houses of Oireachtas against one garda sergeant?	
15		Α.	Yeah.	15:51
16	741	Q.	Right.	
17			MR. DIGNAM: Chairman, I'm not sure whether that is a	
18			fair characterisation of the PAC hearing, but I just	
19			don't think I should let it pass as stated by	
20			Mr. Ferry, Judge.	15:51
21			CHAIRMAN: well, for dramatic effect, I suppose the	
22			nature of the question is, look, here's a simple	
23			sergeant, if you like, taking on all the top brass.	
24		Α.	Yeah.	
25			CHAIRMAN: And it's put in that way, but I'm not taking	15:51
26			it as being anything other than a rhetorical flourish.	
27			And it's fair enough, Mr. Ferry, to put it in that kind	
28			of way. So, in other words, it was a big deal, is what	
29			is being to you.	

742 MR. FERRY: Yeah. well, I mean, if you are a 1 Q. 2 journalist and you're in a newsroom in Dublin, I'm sure 3 there's probably TV screens and you're getting images of all different news briefings from Sky News, RTÉ, is 4 5 that what happens? 15:52 6 I think you have a somewhat exalted opinion of what Α. 7 goes on in a newsroom. 8 743 Pardon? Ο. She's saying it's a bit more crummy than 9 CHAI RMAN: that, I think is what --10 15.52 11 744 Q. MR. FERRY: well, I mean, would you be looking at -- I 12 mean, I'm not that brilliant on social media, my 13 children probably are, but, I mean, wouldn't there be 14 constant media information coming to you via -- you've 15 already mentioned that after visiting Ms. D's 15:52 16 household, I think you had her -- did you say you put 17 her as a friend on Facebook, or something like that? 18 Yeah, I did. Α. 19 745 So you're somebody that is savvy with that type of Q. social media? 20 15:52 21 I suppose, yes, comparative to you, by your own Α. 22 admission. 23 well, again, it's no big deal, but, I mean, what 746 Yes. Q. 24 I'm saying here, and the Chairman and Mr. Dignam is 25 pulling me up on what I am saying, but, with respect, 15.53 26 if we stand back objectively --27 Okay. Α. 28 747 -- and you have a journalist in a newsroom in Dublin, Q. 29 there is talk about a garda sergeant, okay. Now, even

1			now	
2		Α.	Yeah.	
3	748	Q.	there's not a week goes by that there is some video	
4			clip, TV3 News, RTÉ Week in Politics, somewhere,	
5			there's a clip, and especially in relation to my	15:53
6			client, there's a clip of all the senior officers in	
7			their full uniform going into the PAC.	
8		Α.	Yes.	
9	749	Q.	There's a clip of them travelling by car.	
10		Α.	I know exactly what are you talking about.	15:53
11	750	Q.	And you have Martin Callinan, my client actually in the	
12			same car, they're all in full uniform, they're sitting	
13			in the PAC according to their rank structure, the	
14			Commissioner is in centre, the deputies are one on each	
15			side, and then it is fleshed out with assistant	15:53
16			commissioners?	
17		Α.	I know what you are talking about, yes.	
18	751	Q.	So it is, in effect, a parade of the entire senior	
19			management of An Garda Síochána?	
20		Α.	Okay.	15:53
21	752	Q.	And against that you have a clip of one sergeant with	
22			his uniform, wearing his civilian jacket over it,	
23			walking up Kildare Street on his own.	
24		Α.	Mm-hmm.	
25	753	Q.	Into the barrage of media.	15:54
26		Α.	Yeah, I know.	
27	754	Q.	And he walks in he walks in beside the Garda sentry	
28			officer's box in the gate on his own.	
29		Α.	Okay.	

1	755	Q.	So that is what I am saying to you. It's in that	
2			context that Garda management was facing down an issue	
3			from a man on his own, a sergeant?	
4		Α.	Yeah.	
5	756	Q.	Okay. So into that mix you're in the newsroom and you	15:54
6			were sent on a mission to go up to Cavan?	
7		Α.	Okay.	
8	757	Q.	And the only information you have is that there's a	
9			story to this man, and you're sent out, you're sent out	
10			to investigate the story?	15:54
11		Α.	But do you appreciate I went there and did the	
12			responsible thing, I went there and found out	
13			information. I never published anything. And I was	
14			immediately you do appreciate that? You can accept	
15			that, I'm sure?	15:55
16	758	Q.	Yes.	
17		Α.	That I went and	
18	759	Q.	Yes, but what I am saying is, and what my point here	
19			is, and I put it to you, you were actually in the	
20			middle of a smear campaign?	15:55
21		Α.	Oh, I really don't believe I was. I wouldn't	
22	760	Q.	Because all you had been given was a snippet of	
23			information about this man?	
24		Α.	Okay.	
25	761	Q.	But the only thing you were going up there to	15:55
26			investigate, they weren't sending you down to the PAC	
27			or anywhere else about penalty points, they were	
28			sending you up to a young lady's house in Cavan solely	
29			to look into the second part of the initial briefing	

1 you had been given, which was about a serious 2 allegation against a serving sergeant, do you see the 3 point? I do see the point, yes. 4 Α. 5 762 And also before you went up there, you had had at least 15:55 Q. 12 contacts with the Garda Press Officer? 6 7 Again, I know you're making that point about the Α. 8 contacts, but they must have been related to breaking news incidents, you know. Like, in the space of, from 9 when I went up there, 12 contacts, that's a text one 10 15:56 11 day, a text the next. There wouldn't even be -- you 12 know, there's not even replies there, so I think you're 13 being --14 763 Q. They must have, they should have, and, in normal 15 circumstances, they would have? 15:56 16 What? Α. But my client has given evidence to this Tribunal which 17 764 Q. 18 is extraordinary, because he says that, as the Garda 19 Press Officer, he was given instructions to negatively 20 brief journalists about Sergeant McCabe. 15:56 He did not negatively brief me about Sergeant McCabe. 21 Α. 22 765 I appreciate what you are saying, but that's his Q. 23 So while you're saying they should have been evidence. 24 about this or would have been about that, I'm saying to 25 vou these were not normal circumstances. it was not a 15.56 normal time in An Garda Síochána; the Garda Press 26 27 Officer was talking to you, you were new in town? He wasn't talking to me about it. 28 Α. 29 766 And I'm putting it to you that his evidence to the Q.

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1			Chairman has been that any opportunity he got	
2		Α.	Okay, it's not true.	
3	767	Q.	he dropped into the conversations about Sergeant	
4		·	McCabe, and I put it to you that you do not realise it,	
5			but you were exactly that?	15:57
6		Α.	I wasn't, I never discussed it.	
7	768	Q.	You were part of a smear campaign and you were being	
8			used as part of that when you were sent to Cavan?	
9		Α.	I was not.	
10	769	Q.	And you're not coming in here telling the Chairman who	15:57
11			first spoke to you, and that's the elephant in the room	
12			here.	
13		Α.	Okay.	
14	770	Q.	I put it to you the dogs in the street were talking	
15			about Sergeant McCabe at that time, and you walked into	15:57
16			the middle of a newsroom where the dogs in the street	
17			were talking about him, and that's why you could	
18			tolerate somebody talking about Sergeant McCabe in that	
19			manner and not question them?	
20		Α.	I did question them. I went up there and found out	15:57
21			what I believed to be as much as I possibly could about	
22			the thing and I never published anything. And as soon	
23			as I like, there was a message I gave back to the	
24			newsroom. So I wasn't part of a smear campaign, I was	
25			not.	15:57
26	771	Q.	You've already said you spoke to some person after	
27			coming to Dublin, you spoke to Fergus O'Shea, you've	
28			denied speaking to David Taylor, and you're saying you	
29			didn't speak to anybody else, so it appears you didn't	

1			carry out any checks and balances?	
2		Α.	That's not true.	
3	772	Q.	And you headed straight to Cavan on what you said would	
4		•	be a casual run up to Cavan, a nice day out?	
5		Α.	I think by going to visit them, the direct source is	15:58
6			actually the best kind of checks and balances I could	
7			have carried out.	
8	773	Q.	And I put it to you that the only reason why you would	
9			head off on such a mission is that the dogs in the	
10			street were talking about the sergeant and you thought	15:58
11			there was truth to this allegation that was in the	
12			ether about him?	
13		Α.	I didn't.	
14	774	Q.	And I put to you that the only way that you had a	
15			conversation with Superintendent Taylor in around the	15:58
16			20th March referring back to Ms. D is because you'd had	
17			a previous conversation with him?	
18		Α.	I didn't.	
19	775	Q.	And finally, I put it to you that the only way that you	
20			could have uttered the words as a journalist there was	15:58
21			nothing you could ever have published, is because you	
22			had been given a very sinister version by the first	
23			person you spoke to in Dublin about the story behind	
24			Sergeant McCabe?	
25		Α.	Okay. We have to disagree.	15:58
26			MR. FERRY: Yes. Thank you, Ms. Murray.	
27		Α.	Thank you.	
28			MR. GILLANE: I have no questions, Chairman.	
29			CHAIRMAN: was there any questions from the Garda?	

1 MR. BUCKLEY: Chairman, Niall Buckley for the D family. 2 Just two or three quick questions. 3 CHAI RMAN: Yes. 4 5 THE WITNESS WAS CROSS-EXAMINED BY MR. BUCKLEY: 15:59 6 7 Hello, Ms. Murray, Niall Buckley is my 776 MR. BUCKLEY: Ο. 8 There may not be much in it, but I just want to name. clarify one or two things with you. 9 10 Sure. Α. 15.5911 777 Mr. Williams, I think, gave evidence on Day 11 that by Q. the time he met with the D family on the 5th March, he 12 13 was informed you had already called to them? 14 Α. No, that is absolutely incorrect. 15 778 Okay. And Mrs. D gave similar evidence, that by the Q. 15:59 16 time she met with Mr. Williams, you'd visited prior to 17 then, and I think she indicated she had a specific 18 recollection of the meeting date by reference to a 19 family birthday in very early March? Okay. No, I am absolutely certain, I visited after 20 Α. 15:59 Mr. Paul Williams, because they told me that he had 21 22 taken a video of her, and one of the things we 23 discussed was their concerns about that. I'm certain. 24 Can I just suggest to you, on your account in the 779 Q. 25 telephone conversation which you had with Mr. D where 16.0026 you said he expressed a preference for speaking with 27 Mr. Williams --28 Yeah. Α. 29 -- can I suggest to you that that might be more 780 Q.

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consistent with the family still anticipating a meeting with him rather than one having previously occurred? No, I'm certain, I am absolutely certain. Α.

MR. BUCKLEY: Thank you.

5 CHAI RMAN: I am just wondering, Mr. Buckley, and this 16:00 6 is not intended in any way as criticism, but as I am 7 sitting here and as we are both sitting here, things 8 are changing and shifting, so it may be that you have had a chance to speak to them over the telephone about 9 10 this or it may be that they have had a chance to read 16.00 11 the transcript, I don't know whether they have or not. 12 In other words, we can all change our mind based in a 13 perfectly honest way on what you hear. Subsequently it 14 refreshes your memory on particular issues. Is it the 15 case that we're up to date on all of this or are they 16:01 16 following the transcript? And by the way, if they are 17 not, I certainly don't hold it against them, because it 18 can't be easy.

NO. Α.

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Chairman, I think I have taken 20 MR. BUCKLEY: 16:01 instructions and they have confirmed by reference to a 21 22 holiday and a trip they took at the time that they are quite satisfied their prior evidence is correct about 23 24 the sequence of events. That is fine. Mr. Bucklev. Thank you. 25 CHAI RMAN: 16.01Otherwise I think the accounts are 26 MR. BUCKLEY:

broadly consistent in terms of the content of 28 conversation. What evidence has been given today is 29 broadly consistent.

1 There was a chat, for instance, about -- and CHAI RMAN: 2 it's a perennial thing that has come up, certainly when 3 I was doing rape cases in the High Court, people saying well I'm going to reveal my identity, I'm going to 4 5 speak publicly, etcetera, etcetera, and is that a good 16:01 6 idea. And I must say I would have taken a similar view 7 to Ms. Murray; it may feel like a good idea now but it 8 might not be a good idea in five years time. So there was that kind of chat as well? 9 MR. BUCKLEY: 10 Yes. 16.0211 CHAI RMAN: All right. Yes Mr. Ó Muircheartaigh? 12 13 THE WITNESS WAS CROSS-EXAMINED BY MR. Ó MUIRCHEARTAIGH 14 AS FOLLOWS: 15 781 MR. Ó MUIRCHEARTAIGH: Thank you, Chairman. Q. I have a 16:02 16 view short questions. They are all about the video 17 which you've mentioned just there and you've almost 18 answered them. Is it correct to say that the first 19 thing you knew about the video was when you met the D 20 family? 16:02 21 Yes. Α. 22 You hadn't been told that by your initial contact? 782 **Q**. 23 No, I don't think so, no. Α. 24 And it hadn't been mentioned to you by your news 783 0. editor? 25 16:02 26 No, I don't think so no. No, it wasn't. Α. 27 784 **Q**. Now I didn't quite get from you whether the D family were concerned about the fact that there had been an 28 29 interview with Paul Williams or were they concerned,

161

1 particularly concerned with the fact that there was a 2 video of the interview with Paul Williams? That seemed to be the part that they were uncomfortable 3 Α. They just were concerned for her, and they were 4 about. 5 asking me in my experience when people go public, waive 16:03 6 their an anonymity, you know, what I did think, and 7 what I think was a good idea for them. And often when 8 people are very emotional about a subject they do think it's a good idea but my feeling, I was very honest with 9 them, she's a young girl now, when you're older, you 10 16.03 11 have a family of your own, you have children, you don't want them to be able to look something up on the 12 13 internet. 14 785 Q. I'm interested in anything you might have said about it 15 video. 16:03 16 Yes. That is what they were particularly concerned Α. 17 about. 18 They were concerned that there was a video? 786 Q. 19 Just that she had done a video interview. Α. The last question I want to ask you, you have 20 787 **Q**. Okay. 16:03 been very clear about the fact there that you were told 21 22 about the video and that they were concerned about it, 23 which suggests that it must have been done at that 24 stage, but did you contact any other journalist about 25 this meeting you had with the Ds? When you came back 16.04who did you tell about it? 26 27 Α. Well, in our vernacular, I just told the desk, whoever 28 I was working with. But my recollection is that they weren't even interested. Normally I'd have to kind of 29

1			give a breakdown, but I wasn't even asked about it.	
2			Like, the whole thrust of me going up there was just in	
3			case if this story breaks that we're not on the back	
4			foot. So I didn't, I didn't really discuss it with	
5			anybody, the video.	16:04
6	788	Q.	You gave the Tribunal here very full information about	
7			what happened in Cavan, how much of that information	
8			would you have given first of all to the paper?	
9		Α.	Yes.	
10	789	Q.	Did you give all that information to the news desk?	16:04
11		Α.	Yeah, I would have been fairly upfront with	
12	790	Q.	I see.	
13		Α.	well no, to be honest just the fact that we talked so	
14			much about, you know, anonymity and things like that, I	
15			maybe wouldn't have gone into the full facts of that	16:05
16			with them.	
17	791	Q.	So would the video have come up in that context?	
18		Α.	That I told the desk about it?	
19	792	Q.	Yeah.	
20		Α.	I can't say for certain.	16:05
21	793	Q.	Okay.	
22		Α.	I'm sorry, I can't say for certain.	
23	794	Q.	The last question, I know I promised that already,	
24			Chairman, and I apologise, but the last question is:	
25			After you had come back and you had spoken to the news	16:05
26			desk did you speak to any other journalists about your	
27			trip to Cavan and any aspect of it, that you recall?	
28		Α.	I may have. I mean, I wasn't secretive about it, you	
29			know. I can't I'm sorry, I can't I mean	

1 795 Thank you very much. Q. 2 -- when the Tribunal was set up I'm sure I did. Α. 3 MR. Ó MUI RCHEARTAI GH: Thank you very much. CHAI RMAN: Mr. Dignam. 4 5 16:05 6 THE WITNESS WAS CROSS-EXAMINED BY MR. DIGNAM AS 7 FOLLOWS: 8 796 MR. DI GNAM: Ms. Murray, my name is Conor Dignam, I Ο. 9 appear on behalf of An Garda Síochána, including former Commissioner Callinan and former Commissioner 10 16.06 11 O'Sullivan, and I really just have a few brief 12 questions for you. 13 Sure. Α. 14 797 Ο. Mr. Ferry on behalf of Superintendent Taylor 15 colourfully put some of his questions in the context of 16:06 16 top brass taking on Sergeant McCabe and I think 17 suggesting that you were somehow an innocent abroad in 18 the newsroom in Dublin. If I can just come back to 19 your statement which you provided to the Tribunal just 20 this morning I think and Mr. McGuinness asked you how 16:06 it came to be that you only gave this information so 21 22 late in the day and I don't propose to ask you about 23 that, but if I can ask you to look at page 7584? 24 what volume? Α. 25 It's probably the loose pages, it's your statement. 798 0. 16.0626 Oh yeah. Α. 27 799 I think it's probably been circulated separately. Q. I have it here. 28 Α. 29 800 You will see in the middle of the page there 's a Ο.

1			paragraph that begins:	
2				
3			"I am as certain as can be that I did not inform David	
4			Taylor that I was visiting Ms. D's family in	
5			Bailieboro. "	16:07
6		Α.	Yes.	
7	801	Q.	"In summary he had no involvement whatsoever in my	
8			visit to Ms. D's house."	
9				
10			Is that correct?	16:07
11		Α.	That's correct, hundred percent, yeah.	
12	802	Q.	I think you've clarified that where you say you did not	
13			inform David Taylor that "I was visiting Ms. D's house	
14			in Bailieboro" you do accept that you told him after	
15			the visit that you had visited Ms. D's house, is that	16:07
16			right?	
17		Α.	Yes.	
18	803	Q.	Yes. Under questioning from Mr. McDowell, I was just	
19			left a little bit unclear and it's probably my fault.	
20		Α.	Sure. No.	16:07
21	804	Q.	You indicated that the conversation that you had with	
22			Superintendent Taylor where you had told him that you	
23			had been in the house and checked out the allegation	
24			and that there was nothing to it, you linked that with	
25			a conversation about the now Taoiseach's intervention?	16:07
26		Α.	Yeah.	
27	805	Q.	But I was just left a little bit unclear	
28		Α.	Sure.	
29	806	Q.	about when that conversation took place?	

1		Α.	The only date I can actually put on it is that he was	
2			annoyed about it that day.	
3	807	Q.	I understood you to be saying to Mr. McDowell that, I	
4			think that you said there was an appreciable period of	
5			time or a significant period of time 1	6:08
6		Α.	There was, yes. From when I visited to when I told him	
7			about it.	
8	808	Q.	Are we talking about days, weeks or months?	
9		Α.	I'd say at least a week.	
10	809	Q.	Now if I can then just ask you to turn to the previous $\ensuremath{}^{\scriptscriptstyle 1}$	6:08
11			page of your statement, page 7583?	
12		Α.	Yeah.	
13	810	Q.	You say in paragraph 2 or under the heading of	
14			paragraph and these are separate sentences but I'm	
15			going to put them all to you at one time and if there ${}_{1}$	6:08
16			is anything you want to take issue with please do.	
17		Α.	Sure.	
18	811	Q.	You say:	
19				
20			"I have already informed the Tribunal that 1	6:08
21			Superintendent Taylor did not draw my attention to	
22			Ms. D's complaint against Sergeant McCabe. It was at	
23			all relevant times something that was very well known	
24			in the world of Irish journalism. This information was	
25			not drawn to my attention by Superintendent Taylor or 🔒	6:08
26			any member of the Gardaí, nor did he brief me to the	
27			effect that Sergeant McCabe had an agenda against the	
28			Gardaí arising from a desire for revenge against the	
29			Gardaí in connection with their investigation by	

1			Ms. D's complaint."	
2				
3			Are the contents of that paragraph correct?	
4		Α.	Yes.	
5	812	Q.	I'm sure you're aware that a central part of what	16:09
6			Superintendent Taylor says about what he calls the	
7			negative briefing given by him to journalists was to	
8			refer to the allegations that had been made	
9		Α.	Sure.	
10	813	Q.	to say that the DPP had directed no prosecution	16:09
11		Α.	Yes.	
12	814	Q.	and that Superintendent Taylor was driven sorry,	
13			Sergeant McCabe, rather, was driven by a desire for	
14			revenge against An Garda Síochána in connection with	
15			the investigation	16:09
16		Α.	Sure.	
17	815	Q.	of Sergeant McCabe in respect of those allegations.	
18			Are you quite sure that Superintendent Taylor did not	
19			tell you that Sergeant McCabe was	
20		Α.	I'm certain.	16:09
21	816	Q.	was motivated by a desire to exact revenge?	
22		Α.	I'm certain, Chairman, yes.	
23	817	Q.	And over the page, back to page 7584, at the top of the	
24			first full paragraph, you say:	
25				16:10
26			"I was aware of the identity of Ms. D's family. I do	
27			not believe that this information was conveyed to me by	
28			Superintendent Taylor."	
29		Α.	Yeah.	

Is that correct? 1 818 Q. 2 Α. Yes. 3 819 And then towards the bottom of that paragraph you say: Q. 4 5 "However --" 16:10 6 7 So about six lines up from the bottom of the paragraph 8 you say: 9 "However, I did manage to learn from her parents --" 10 16:10 11 12 That is Ms. D's parents. 13 "-- the nature of the assault apparently perpetrated 14 upon Ms. D by Sergeant McCabe." 15 16:10 16 Yes. Α. 17 820 Now, do I take from that, that you had no knowledge as Q. 18 to the nature of the alleged assault before your visit 19 to Ms. D's house? 20 Sorry? Α. 16:10 Do I take from that, that you had no knowledge of the 21 821 Ο. 22 nature of the alleged assault? 23 No, I didn't. I didn't. I remember being surprised. Α. 24 That the thinking -- I presume, I infer from CHAI RMAN: 25 that, your thinking was it must be worse than that? 16.11 Yeah. 26 Α. 27 822 MR. DI GNAM: But you had no information in relation to Q. 28 what -- nobody had given you information as to what the assault was? 29

1 No, no. Actually, the thought crossed my mind maybe Α. 2 she wasn't entirely honest with her patients, maybe she was trying to protect them from something that was --3 you know, it crossed my mind just because, you know, it 4 5 didn't seem like a big -- it's very minor. 16:11 6 823 And then just to conclude where I started --**Q**. 7 Yeah. Α. 8 824 -- the next paragraph where you say: 0. 9 "I am as certain as can be that I did not inform David 10 16:11 11 Taylor that I was visiting Ms. D's family in 12 Bailieboro." 13 NO. Α. 14 825 Q. You then say: 15 16:11 16 "In summary, he had no involvement whatsoever in my visit to Ms. D's house." 17 18 Α. Yes. 19 826 Isn't that correct? Q. 20 That's true, yes. Α. 16:11 21 MR. DI GNAM: Thank you. 22 There was nothing else, was there? CHAI RMAN: Did you 23 want to ask any questions Mr. McCullough? 24 MR. McCULLOUGH: NO. 25 CHAIRMAN: You're appearing on behalf of the relevant 16.1226 news organisation? 27 MR. McCULLOUGH: Yes. 28 WITNESS WAS RE-EXAMINED BY MR. MCGUINNESS AS FOLLOWS: 29

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Just a couple of matters, Ms. Murray, 1 827 Q. MR. McGUI NNESS: 2 if you bear with me. Mr. Dignam there asked you about 3 that paragraph in your statement today: 4 5 "I have already informed the Tribunal that 16:12 6 Superintendent Taylor did not draw my attention to 7 Ms. D's complaint against Sergeant McCabe." 8 Are you referring to the handwritten answers you gave 9 on the questionnaire --10 16.1211 Yeah. Α. 12 -- furnished --828 Q. 13 Yes. Α. 14 829 Ο. -- by the Tribunal? 15 Yes. Α. 16:12 16 And you completed that on the 5th June of this year? 830 Q. 17 Α. Yes. 18 Will you agree that that was the first piece of 831 Q. 19 substantive information you've ever provided to the 20 Tribunal? 16:12 There was kind of --21 Yeah. I'm sorry about that. Α. 22 And you made reference to your phone records during the 832 **Q**. 23 questioning of Mr. Ferry and correct me if I am wrong, 24 I don't think you ever provided your phone number to the Tribunal either? 25 16:13 26 Α. NO. 27 833 Pardon? Q. 28 No, I didn't. Α. NO. 29 Were you aware that your solicitor had written querying 834 Q.

1			whether the Tribunal had lawfully or otherwise accessed	
2			your data under the 2011 Act?	
3		Α.	I was, yeah.	
4	835	Q.	I think you're aware that the Tribunal hadn't?	
5		Α.	Yes.	16:13
6	836	Q.	And you haven't in fact provided or volunteered any	
7			phone records on your own part	
8		Α.	Yeah.	
9	837	Q.	in relation to any contacts, isn't that correct?	
10		Α.	That's true, yes.	16:13
11	838	Q.	Okay.	
12		Α.	Again it's a position, where it's your phone and you	
13			know	
14	839	Q.	Yes. No, I understand that. But you appear to have	
15			been in a sense volunteering them in an answer given to	16:13
16			Mr. Ferry, but I just want to ask you first about the	
17			volume of your contacts in response to Superintendent	
18			Taylor. We have seen the volume of his contacts	
19			back	
20		Α.	Yes.	16:13
21	840	Q.	would you like to express any opinion about the	
22			extent of your contacts back? Are they comparable in	
23			volume	
24		Α.	I'd imagine so.	
25	841	Q.	and frequency?	16:13
26		Α.	I always reply to a text, you know.	
27	842	Q.	Pardon?	
28		Α.	I'd imagine, I would always reply to a text message,	
29			you know. And it could be even, like, if something was	

1			happening, like, he was Press Officer, I would ask him	
2			what was going on or	
3	843	Q.	So obviously you were obviously trying to keep open and	
4			maintain a good professional relationship with him as	
5			Press Officer by keeping a flow of contact back and	16:14
6			forward?	
7		Α.	Yes.	
8	844	Q.	Just relating that to, one theme being pursued by	
9			Mr. Ferry was that, you know, you were back in Dublin	
10			and you heard for the first time about the allegation	16:14
11			concerning Sergeant McCabe from someone who wasn't a	
12			guard?	
13		Α.	That's true, yeah.	
14	845	Q.	Is that the import of your evidence? Would that not	
15			perhaps make it more likely that you were almost bound	16:14
16			to go to ask Superintendent Taylor?	
17		Α.	I didn't know him very well. And you know it would be,	
18			I'd imagine, very cheeky to kind of just bring up	
19			something, you know, so sensitive with someone you	
20			didn't know.	16:15
21	846	Q.	It just appears perhaps an inference from the evidence	
22			that when you came back from visiting the D family	
23		Α.	Yeah.	
24	847	Q.	you were quite prepared to sort of be open with him	
25			in terms of filling him in on how it had gone?	16:15
26		Α.	Yeah.	
27	848	Q.	I mean, did he respond in any way by giving you any	
28			additional information?	
29		Α.	No, it was a very, very brief conversation. To be	

1			honest the reason I was ringing him was over something	
2			else. Like, it would have been a breaking news	
3			incident. Like, you know, that would have been the sum	
4			total of our interactions in that period.	
5	849	Q.	It's just, we know Ms. McCann went off on maternity	16:15
6			leave.	
7		Α.	Yeah.	
8	850	Q.	And you had apparently learned of her pregnancy through	
9			the Ds	
10		Α.	Yeah.	16:15
11	851	Q.	on your account. And Superintendent Taylor appears	
12			to have intensified his contacts with you in that	
13			period, immediately afterwards and while he was still	
14			Press Officer	
15		Α.	Mm-hmm.	16:16
16	852	Q.	to the extent that it appears to have even dwarfed	
17			his contacts with Commissioner Callinan and Deputy	
18			Commissioner O'Sullivan.	
19		Α.	I would like to claim journalistic privilege on some of	
20			that please.	16:16
21			CHAIRMAN: Of course. But if you have a valid claim of	
22			course I will uphold it.	
23		Α.	Please?	
24			CHAIRMAN: No, there is no problem about that. But it	
25			is just, what we are talking about is the volume of the	16:16
26			claim.	
27		Α.	I understand that, yeah.	
28			CHAIRMAN: And there seems to be a you appreciate	
29			I'm not looking into Clerkin.	

1		Α.	Thank you.	
2			CHAIRMAN: And I'm not looking into any anything to do	
3			with, like, Roma children or anything else or any of	
4			the other people whose names I won't mention who came	
5			into Clerkin. But what Mr. McGuinness is saying to	16:16
6			you, there's a huge volume and that's not	
7		Α.	Around that time	
8			CHAIRMAN: The point is: Is that not indicative of a	
9			certain closeness?	
10		Α.	I did obviously get to know Superintendent Taylor a lot	16:16
11			better but it was around that time he asked me for help	
12			I'd say.	
13			MR. McGUINNESS: Pardon?	
14		Α.	He asked me for help with his course material.	
15	853	Q.	He started a thesis	16:17
16		Α.	Yeah.	
17	854	Q.	or some sort of work	
18		Α.	Yes.	
19	855	Q.	in September 2014 onwards, isn't that right?	
20		Α.	I think it would have been before then.	16:17
21	856	Q.	I thought you nominated that date yourself?	
22		Α.	No. I didn't.	
23	857	Q.	Well, you comment on Superintendent Clerkin's reference	
24			to it, isn't that right?	
25		Α.	My recollection is that he asked me for help and I	16:17
26			agreed and that was when we kind of became friendly.	
27	858	Q.	It's just obviously it would appear that his phones	
28			were taken lawfully by Superintendent Clerkin you were	
29			one of the first persons he phoned?	

1 A. Yeah, I heard that.

_			,	
2	859	Q.	Presumably you weren't in a position to know who he	
3			phoned in what sequence after they were seized, but did	
4			he tell you his phones from seized?	
5		Α.	Yes.	16:18
6	860	Q.	And at this point in time	
7		Α.	I really, I'd rather do I have to?	
8	861	Q.	Well, you don't know what I am going to ask next, bear	
9			with me.	
10			CHAIRMAN: Let's just listen to the question first and	16:18
11			don't worry about the question, just hear the question	
12			and then see where you stand on it, if you wouldn't	
13			mind.	
14		Α.	Sure.	
15	862	Q.	MR. McGUINNESS: Did he tell you at any stage that	16:18
16			Commissioner Callinan was, as it were, out to get him	
17			and pin him with the Roma inquiry?	
18		Α.	I don't recall that, no.	
19	863	Q.	Pardon?	
20		Α.	I don't recall that, no.	16:18
21	864	Q.	Did he discuss the reason for the seizure of his phones	
22			with you at any time?	
23		Α.	Well, I knew it was in relation to the leaks, yes.	
24	865	Q.	Yes.	
25		Α.	I can't remember a conversation.	16:18
26	866	Q.	But in terms of anything in relation to Sergeant	
27			McCabe, did he suggest to you at any stage that	
28			Commissioner O'Sullivan was anxious to get his phones	
29			because of what he had been doing on Commissioner	

1			Callinan's behalf	
2		Α.	No.	
3	867	Q.	about Sergeant McCabe?	
4		Α.	No.	
5	868	Q.	Did he ever say that to you?	16:19
6		Α.	No, no, never.	
7	869	Q.	But when you had this contact in February of 2018 you	
8			refer in your statement here to the examination of	
9			Superintendent Taylor while he was giving evidence and	
10			I was asking him whether he had been in touch with	16:19
11			you	
12		Α.	Yeah.	
13	870	Q.	to see whether you would support his evidence at the	
14			Tribunal	
15		Α.	Okay.	16:19
16	871	Q.	and he said he hadn't been in touch with you	
17		Α.	Okay.	
18	872	Q.	in order to get your support. And you disagree with	
19			his evidence insofar as he suggests that you had no	
20			discussion about the Tribunal; you were quite clear you	16:19
21			did discuss the Tribunal with him?	
22		Α.	Yeah, of course it came up. I mean, it's illogical to	
23			think that, you know, you could meet and he wouldn't	
24			mention it.	
25	873	Q.	He said on day 75, page 61:	16:20
26				
27			"It wasn't anything to do with the Tribunal."	
28				
29			And I asked him:	

1 "Well, about the issues in the Tribunal? 2 3 Α. No, not the issues. I wouldn't discuss that. 0. What issues then?" 4 5 16:20 And he said: 6 7 8 "It was in the sense of a conversational piece. Personal pieces in relation to personal matters." 9 I hadn't seen him I'd say in about -- that day that I 10 Α. 16.20 11 met him he informed me the last time I would have seen 12 him would have been last year before I went on 13 maternity leave, which would have been July/June kind 14 of time, and before that I don't think I had seen him 15 in a year. You know -- so, no. 16:20 16 But you had not been told by him at any stage then that 874 Q. 17 he had nominated vou? 18 No, no. Α. 19 875 And you didn't know that at the stage you met him? Q. 20 The reason I met him, the reason I met him, the week Α. 16:20 21 before, out of the blue, I was contacted by his wife. 22 876 Yes. Q. 23 Like, the majority of my contacts since he has been Α. 24 suspended would have been with Michelle. I was 25 contacted by his wife, asking for my address, where she 16:20 26 was sending me a present, even though my baby was six 27 months old at that stage, it was kind of weird, I got 28 I remember I said to my partner, this is a bit it. 29 He said, maybe they're just being nice. I strange.

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1			was in Dublin next week, obviously this had been	
2			hanging over me for a long time and I would go so far	
3			as to say it has destroyed the first year of my child's	
4			life, it was horrific, but I was of the naive opinion	
5			that maybe I wasn't going to be called to the Tribunal,	16:21
6			that, you know, you weren't that interested in me, and	
7			I thought I would glean some information from him if I	
8			met him. So that was the reason I met him. Now I	
9			didn't say that to him obviously.	
10	877	Q.	well, I mean, that brings me to the question: what had	16:21
11			been hanging over you in the sense that you had told	
12			the Tribunal nothing	
13		Α.	Yeah.	
14	878	Q.	in the way of information until 5th June?	
15		Α.	Yeah. Well, I was worried I was going to be called.	16:21
16	879	Q.	Yes. And on your own account you had nothing to say in	
17		-	support of the allegation?	
18		Α.	Yeah.	
19	880	Q.	But you had perhaps a lot to say against the disclosure	
20			that had been made?	16:22
21		Α.	My fear again was, obviously there's a history here	10.22
22		<i>,</i>	with the investigation, the criminal investigation that	
23			went on, and I found that deeply traumatic and	
24			upsetting, I couldn't believe that this was now going	
24				
			on and the fact I was being contacted every time a	16:22
26			letter came like, my legal team didn't have an easy	
27			time with me to be honest, I was very distressed about	
28		_	it.	
29	881	Q.	Well, I just want to be clear about one thing, insofar	

1			as it is mentions the investigation, I don't think you	
2			were ever questioned by An Garda Síochána?	
3		Α.	No, I wasn't.	
4	882	Q.	I'm not suggesting there was any reason	
5		Α.	They attempted to.	16:22
6	883	Q.	why they would do that. But in terms of being	
7			shocked by the letter of the 20th February received by	
8			the Tribunal, did you then instruct Mr. McAleese to	
9			write the letter that he wrote on the 26th March about	
10			the letter expressing surprise? Because you were being	16:22
11			told explicitly	
12		Α.	Yes.	
13	884	Q.	for the first time that you were nominated?	
14		Α.	That would have been my reaction, yeah.	
15	885	Q.	So, you were shocked?	16:22
16		Α.	I really was.	
17	886	Q.	But the letter that was received by the letter,	
18			Mr. McAleese's letter, it didn't, as it were, seem to	
19			contradict the issue on a factual basis.	
20		Α.	Okay.	16:23
21	887	Q.	And the first time it's contradicted on a factual basis	
22			seems to be at page 7531, if we could perhaps just look	
23			at that, that is your handwritten statement which is	
24			referred to in today's statement.	
25		Α.	Yes.	16:23
26	888	Q.	Just to be clear, if I am reading that correctly it	
27			says:	
28				
29			"Without prejudice to question 3 above, I can confirm	

1 that Superintendent Taylor did not draw my attention to 2 the complaint of sexual assault made against Sergeant He did not brief me to the effect that 3 McCabe. Sergeant McCabe had an agenda against the Gardaí and 4 5 that the root cause of the alleged agenda was revenge 16:23 6 against the Gardaí. I'm not aware of any rumours 7 spread by colleagues on foot of negative briefings by 8 Superintendent Taylor." 9 And that was the full extent of what you were saying to 16:24 10 11 the Tribunal or had ever said about the factual matters in issue here, isn't that right? 12 13 Yes. Α. 14 889 Ο. Do you regard it as somewhat less than satisfactory 15 that you would keep the Tribunal in the dark about your 16:24 16 position --17 I'm sorry about that, yeah. Α. 18 890 -- for a year and five months? Q. 19 I think that if I had -- I think maybe if I had faced Α. 20 up to this sooner, it may have been different. To be 16:24 honest, the last eight, nine weeks of my life has been 21 22 very --23 All right. 891 Q. 24 My mother is very unwell at the moment. Α. I understand. 25 892 0. 16.24 26 That was actually the principal reason. And through no Α. 27 fault of my legal team I wasn't in a position to do something for a long time. 28 Because I understand this, 29 very kindly the Tribunal agreed to let me provide a

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1			written response rather than coming to meet me, because	
2			it was actually impossible for me to come here for a	
3			long time.	
4	893	Q.	We understood that it was perhaps inappropriate to send	
5			them down to meet you again.	16:25
6		Α.	Yes. So I was grateful for that.	
7	894	Q.	A couple of final matters.	
8		Α.	Yes.	
9	895	Q.	Did I understand from your evidence that it was	
10			sometimes your practice to file a report with your news	16:25
11			editor or the desk	
12		Α.	It would be, yeah.	
13	896	Q.	in relation to tasks that you had completed?	
14		Α.	Yes. Or, you know, people I would have met or	
15			information I would have gleaned from things, yes.	16:25
16	897	Q.	Now, in relation to your trip to the D household	
17		Α.	Yeah.	
18	898	Q.	on the day, whenever it took place	
19		Α.	Mm-hmm.	
20	899	Q.	did you take any notes on that occasion	16:25
21		Α.	NO.	
22	900	Q.	or make them immediately afterwards?	
23		Α.	No, no. It was just a chat.	
24	901	Q.	Did you in fact file a report with your news editor	
25		Α.	No.	16:25
26	902	Q.	or with the paper in any way, shape or form?	
27		Α.	No. And I was barely even asked about it, to be	
28			honest.	
29	903	Q.	Pardon?	

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1 I was barely even asked about them. I just rang and Α. 2 told them and it was onto the next thing. 3 904 I know you told one of my colleagues that, you know, in Q. your parlance you briefed the desk about it. 4 5 Yes. Α. 16:25 6 905 But have you a recollection as to whom you would have **Q**. 7 spoken to or did speak to when you returned? 8 I think it was Fergus that I rang that day. Α. We were all together. And he was just like, okay, whatever, 9 just come back. 10 16.26 11 906 Okay. So, Mr. O'Shea --Q. 12 Yeah. Α. 13 907 -- is the man who can perhaps help us about what was Ο. 14 known in the Sun newsroom in March 2014, what he 15 deputed you to do and what you told him when you came 16:26 16 back? 17 Yeah, yeah. Α. 18 MR. McGUI NNESS: Okay. Thank you. 19 20 WITNESS WAS THEN QUESTIONED BY THE CHAIRMAN, 16:26 21 AS FOLLOWS: 22 CHAI RMAN: There was only two things I wanted to ask 908 Q. 23 you about. 24 Okay. Α. 25 You know, whether Superintendent David 909 0. CHAI RMAN: 16.26 Taylor was indeed a brilliant student or whether he got 26 27 a high mark or anything else like that from Dublin University is neither here nor there to me. 28 29 Thank you. Α.

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910 CHAI RMAN: But it's always of course a good thing to 1 Q. 2 help people out if you can, but it's just kind of odd how suddenly you became very close and it would seem 3 from the level of phone contact that he was checking 4 5 almost every footnote with you? 16:26 6 He was -- I found it difficult to get all the course Α. 7 materials off him, to be honest. I remember that being 8 a cause of frustration. Because I didn't have access obviously to, like, his lecture notes and things like 9 I remember finding that annoying. 10 that. 16.27 11 911 Q. CHAI RMAN: Sure. But I mean, one can understand 12 someone talking to a niece or a nephew or if it's a 13 friend for instance --14 Α. Yeah. 15 912 CHAI RMAN: -- if you have a daughter who plays, you Ο. 16:27 16 know, camogie, or whatever and you know that she has a 17 very good friend or something like that and they are 18 doing something of an educational kind and you know 19 about it, well there is a reason they might contact you and they might talk to you and why you might talk to 20 16:27 them and invest what would seem to be an awful lot of 21 22 time in this masterpiece. 23 I'm sorry, what's the question? Okay. Α. 24 And I'm just wondering what kind of 913 CHAI RMAN: Q. 25 connection did you feel with him, that you were going 16.27 to help him out? 26 He just asked me and, you know, I'd help anyone really 27 Α. 28 That was it really. Like, as I said, we you know. 29 were friendly you know. It's a shame this has arisen,

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all of this.

2 914 Q. CHAIRMAN: well, of course. The second thing I wanted
3 to ask you about was this. And I just ask you to think
4 back on this if you wouldn't mind please.

16:28

5 A. Yeah.

6 915 Ο. CHAI RMAN: It's accepted here, it's a given from 7 everybody that in the event that Superintendent Taylor 8 said to anybody that Maurice McCabe was a child abuser or that Maurice McCabe had an allegation or that he was 9 a bitter man driven by agendas and consequence of an 10 16.28 11 investigation by an allegation by a colleague that that 12 would not be a good thing?

13 A. Sure.

14 916 Ο. CHAI RMAN: Now in every walk of life where something 15 disreputable happens it seems to me that unless the 16:28 16 person intending to do that is an idiot there would be 17 some kind of testing of the waters; in other words, 18 some kind of mention to see how you felt about the 19 matter, how you felt about Maurice McCabe, what 20 attitude you were taking? 16:29

A. I was kind of laughing. If you are talking about that
day where I told him I had been up there, I just found
it funny that he was giving out about --

24 917 Q. CHAIRMAN: You had become so close that he was actually
25 sounding forth on the phone? 16:29

A. He was just giving out, yeah.

27 918 Q. CHAIRMAN: Like a friend or whatever?

28 A. Kind of, yeah.

29 919 Q. CHAIRMAN: But had there been anything that you can

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1			recall kind of dropped into conversation about your	
2			attitude?	
3		Α.	My attitude?	
4	920	Q.	CHAIRMAN: well, yes. I'm talking about	
5		Α.	I don't recall really, no.	16:29
6	921	Q.	CHAIRMAN: I'm not saying anything happened. What I'm	
7			saying is: If this is not a good thing, and everyone	
8			accepts it is not a good thing	
9		Α.	Yes.	
10	922	Q.	CHAIRMAN: it would be unnatural simply to drop it	16:29
11			in without knowing whether he could trust you or not,	
12			is it the case that there might have been some kind of,	
13			and grooming is perhaps too strong a word, some kind of	
14			sounding you out to see how you stood on any of these	
15			matters?	16:30
16		Α.	I don't recall that ever, no.	
17	923	Q.	CHAIRMAN: Nothing?	
18		Α.	No.	
19	924	Q.	CHAIRMAN: And vis-à-vis Maurice McCabe, any	
20			conversation prior to this particular one which is some	16:30
21			time after 20th March 2014, the whistleblowers are	
22			distinguished rather than disgusting?	
23		Α.	Yeah. Like, I suppose at that stage I kind of knew him	
24			a bit better, you know, but	
25	925	Q.	CHAIRMAN: So this must have been dropped literally	16:30
26			into practically a void?	
27		Α.	Pardon?	
28	926	Q.	CHAIRMAN: It must have been dropped into a void. I	
29			mean, if you had not discussed Maurice McCabe or your	

1			attitudes to Maurice McCabe or whistleblowing in	
2			general or were the Garda top brass doing a proper job	
3			in responding properly to what?	
4		Α.	No, I never discussed it with him, no.	
5	927	Q.	CULLEDWARK and then the fact that you use a newed	16:31
6	• = /	~ -	person	
7		Α.	Yeah.	
8	928	Q.	CHAIRMAN: and that you're supposed to in somehow be	
9		~ -	reporting back to him on your trip up to the D family,	
10			T waar that I what he is saving shout you	16:31
11		Α.	Yeah. No.	10.51
12	929	Q.	CHAIRMAN: He's not saying he sent you up there	
13	525	ч. А.	Yeah.	
14	930	Q.	CHAIRMAN: or that he facilitated sending you up	
15	550	۷.	where here has a series is that he series and	16:31
16			you gave him an account. That would seem to suggest in	10.51
17			a way, if that is true, and obviously I don't know what	
18			is true or untrue, it would seem to suggest you're on	
19			the same side?	
20		Α.	The descents fool like we are hunt in a title it was	16:31
21		, 	about a week after that that I told him when I had been	10.51
22			up there, you know.	
23	931	Q.	CHAIRMAN: Okay.	
24	551	ч. А.	No, I understand what you're talking about, how did it	
25		~ •		16:31
26			know. He was giving out about Varadkar and that was it	16:31
27			really, you know, I said it.	
28			CHAIRMAN: well, that is okay. Thank you, Ms. Murray.	
29		Α.	Thank you.	
29		А.		

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1		
2	THE WITNESS THEN WITHDREW	
3		
4	MR. McGUINNESS: Chairman, I don't think we're going to	
5	be able to start and finish the first of our other	16:32
6	witnesses today. So I am proposing to leave the taking	
7	of their evidence until tomorrow morning and then we	
8	will see how far we can get obviously.	
9	CHAIRMAN: Yes. I'm sorry we were delayed today and	
10	I'm sorry that people have to come back, but we will	16:32
11	try and get through as much as we can get in the	
12	morning as we're not going to finish anyone else today.	
13	Thank you.	
14		
15	THE HEARING THEN ADJOURNED UNTIL TUESDAY, 12TH JUNE	16:32
16	2018 AT 10: 00AM	
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