

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, AS AMENDED ON 7 DECEMBER 2018

CHAIRMAN OF DIVISION (P): MR. JUSTICE SEAN RYAN,
FORMER PRESIDENT OF THE COURT OF APPEAL

HELD IN DUBLIN CASTLE
ON FRIDAY, 29TH NOVEMBER 2019 - DAY 122

122

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

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1 THE HEARING RESUMED, AS FOLLOWS, ON FRIDAY, 29TH
2 NOVEMBER 2019:

3
4 MR. MCGUINNESS: Good morning, Chairman. The witness
5 today is Superintendent Minnock. 10:30

6 CHAIRMAN: Thank you very much.

7
8 SUPERINTENDENT AIDAN MINNOCK, HAVING BEEN SWORN, WAS
9 DIRECTLY-EXAMINED BY MR. MCGUINNESS, AS FOLLOWS:

10
11 WITNESS: Superintendent Aidan Minnock. 10:30

12 CHAIRMAN: Thank you very much. Good morning,
13 superintendent. Thank you.

14 1 Q. MR. MCGUINNESS: Good morning, Superintendent Minnock.

15 A. Good morning. 10:30

16 2 Q. Can I ask you, when did you join An Garda Síochána?

17 A. I joined in '94.

18 3 Q. And after you were attested, where were you stationed?

19 A. I went to Limerick firstly, for a six-month
20 probationary period. 10:31

21 4 Q. And then, after that?

22 A. After that, I went to Blessington Garda Station in
23 County Wicklow.

24 5 Q. Yes. Did you obtain the rank of sergeant then?

25 A. I went to headquarters for a period, I was attached to 10:31
26 the organisation development unit, and from that role I
27 was promoted to the rank of sergeant.

28 6 Q. Yes. Then you became inspector I think in October
29 2010; is that right?

1 A. October 2010 I was promoted, yes, to the rank of
2 inspector.

3 7 Q. You served in Athy Garda station for some period; is
4 that right?

5 A. I did, for a brief period, possibly six months or so. 10:31

6 8 Q. You transferred to Mullingar then in August 2010, is
7 that correct?

8 A. That's correct.

9 9 Q. Then you have moved to Athlone just before Christmas of
10 2011? 10:31

11 A. That's correct.

12 10 Q. Just before Christmas 2010, is that right?

13 A. Just before Christmas 2010.

14 11 Q. I think you were stationed then in Athlone as an
15 inspector from effectively the beginning of 2011 until 10:32
16 your transfer in 2017?

17 A. That's correct.

18 12 Q. Were you transferred on promotion?

19 A. I was.

20 13 Q. To superintendent? 10:32

21 A. Transferred on promotion to superintendent to Trim
22 district.

23 14 Q. I think at the time you served as an inspector in
24 Athlone, there was one other inspector, whom we heard
25 from yesterday, Inspector Farrell? 10:32

26 A. That's correct. Inspector Farrell was in Athlone for
27 my tenure.

28 15 Q. Yes. Now, he had moved there slightly earlier and in
29 that sense I suppose he would have been regarded as a

1 senior inspector, is that right?

2 A. That's correct.

3 16 Q. But you obviously acted as superintendent on occasion
4 during the period?

5 A. I did, indeed. 10:32

6 17 Q. What were your portfolios in Athlone when you
7 transferred there?

8 A. I had over 20 portfolios, I couldn't recall them all.
9 But a large range of portfolios, which included, I
10 suppose, in addition portfolios included roles and 10:33
11 responsibilities as to the Garda Code and also I
12 prosecuted in Athlone District Court on a very frequent
13 basis, almost weekly basis. In addition to that, I had
14 a number of approximately 20 plus portfolios assigned
15 from the divisional officer in Westmeath. 10:33

16 18 Q. Yes.

17 A. They were broad ranging, from public order to a variety
18 of portfolios.

19 19 Q. I think when you moved to Athlone, the previous
20 superintendent was in place until Superintendent 10:33
21 McBrien took over in 2012?

22 A. That's correct.

23 20 Q. Did your portfolios change at that point in time or did
24 they remain the same?

25 A. They were consistently changing. But they were mainly 10:33
26 assigned from the divisional office in Westmeath,
27 situated in Mullingar.

28 21 Q. Yes. Just in terms of Garda Keogh, Athlone seems to be
29 a reasonably large district headquarters, isn't that

1 correct?

2 A. That's correct. Absolutely. A very busy district
3 headquarters station.

4 22 Q. Did you have any or many dealings with Garda Keogh from
5 the period you arrived there onwards? 10:34

6 A. No, I had very little dealings with Garda Keogh for the
7 first time of years. I think my initial one-to-one
8 interactions were really following him making a
9 protected disclosure.

10 23 Q. Would it follow therefore you didn't have any direct 10:34
11 experience of his work, his performance as a Guard?

12 A. That's correct. I suppose I would be relying on the
13 input and feedback from the supervisors who had, I
14 suppose, extensive knowledge of Garda Keogh.

15 24 Q. Yes. I note that you did become involved in reporting 10:35
16 on his absence through illness in the middle of 2012,
17 do you recall that?

18 A. I do.

19 25 Q. Perhaps we will just look at volume 13, at page 3672. 10:35
20 This is a report dated 17th July 2012. You're
21 reporting to the chief superintendent, who at that time
22 was Chief Superintendent Curran, isn't that correct?

23 A. That's correct.

24 26 Q. You're reporting that:
25
26 "On 25th May 2012, Garda Ni chol as Keogh reported sick
27 and unfi t for duty. The reason for same was that Garda
28 Keogh had vol untari ly admi tted himsel f for inpatient
29 somewhere treatment in Dubli n.

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Garda Keogh successfully completed his treatment and returned off sick leave on 8th July 2012. Garda Keogh is presently on annual leave and is expected to return to full policing duties on completion of same. "

10:36

And you are forwarding, with a number of attachments, that report to the chief superintendent. Is that a normal sort of return to work report?

A. Yes, that would be, I suppose particularly in a situation where there was an occupational health service referral form being submitted, it would have to go through the normal channels and be forwarded to the chief superintendent's office for onward transmission.

10:36

27 Q. Yes. That's item 3 you're referring to there, isn't that right?

10:36

A. Yes, that's correct.

28 Q. That's to be found at page 3674. That's completed by you then on the same date and it gives, on the first page, the nature of his work, the attendance record for the past year, and you're noting there towards the bottom of that page, if you scroll down that page, the number of rostered days absent in the past 12 months. And on to the next page then, you're providing background details there?

10:37

10:37

A. Yes.

29 Q. About problems or absence of problems. Presumably you had received some report from his frontline supervisors to enable you to fill that out?

1 A. I think, I suppose the supervisors would actually have
2 probably assisted me in completing that.

3 30 Q. All right. In any event, we can see at the bottom of
4 the page, you sign that on the 27th July and it goes up
5 with your report, isn't that correct? 10:38

6 A. That's correct. That would have been instigated on
7 foot of the fact that there was in excess of 28 days
8 absence within a period.

9 31 Q. Yes. That didn't require you to examine the basis upon
10 which Garda Keogh was certified to be sick. It was 10:38
11 just reporting on the absence, is that right?

12 A. It was reporting on the absence but it was actually
13 requesting that the Occupational Health Service would
14 examine the issue.

15 32 Q. Yes. 10:38

16 A. That was the reason for the referral.

17 33 Q. Yes.

18 A. It was essentially instigating the organisational
19 welfare supports that would be available through the
20 occupation health service, advising them of the 10:39
21 situation regarding Garda Keogh.

22 34 Q. If we look at 3671, we see that Chief Superintendent
23 Curran sends that on to the assistant commissioner who,
24 was Assistant Commissioner Fanning. Then Assistant
25 Commissioner Fanning -- sorry, Chief Superintendent 10:39
26 Curran's report is to be found at 3671. That's the
27 30th July. That forwards your report and notes at the
28 bottom that SAMS was updated by local Garda management.
29 Assistant Commissioner Fanning then, if we go to page

1 3670, addresses a request to the medical officer,
2 Dr. Collins, to enquire if Garda Keogh could be
3 facilitated with an appointment?

4 A. Yeah.

5 35 Q. I think that led then to Dr. Oghuvbu on the 18th 10:40
6 September to furnish recommendations. If we look at
7 page 3669?

8 A. Yeah.

9 36 Q. In the body of the report he says:

10

10:40

11 "Having reviewed the available information, I offer
12 recommendations as follows:

13

14 1. It is appropriate for the member to be offered an
15 appointment for review at this service for guidance on 10:40
16 his medical fitness for policing duties;

17

18 2. Local management should explain and discuss the
19 reasonable for the referral with the member.

20

10:41

21 3. The member should be requested to obtain and bring
22 along copies of relevant medical reports (case records
23 for his treating doctors) for the aforesaid
24 appointment.

25

10:41

26 4. Local management should provide an up-to-date unit
27 report for the attention of this service."

28

29 Then it states:

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"An appointment has been arranged for the above member for the 9/10/12 at 2pm at Garda Occupational Health Service."

10:41

I think that led to Sergeant Tully providing a report to you, which has already been referred to, we don't need to read it, but if we just turn to page 3666. Sergeant Tully reports on the four matters there that we have seen already. That came to you then I think as acting superintendent, isn't that correct?

10:41

A. Yeah.

37 Q. You forwarded that up on the 5th October for the purpose of the appointment with the doctor, isn't that correct?

10:42

A. That's correct.

38 Q. If we go to page 3664. You're reporting there in the following terms:

"I refer to the above and correspondence from assistant commissioner Human Resource Management dated 20th September 2012.

10:42

It is noted that a review with the Garda Occupational Health Service has been arranged for Garda Keogh at 2pm on 9th October 2012. Garda Keogh has been made aware of the scheduled review and has indicated his availability to attend."

10:42

1 Now, had you yourself spoken to Garda Keogh?

2 A. No.

3 39 Q. No. Had Sergeant Tully done that?

4 A. Yes.

5 40 Q. "Sergeant Tully has prepared an a unit report, 10:42
6 attached, outlining Garda Keogh's work performance,
7 coping skills and relationship with peers and
8 supervisors."
9

10 You then refer to his rehabilitation and then you are 10:43
11 quoting effectively from Sergeant Tully's report at the
12 bottom of the page and you are sending up enclosed
13 material there. The chief superintendent sends that on
14 and following the appointment Dr. Oghuvbu, reported at
15 page 3661, to the assistant commissioner. Is that a 10:43
16 report that you would have seen or would you have been
17 made aware of the general content of it?

18 A. No, I don't believe so.

19 41 Q. Okay. But in any event, was Garda Keogh back at work
20 to your knowledge then? 10:43

21 A. I would have to check the records.

22 42 Q. All right.

23 A. I don't recall.

24 43 Q. Okay. We have looked at the SAMS record. But I think
25 you came to furnish a second report in 2013 in relation 10:44
26 to Garda Keogh, on 22nd March 2013. If we look at page
27 3657. That is dated the 22nd March, you say:
28
29 "I refer to the above and request updated unit report

1 (previous report of October 2012 attached for ease of
2 reference) in respect of Garda Keogh. Since Garda
3 Keogh's return to work in July 2012, his attendance
4 record has been good. He has reported sick and unfit
5 for duty on four occasions (one by two days, three days 10:44
6 by one, four days by one, a total of 9 days).

7
8 Garda Keogh is presently engaged in full uniform duties
9 attached to a core unit in Athlone Garda Station. He
10 has an excellent relationship with both his peers and 10:44
11 supervisors. He carries out any duties assigned to him
12 in a professional and diligent manner.

13
14 As part of his continued rehabilitation, Garda Keogh is
15 in regular contact with the Garda welfare officer and 10:45
16 attends AA meetings. He is aware of the services
17 available to him both within the Garda organisation and
18 from outside agencies. He continues to make good
19 progress, as advised by the chief medical officer in a
20 report dated 19th October 2012. It would appear that 10:45
21 no future review is warranted at this time."

22
23 That was forwarded up to the chief superintendent.
24 Now, just in relation to the time that had passed,
25 approximately six months since October onwards, had you 10:45
26 received confirmation from Garda Keogh's front line
27 supervisors that he was making the good progress.

28 A. Yes.

29 44 Q. And was performing well?

1 A. Yes.

2 45 Q. Now, presumably you sent up that report as acting
3 superintendent at the time?

4 A. Yeah.

5 46 Q. It doesn't appear that you had any occasion to furnish 10:46
6 any subsequent reports, is that correct?

7 A. That's correct.

8 47 Q. All right. If we could perhaps just look quickly at
9 the SAMS record for this period, at 3652. If we go
10 down towards the bottom of the page, bottom half of the 10:46
11 page. Scroll down, Mr. Kavanagh. Thank you. So, if
12 we just look at that period then, you wrote that report
13 on the 22nd March. It would appear that Garda Keogh
14 was absent for a further 18 days in total from March to
15 the end of that year, 2013. You had no involvement in 10:47
16 relation to reporting his absence or making any further
17 appointments for review?

18 A. No. That would be a matter for the district officer.

19 48 Q. If we scroll up the page, just looking at the beginning 10:47
20 of 2014. If we see the first absence there, the 24th
21 January -- sorry, the 5th January 2014. There appears
22 to be up to perhaps 15 days absence between the 1st
23 January and the period in May when Garda Keogh made his
24 protected disclosure. Were you involved in any way
25 with his absence or reporting his absence or the causes 10:47
26 of his absence?

27 A. No.

28 49 Q. If I could turn then to the issue relating to his
29 protected disclosure. I think you don't appear to have

1 been involved on paper in relation to any issue
2 concerning the Pulse entry, but do you recall, first of
3 all, Garda Keogh's disclosures being publicised in the
4 Dáil and any subsequent discussion about that?

5 A. I do. I recall hearing it. I am not sure how I heard 10:48
6 it first, but I do recall hearing the Dáil extract,
7 possibly on the news, if I'm not mistaken, on the 12th
8 May.

9 50 Q. Yes.

10 A. Or the 9th May, was it? 10:49

11 51 Q. The 8th May.

12 A. The 8th May, yeah, yeah.

13 52 Q. Was the disclosure in the Dáil?

14 A. Yes.

15 53 Q. Was that discussed with Superintendent McBrien when she 10:49
16 returned from her leave?

17 A. It would have been discussed, yes.

18 54 Q. Can you just help us with what was the discussion with
19 her?

20 A. Well, I suppose we didn't know the nature of the 10:49
21 protected disclosure other than, I suppose, there was a
22 protected disclosure. And I suppose both
23 Superintendent McBrien and the rest of the management
24 team were keen to support Garda Keogh in whatever way
25 we could. 10:49

26 55 Q. Yes.

27 A. So that would have been the nature of it. There wasn't
28 much information at that point in relation to it.

29 56 Q. Yes. Were you delegated to or directed to make contact

1 with Garda Keogh?

2 A. No.

3 57 Q. Okay. You did ring him, though, on the 12th May, isn't
4 that correct?

5 A. I did. I rang him on the 12th May, just to, I suppose, 10:50
6 offer my support to him.

7 58 Q. Yes. You refer to this on page 11 of your statement,
8 which is page 689. But you make notes, which are to be
9 found at page 779. Perhaps we will look at your notes.
10 Now, you've told -- the notes are in volume 4, page 10:50
11 779. You've told the Tribunal, as you recorded in your
12 statement, that you had very little personal contact
13 with Garda Keogh prior to him becoming a whistleblower.
14 So was this phone call out of the ordinary? Had you
15 ever spoken to him on a personal level before? 10:51

16 A. I would have certainly in passing in the station,
17 obviously. I would acknowledge of everyone in meeting
18 them around the station. And I never had cause to talk
19 to Garda Keogh, I suppose, privately in relation to any
20 matter prior to this. 10:51

21 59 Q. Yes.

22 A. But obviously this was something quite unusual that I
23 felt necessitated in my role and position to talk to
24 Garda Keogh, to just tell him that we were there to
25 support him in his protected disclosures. 10:51

26 60 Q. Yes. Perhaps could you talk us through the notes?

27 A. Yeah. So it was 12th May 2014. It was:
28
29 "6: 15pm: I rang Garda Nick Keogh. Offered support or

1 any help I could give him, personally or on behalf of
2 the organisation. Nick said he was okay at the minute
3 but said 'I appreciate that' he said 'I know what I'm
4 at and I'm focused on that'. He said 'it's running
5 it's course as planned'. I again reassured him he 10:52
6 could contact me at any stage for a coffee or just for
7 a chat and I would give him any help I could, either
8 personally or organisationally. He said he was happy
9 enough at this stage and he would bring first thing
10 across the line and then see after that. 10:52

11
12 Nick appeared in great form, very happy with his course
13 of action and how things were progressing. Appeared
14 glad and appreciative of my call."

15 61 Q. Just in terms of the quotes there? 10:52

16 A. Yes.

17 62 Q. You have him saying "I appreciate that" and was that in
18 relation to your offer of help and support?

19 A. Yeah.

20 63 Q. You then quote him saying: 10:53

21
22 "I know what I'm at and I'm focused on that."

23
24 Had you asked him what he was or how did that come out,
25 was that just volunteered by him? 10:53

26 A. He just volunteered that. What he was at was making a
27 protected disclosure.

28 64 Q. Was there any discussion of that?

29 A. No, I took the full content of the conversation noted

1 there.

2 65 Q. Okay. He seems then to have volunteered "it's running
3 its course as planned". Did you expand on that or ask
4 him anything about that?

5 A. No. 10:53

6 66 Q. You appear to have had another conversation with him on
7 the same afternoon.

8 A. That's correct.

9 67 Q. Perhaps about half an hour later?

10 A. That's correct. 10:53

11 68 Q. He rang you, is that right?

12 A. That's correct.

13 69 Q. You presumably must have missed the call and you
14 returned it?

15 A. Yeah. 10:53

16 70 Q. Is that right?

17 A. That's correct.

18 71 Q. It appears to be prompted by an item on the radio, is
19 that correct?

20 A. That's correct. It was an article, an item on the Matt 10:54
21 Cooper show in relation to Section 12, invoking -- it
22 relates actually to the Section 12, invoking of a
23 Section 12 in relation to a Roma baby in Athlone.

24 72 Q. Yes.

25 A. which received significant media publicity around that 10:54
26 time.

27 73 Q. Just explain the contents of the note there.

28 CHAIRMAN: If you roll it down so we can see it, Peter.

29 A. He rang me and I returned the call.

1 "I was listening to solicitor Paul Connellan on the
2 Matt Cooper show re the Section 12 in Athlone."
3 74 Q. Was that you were listening to it or he was listening to
4 it?
5 A. No, he was. 10:55
6 75 Q. He was, all right.
7 A. I was in work.
8
9 "He said he just wanted to reassure me that he had just
10 had a few issues and wasn't doing a big trawl through 10:55
11 local stuff and said I had nothing to worry about.
12 Said it was like [blank] and wasn't doing a trawl
13 through Pulse. I told him I appreciated that
14 information and he could ring me any time."
15 76 Q. Did it appear to you that he was sort of anxious to 10:55
16 reassure you and trusted you?
17 A. Yes.
18 77 Q. The reference to a "few issues", he didn't expand on
19 that?
20 A. No. He just said -- 10:55
21 78 Q. But did you take that to mean his protected
22 disclosures?
23 A. Yes.
24 79 Q. Now, the next entry you have is for the 28th May.
25 Before I come to that, we know that the entry on Pulse 10:56
26 had been created at that point in time?
27 A. That's correct.
28 80 Q. It had come to Inspector Farrell's attention, he had
29 reported it up the line. Did he discuss that with you,

1 the creation of the entry?

2 A. I was certainly aware of the entry. There would have
3 been some discussion but I had very little engagement
4 or interaction with that, because the file didn't cross
5 my desk. 10:56

6 81 Q. Yes. I appreciate, obviously, you didn't therefore
7 have any sort of formal responsibility for it, but did
8 you have a view about the creation of the entry,
9 putting on Pulse that type of report?

10 A. Yeah. I certainly thought it was inappropriate. 10:56

11 82 Q. Why did you think that?

12 A. Because I felt that that matter related to --
13 particularly the last part of that entry, related to
14 corruption by Gardaí in Athlone and that was best
15 handled within the protected disclosure and the Galway 10:57
16 investigation. That's who I felt it should have been
17 addressed with, rather than the public forum of a Pulse
18 intelligence entry.

19 83 Q. Did you become aware, although not involved directly in
20 it, of the dialogue, if I can call it that, that was 10:57
21 going on between Superintendent McBrien and Chief
22 Superintendent Curran with Garda Keogh and asking him
23 to, as it were, explain his actions? Did you think
24 that was appropriate?

25 A. Yes. 10:57

26 84 Q. You yourself, were you consulted as to whether you
27 thought it was a CHIS matter or did you have any few on
28 that, yourself?

29 A. Well, I would have thought it was a CHIS matter. I

1 think any information that comes to light where there
2 is an informant is a CHIS matter as per policy.

3 85 Q. Yes. I mean, had you yourself examined the Pulse
4 entry?

5 A. I did, I looked at the Pulse entry. 10:58

6 86 Q. Did you see that it was said to have come from a source
7 that was totally reliable?

8 A. Yes, I did.

9 87 Q. Or always reliable?

10 A. I noticed that. 10:58

11 88 Q. Is that a significant feature of it from your point of
12 view?

13 A. Absolutely. It means that the person is tried and
14 trusted, proved reliable in the past, is a known
15 source. And if it's a known source, it puts it 10:58
16 certainly into the realms of a CHIS referral.

17 89 Q. Okay. You yourself didn't speak with Garda Keogh about
18 this at any stage, is that right?

19 A. No. Because it was being handled, I suppose, by
20 other -- I suppose Inspector Farrell and other officers 10:59
21 and I was happy with that.

22 90 Q. Okay. We know now obviously that Garda Keogh had also
23 done a Pulse check on Garda A at 5:30 in the morning of
24 the 18th?

25 A. Yes. 10:59

26 91 Q. Presumably you weren't aware of that at the time?

27 A. No.

28 92 Q. When did you become aware of that?

29 A. I can't say when I became aware of it, but it was some

1 time -- I can't exactly remember when, but I do know
2 that after Garda A had --

3 93 Q. Garda A. We are talking about a different Garda?
4 A. Sorry.

5 94 Q. Garda A? 10:59
6 A. Relayed that information to Superintendent McBrien,
7 that at that point I became aware.

8 95 Q. Yes. There were a number of reports that went up to
9 Superintendent McBrien which related to Garda A's
10 concern? 11:00

11 A. Yes.

12 96 Q. That went to Superintendent McBrien, but did you become
13 aware of it at that stage?

14 A. Yes, I would have been aware of it at that stage.

15 97 Q. Were you consulted by Superintendent McBrien or did you 11:00
16 discuss it with her at all?

17 A. I probably discussed it at some juncture, but not in
18 any formal way. There was no -- I wasn't actioned or
19 asked to do anything in respect of it. I think she was
20 happy with... 11:00

21 98 Q. Okay. Did you have a view about whether it was
22 appropriate to ask him why he had been checking this
23 different Garda A on the Pulse?

24 A. Absolutely, it was appropriate.

25 99 Q. In relation to the third issue, the Olivia O'Neill 11:01
26 issue, did you have any involvement in that?

27 A. No. I actually was abroad for a month on a leadership
28 development programme in the United States during that
29 month that both -- I would have to check my diary entry

1 just for the dates I was away, but I was away for that
2 entire month and returned in early -- I think it was
3 the 4th July and I was away for the month of June,
4 abroad, and returned to work I think on the 4th July.

5 100 Q. Yes. Were you consulted or did you discuss any of the 11:01
6 steps that were taken or were going to be taken in
7 relation to Olivia O'Neill?

8 A. Well, when I came back to work following that month,
9 there had been a murder in Athlone and there was
10 also -- the weekend I arrived back, the Triathlon was 11:01
11 on, I think Garda Keogh has actually referred to that
12 as a particularly busy weekend. So I certainly came
13 back to be briefed on a lot of matters, but Olivia
14 O'Neill wasn't one of them.

15 101 Q. Yes. Now, in relation to issue number 4, I think you 11:02
16 became aware in early July of the e-mail that Garda
17 Lyons had submitted to Sergeant Curley, isn't that
18 correct?

19 A. That's correct.

20 102 Q. You record in your statement at page 9 of it, we don't 11:02
21 have to look at it:

22

23 "Detective Sergeant Curley and I discussed the report
24 submitted by Garda Lyons."

25

11:02

26 Is that correct?

27 A. That's correct.

28 103 Q. Were you made aware that Sergeant Curley had apparently
29 spoken to Garda Lyons before he had submitted the

1 report?

2 A. Sorry?

3 104 Q. Were you aware that Garda Lyons and Sergeant Curley had
4 apparently discussed the issue before Garda Lyons
5 submitted the report? 11:03

6 A. No.

7 105 Q. Can you tell us about your discussion of the issue with
8 Sergeant Curley?

9 A. Yeah. I suppose, my conversation with Sergeant Curley
10 surrounded the fact that, I suppose, I was aware of, I 11:03
11 suppose, the broad nature of the report, or certainly
12 he had brought it to my attention and that essentially
13 he had been tasked, I suppose, either himself or to one
14 of his people under his area of responsibility, the
15 crime detective and drugs unit in Athlone, to obtain a 11:03
16 statement from Mr. Liam McHugh.

17 106 Q. Yes.

18 A. And that it was his view that he wasn't, I suppose, the
19 appropriate person to do that, due to some knowledge he
20 had or, I suppose, that he knew Mr. Liam McHugh. 11:04

21 107 Q. Well, was this sort of a knowledge based upon personal
22 experience of some sort?

23 A. Well it's actually to do with --

24 108 Q. Where they grew up?

25 A. Yeah,. 11:04

26 109 Q. CHAIRMAN: They had grown-up together, I think he said.
27 Don't think anybody disputes that, well to date they
28 haven't.

29 A. That's it, they're from the same locality.

1 CHAIRMAN: He brought that to my attention.

2 110 Q. MR. MCGUINNESS: According to your understanding, who
3 had tasked Sergeant Curley with that job?

4 A. Superintendent McBrien.

5 111 Q. Superintendent McBrien. Did you discuss the matter 11:04
6 with Superintendent McBrien?

7 A. I don't -- no, I don't believe I did.

8 112 Q. Yes.

9 A. I am not sure if Superintendent McBrien was present on
10 that particular day, but I have no recollection of 11:04
11 discussing it with Superintendent McBrien but I did
12 feel the most appropriate course of action, regardless
13 of any discussion I was going to have with
14 Superintendent McBrien, was to document my position in
15 relation to what was being tasked by Detective Sergeant 11:05
16 Curley, to document that and advise the superintendent
17 of my view in relation to the matter.

18 113 Q. Okay. I think you say in your statement that you asked
19 that he return the file to me, that's Sergeant Curley,
20 and that's you writing on the file to Superintendent 11:05
21 McBrien. When you say the file, what are you talking
22 about? was there a file as such?

23 A. Well, there was a report from Garda Lyons, which I
24 didn't have.

25 114 Q. Had you not seen the report? 11:05
26 A. I don't believe I had at that stage.

27 115 Q. Okay. So did you receive a copy of the report?

28 A. I got a copy of the report prior to preparing my minute
29 to the superintendent.

1 116 Q. Yes.

2 A. That was a very small file, I appreciate, but that was
3 the file at that juncture.

4 117 Q. Yes. When you saw the report, I mean it's relatively
5 brief, one could say, did you think it might be 11:06
6 appropriate to ask Garda Lyons for any more details or
7 to expand on any issues that arose?

8 A. No. I think my view on the matter was, certainly
9 perhaps at some juncture Sergeant Lyons could have been
10 asked to expand, but I didn't feel it was appropriate 11:06
11 for me or anyone from Athlone Garda Station to delve
12 into the matter or investigate the matter.

13 118 Q. Well, we will come to that, but you did write and
14 perhaps we will look at page 808, where there is a copy
15 of your letter in that regard. It's dated the 8th 11:06
16 July. If we scroll down. It's addressed to the
17 superintendent. And you say:

18

19 "With reference to the above, I believe the association
20 of Garda members, both with Liam McHugh and the members 11:07
21 involved in the investigation, Garda Lyons, Garda A &
22 Keogh, make it inappropriate for Gardaí from Athlone to
23 interview Liam McHugh when colleagues are under
24 investigation.

25 11:07

26 I understand Detective Inspector Coppinger is the
27 external appointed officer to investigate this matter
28 and I feel he or his investigation team are the most
29 appropriate persons to interview Mr. McHugh.

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I will obtain a mobile number for Liam McHugh, which will assist the investigation team to arrange a meeting with Mr. McHugh."

11:07

Now, can I just ask you about different elements of that? In the first line you are referring to the "association of Garda members both with Liam McHugh and the members involved in the investigation".

A. Yeah.

11:08

119 Q. Who are the members you're referring to there in the first line? Are there any particular members?

A. Yes. Detective Sergeant Curley.

120 Q. Okay. And is it only Detective Sergeant Curley you had in mind there?

11:08

A. It's only Detective Sergeant Curley I had in mind but I couldn't be sure there weren't other members.

121 Q. Yes.

A. Because there's a lot of Garda members obviously living in the locality familiar with people in the locality.

11:08

122 Q. Yes.

A. And I was capturing other members who may also be associated.

123 Q. Yes. Okay. So that's certainly Sergeant Curley and possibly other members?

11:08

A. Yes.

124 Q. Both with Liam McHugh. And then "The members involved with the investigation", now what investigation are you referring to there in that line?

1 A. The protected disclosures investigation.

2 125 Q. The Ó Cualáin investigation?

3 A. Yes. Yeah, I think I referred to it later in the
4 minute.

5 126 Q. Yes. It's just you seem to have lumped those three 11:09
6 named guards into that investigation. Was that your
7 intention? Were you assuming or did you have some sort
8 of knowledge that those three guards were involved in
9 the Ó Cualáin investigation?

10 A. I was aware that -- yes, I was aware that the 11:09
11 allegations that Garda Keogh had made related to Garda
12 A, who, I suppose, was a colleague of Garda Lyons and I
13 suppose I couldn't be sure what other members were part
14 of it.

15 127 Q. Yes. 11:09

16 A. But certainly...

17 128 Q. Obviously Sergeant Curley, I take it, was one of the
18 senior sergeants in Athlone?

19 A. Yes.

20 129 Q. You and he had come to the view that it was 11:10
21 inappropriate to go to Mr. McHugh?

22 A. Well, I think, yeah, well, I had formed -- I suppose
23 that was my independent view in relation to the
24 position.

25 130 Q. Yes. 11:10

26 A. Yes.

27 131 Q. I understand that. But Garda Keogh seems to have
28 assured you in one of the phone calls that you have
29 noted and that we have looked at, that you weren't --

1 you had nothing to worry about from him?

2 A. That's correct.

3 132 Q. Did you take it from that, that you weren't going to be
4 involved in the Ó Cualáin investigation in any way?

5 A. I couldn't take that from that. 11:10

6 133 Q. Yes. But obviously you're not associating yourself
7 with being --

8 A. Yeah, well I was aware from -- my impression was that a
9 lot of the allegations were prior to 2010 and prior to
10 my arrival in Athlone, but I couldn't be sure what was 11:11
11 the nature --

12 134 Q. All right.

13 A. I didn't know the nature of the allegations.

14 135 Q. All right. well, what I am circling around to is this
15 issue: Sergeant Curley wasn't appropriate, Garda Keogh 11:11
16 had told you you had nothing to worry about, did you
17 not think it perhaps a step to be taken that you should
18 interview Mr. McHugh?

19 A. Absolutely not.

20 136 Q. And why do you say that so clearly, if I could ask you, 11:11
21 superintendent?

22 A. Yeah, because I felt firstly the allegation related to
23 wrongdoing in Athlone.

24 137 Q. Yes.

25 A. So it would be internal Garda policy that you would 11:11
26 never investigate someone under your own structure or
27 chain of command. So it would be against Garda policy
28 for me to go and investigate Gardaí in Athlone.
29 That's the first reason.

1 138 Q. All right.
2 A. I also felt that, I suppose, the inferences was that it
3 was members in Athlone. whether the matter was already
4 investigation by the Ó Cualáin investigation, I wasn't
5 to know that. 11:12
6 139 Q. Yes.
7 A. It could be a matter that came to light during the
8 course of their investigation and it could actually be
9 a piece that linked in allegations that were already
10 made by Garda Keogh. So it could be a missing piece in 11:12
11 their investigation. It could also be a situation, I
12 felt, that Liam McHugh could need the reassurance from
13 an externally appointed person and he will be more
14 comfortable making allegations.
15 140 Q. Well, did you know Mr. McHugh? 11:12
16 A. No.
17 141 Q. Did you know him to see?
18 A. No.
19 142 Q. In terms of your previous answer to me there, you seem
20 to be clearly of the view that the investigation of 11:13
21 this would be an investigation into wrongdoing by
22 Gardaí arising from Garda Lyons' report?
23 A. Well there was a number of possibilities based on Garda
24 Lyons' report.
25 143 Q. Yes. 11:13
26 A. I think about six or seven different scenarios, that
27 the report alluded to.
28 144 Q. Yes.
29 A. Which version of that was the truth, I didn't know at

1 that juncture.

2 145 Q. Yes.

3 A. That was something the investigation was going to

4 establish.

5 146 Q. Yes. 11:13

6 A. If Mr. Liam McHugh was willing to make a statement.

7 147 Q. All right. So did you see it as open-ended in terms of

8 what was to be investigated?

9 A. Absolutely, there was lots of possibilities.

10 148 Q. So you're not seeing this simply as an investigation or 11:13

11 a possible investigation into Garda Keogh, is that

12 right?

13 A. Actually, I think, my statement, if can I bring it up,

14 is very clear in relation to where my focus was in

15 relation to this matter and my rationale in relation to 11:14

16 sending it to Galway.

17 149 Q. Yes. Well, perhaps we will look at page 687, is that

18 the portion you're referring to? The middle of page

19 687. You see there, line 446, you're referring to --

20 that's the line in Garda Keogh's statement made to the 11:14

21 Tribunal investigators, line 446. You say:

22

23 "I note Garda Keogh's reference to the Liam McHugh

24 matter."

25 11:14

26 Is that where you were referring to?

27 A. Yeah -- no. If we go to line 456.

28 150 Q. Okay, if we go on to page 688 then?

29 CHAIRMAN: I'm sorry?

1 MR. McGUI NNESS: Page 688.

2 CHAIRMAN: Thank you.

3 151 Q. MR. McGUI NNESS: This is the portion of your statement
4 that you're referring to, is that right?

5 A. Yeah. I suppose what I am saying is:

11:15

6
7 "I cannot accept that Garda management were only
8 concerned about whether Garda Keogh went to Liam McHugh
9 or not. In order to advance the substantive matter, a
10 statement is required from Liam McHugh to establish if 11:15
11 Gardaí actually stole money from him and spent it. A
12 statement would allow for the investigation of the
13 facts contained within. At various levels Garda
14 management considered who was best placed to take this
15 statement and obtain a statement. It was my considered 11:15
16 opinion that (then) Assistant Commissioner Ó Cualáin
17 investigation was best placed to investigate the
18 matter, which clearly indicates my focus was on the
19 substantive matter."

11:15

20
21 And by that I mean, the actual allegation that Gardaí
22 stole money from Mr. Liam McHugh and spent it.

23 152 Q. Yes. Your minute went to Superintendent McBrien and
24 did you discuss that with her?

25 A. Yes.

11:16

26 153 Q. She has given her own evidence, but she did write the
27 next day to Detective Superintendent Mulcahy, isn't
28 that correct?

29 A. Yeah.

1 154 Q. You become aware of that?
2 A. Yeah.
3 155 Q. The way you describe it is that she sent the file on,
4 is that correct?
5 A. Yes. I think the file had expanded within that period. 11:16
6 156 Q. Yes. So is it correct that Superintendent Mulcahy
7 received whatever the entire file was relating to
8 McHugh via Superintendent McBrien's --
9 A. Well, I presume so. I didn't send the file, it was
10 Superintendent McBrien. 11:17
11 157 Q. Well, her letter of the 9th July is volume 14, page
12 3977. If we go down the page.
13
14 "On 2nd June 2014, Garda Aidan Lyons made a report
15 regarding information he received from Mr. Liam McHugh 11:17
16 concerning Garda Nicholas Keogh. An e-mail outlining
17 this is attached.
18
19 I have requested that a statement regarding this
20 allegation be taken from Mr. McHugh. Detective 11:17
21 Sergeant Curley, who knows Mr. McHugh personally since
22 childhood, has stated that he would not be the most
23 suitable person to take this statement. Garda Tom
24 Higgins, Athlone, met with Liam McHugh and invited him
25 to make statement in relation to this incident. 11:18
26 Mr. McHugh refused to make a statement but undertook to
27 think about it and maybe make himself available to
28 provide such statement in the future."
29

1 Can I just stop there. Had you been aware that Garda
2 Higgins had approached Mr. McHugh?

3 A. No.

4 158 Q. So, at the time of your discussion with Sergeant
5 Curley, there was no mention of Garda Higgins going out 11:18
6 or having gone out, is that right?

7 A. No, he hadn't gone out.

8 159 Q. He hadn't gone out?

9 A. No.

10 160 Q. But was there any discussion or mention by Sergeant 11:18
11 Curley of an intention to send Garda Higgins out?

12 A. The discussion surrounding that, he been instructed to
13 take a statement by the superintendent and I think he
14 had received a reminder in respect of that matter
15 subsequent, during the period I was abroad. 11:18

16 161 Q. Sergeant Curley?

17 A. Sergeant Curley had.

18 162 Q. Yes.

19 A. So it was a very clear instruction, to take a statement
20 from Mr. Liam McHugh. I suppose Detective Sergeant 11:19
21 Curley was willing to comply with that requirement but
22 he some concerns.

23 163 Q. Yes.

24 A. which he brought to my attention on the 8th July. I
25 formed my own personal independent view in respect of 11:19
26 that matter and I wrote to the superintendent
27 expressing that in my minute.

28 164 Q. Yes. But I just want to be clear in my own mind what
29 your evidence is on this point. Did Sergeant Curley

1 mention Garda Higgins during the discussion with you?
2 A. No, I don't believe so. I can't recall any mention of
3 Garda Higgins.
4 165 Q. Did you become aware between the 8th, when you wrote
5 your letter, and then the 9th, when you discussed the 11:19
6 matter with Superintendent McBrien, that Garda Higgins
7 had gone out?
8 A. No. I think my conversation with Superintendent
9 McBrien would have been post the 9th July. But I can't
10 give a specific timeframe on that. It basically said 11:20
11 that she agreed with my view in respect of the matter
12 and had sent the matter forward to Detective
13 Superintendent Mulcahy.
14 166 Q. Superintendent McBrien goes on:
15 11:20
16 "I have considered and agreed with Inspector Minnock
17 and Detective Sergeant Curley's view that in the light
18 of your investigation it might be more appropriate and
19 impartial if someone from outside this district
20 approached Mr. McHugh to ascertain if he is willing to 11:20
21 make a statement. In the circumstances, would it be
22 possible for Detective Inspector Coppinger to arrange
23 to interview Liam McHugh in this regard? Inspector
24 Minnock Athlone. . . ."
25 11:20
26 Then there is a number given
27
28 "...will assist to arrange such meeting.
29

1 Garda Keogh is aware that I know about this allegation.
2 He informed me last night that he is meeting his
3 confidential recipient on Monday and he will be making
4 him aware of it.

11:21

5
6 I would be grateful for your assistance in this
7 regard."

8
9 Now, it doesn't appear explicitly that Superintendent
10 McBrien sent on your letter to her to Superintendent
11 Mulcahy, but she seems to have been very clearly
12 agreeing with your view?

11:21

13 A. Yeah, it appears to me as well from that minute that
14 she compiled a composite minute of all the
15 correspondence and placed it into that minute and
16 forwarded it to Detective Superintendent Mulcahy.
17 That's what it appears to me.

11:21

18 167 Q. Now, I think you make it clear in your statement that
19 you were never contacted by anyone on the Ó Cualáin
20 team in relation to meeting Mr. McHugh.

11:21

21 A. That's correct.

22 168 Q. Or arranging an appointment in any way with Mr. McHugh,
23 isn't that right?

24 A. That's correct.

25 169 Q. But did Superintendent McBrien make you aware of any
26 response that she had received in relation to this
27 suggestion?

11:21

28 A. I think at some stage later we had a brief conversation
29 to say that the file had returned. But, at that stage

1 it had been clarified by Garda Keogh that he had no
2 knowledge of any interaction with Liam McHugh.

3 170 Q. Well, did Superintendent McBrien inform you of that,
4 that she had interviewed him and put the allegation to
5 Garda Keogh? 11:22

6 A. At some point she did.

7 171 Q. Well, did you consider that ended the matter?

8 A. Em, I suppose it did, but the reality was the file
9 wasn't with me at any stage.

10 172 Q. All right. 11:22

11 A. I merely had got concerns the detective sergeant
12 brought to me and I felt it appropriate to document my
13 opinion in respect of that and document it to the
14 superintendent. That was my sole involvement in the
15 file. 11:23

16 173 Q. Yes. You do respond to an element of Garda Keogh's
17 statement in which he effectively makes a complaint
18 that there was no investigation ever carried out in
19 relation to the alleged theft of monies. You say at
20 page 688 of your statement: 11:23

21

22 "I believe Garda Keogh is correct in stating that no
23 investigation took place in relation to the alleged
24 theft of monies."

25 11:23

26 Was that a matter of concern to you, that no
27 investigation had taken place, or were you just
28 confirming that as a fact?

29 A. I just confirming that as a fact. The reality was, it

1 wasn't a concern to me because the matter had been
2 fully satisfied from the point of view that Garda Keogh
3 had denied he had any interaction with Mr. Liam McHugh
4 and Mr. McHugh had also said that he had no knowledge
5 of the situation of what was being alluded to. He also 11:24
6 had said he wasn't willing to make a statement in
7 respect of the matter. So there was nothing to start
8 an investigation. The matter was fully addressed in
9 every avenue and concluded. So it wasn't a matter of
10 concern to me. 11:24

11 174 Q. Just going back to your notes. You made a note of the
12 conversation that you had with him on the 28th May?

13 A. What page, sorry?

14 175 Q. On page 779, volume 4. At the bottom of page 779.

15 A. Yes. 11:25

16 176 Q. You record there:

17
18 "Spoke to Garda Keogh. Had spoken to him in public
19 office to let him know I wished to speak with him. I
20 met him in the backyard and had a conversation with 11:25
21 him. I asked him if he had experienced any negative
22 feelings or comments."

23
24 That probably should be

25 11:25
26 " -- since he came forward and he said he hasn't. I
27 told him if there was any change or he had any issue,
28 he could come to me and I would address the matter.
29 Garda Keogh mentioned that in relation to the media it

1 was not likely the [blank] issue and not associated. I
2 stated I understood that and again reassured Garda
3 Keogh that he could come to me with any concerns he
4 had. Garda Keogh approved satisfied and conversation
5 finished. "

11:26

6
7 was there any matter that prompted that sort of attempt
8 to reassure him?

9 A. Yeah. No, I suppose my phone call of the 12/5 was by
10 way of phone call.

11:26

11 177 Q. Yes.

12 A. And I suppose when you're, I suppose, giving someone, I
13 suppose, some reassurance or want to talk to them in
14 relation to those matters, it would have been more
15 appropriate if Garda Keogh -- to talk to him on that
16 day. So I followed up my phone call from the 12th by
17 way of personal interaction when he was in the station,
18 when we were both working together. That was the
19 reason I followed up on that.

11:26

20 178 Q. All right. Now, just linking that with a number of
21 Garda Keogh's concerns which he has given evidence
22 about, in your minute to Superintendent McBrien you are
23 talking about the inappropriateness of somebody
24 interviewing Mr. McHugh, but at that point in time the
25 Ó Cualáin investigation were interviewing Gardaí in
26 Athlone. Firstly, did Garda Keogh express any concern
27 to you about that at the time?

11:27

28 A. No. Nor during the process.

29 179 Q. Did you have any view about that one way or another,

1 from any other guard in Athlone of your own...

2 A. Nobody ever brought it to my attention, any concerns
3 they had in relation to the investigation being carried
4 out in Athlone. I suppose it was my personal view that
5 it was certainly very convenient that the investigation 11:27
6 team were coming to us rather than us having to travel
7 to them. The convenience was also enhanced by the fact
8 that when they were asking you questions or queries, I
9 know one example of my own, I required to get a court
10 file and I could go to the court office, get the file 11:28
11 and make my statement based on the facts contained
12 within the court file. I also had access to Pulse or
13 other records that I needed to make statements in
14 respect of their investigation. So I personally felt
15 it was very convenient and certainly facilitated 11:28
16 matters for me, personally anyway. I appreciate other
17 had different concerns but they may be on the same unit
18 as Garda Keogh and hearing his concerns. I appreciate
19 they may have a different perspective on it. But from
20 my personal point of view, it certainly facilitated... 11:28

21 180 Q. Are these the entirety then of the notes of any
22 interactions that you had with Garda Keogh?

23 A. Yes. Everything that I disclosed?

24 181 Q. Yes?

25 A. Yeah. 11:28

26 182 Q. We will be coming back to issues later, you understand
27 that, we're only dealing with issues 1 to 4?

28 A. I do.

29 183 Q. There is a note which potentially relates to an issue 4

1 matter, I think which you made in your journal, of a
2 conversation that you had with Garda Greene at a much
3 later date, isn't that correct?

4 A. Yes.

5 184 Q. I think if we look at page 801 of your notes, 801 of 11:29
6 volume 3. There is a record of a phone call there on
7 the 17/7/2018. My understanding is that that first
8 note is incomplete, is that correct?

9 A. That's correct. That's correct. I think it's
10 available on the hand -- 11:29

11 185 Q. Yes. You didn't prepare these typed versions yourself;
12 is that correct?

13 A. No, they were actually typed in an office in
14 headquarters.

15 186 Q. Yes. But you brought it to our attention that there is 11:29
16 another few lines which should be --

17 A. I did, and I actually have it included in my statement,
18 which is --

19 187 Q. Yes.

20 A. If I just refer to it. I suppose my made my statement 11:30
21 having gone through my notes and then submitted my
22 notes to be typed.

23 188 Q. Yes.

24 CHAIRMAN: So if we go to your statement, we will find
25 a fuller version. 11:30

26 A. No.

27 189 Q. CHAIRMAN: No? Sorry, okay.

28 A. I made my statement, which is, I suppose, maybe a
29 composite extract of what's there. I refer to it.

1 MR. MCGUINNESS: Yes, what portion of your statement do
2 you wish to refer to?

3 190 Q. CHAIRMAN: Superintendent, can you, from your written
4 notes, your handwritten notes, can you fill in for us
5 what needs to be added to this? 11:30

6 A. If I have my original diary, I can.

7 CHAIRMAN: Thanks very much. Okay.

8 MR. MCGUINNESS: We have circulated the handwritten
9 version of it. It's at page 15823.

10 MR. MURPHY: Chairman, with your permission, we have 11:31
11 the original document here, if that's helpful.

12 CHAIRMAN: Very good. Yes, absolutely. 15823, is that
13 correct?

14 MR. MCGUINNESS: Yes.

15 CHAIRMAN: So we have the superintendent here with the 11:31
16 original document and he is going to tell us the part
17 that's missing from the -- he is going to tell us what
18 the note says. Would you like to read us the note.

19 A. And I suppose this extract here also has it, which is
20 the handwritten, it's just not as clear. 11:31

21 191 Q. CHAIRMAN: Absolutely.

22 A. So, if you scroll down to the very bottom of that. The
23 entry is on the 17/7.

24 192 Q. MR. MCGUINNESS: Just to put it in context, this is a
25 phone call not from Garda Keogh or with Garda Keogh? 11:31

26 A. Exactly.

27 193 Q. It's is a phone call from Garda Greene?

28 A. Yeah, I think the entry clarifies it at the very
29 outset. It says:

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"Call from Garda Greene. "

194 Q. Yes. And it's at a time when Garda Keogh has I think given evidence of perhaps a change in relationship with Garda Greene?

11:32

A. That's correct.

195 Q. So it is to be taken in that context also?

A. Yes.

196 Q. You have heard that evidence?

A. I have.

11:32

197 Q. If you just read out the omitted part, which is the handwritten last four lines there?

A. Okay. At the very bottom of the entry it says:

"Nick said he wasn't happy with Lyons and Curley and what they'd said after they got disclosure. He seem to suggest he was going after them now."

11:32

198 Q. Now, obviously it doesn't relate to the disclosure made by the Tribunal, but it probably relates to either the Freedom of Information disclosure or the disclosure made in the course of the Finn investigation?

11:32

A. Yeah, I couldn't be sure.

199 Q. You don't know what disclosure is being referred to as a matter of certainty?

A. I don't.

11:32

200 Q. Again, this is a hearsay version of Garda Keogh's expressions, if being accurately relayed through Garda Greene?

A. That's correct.

1 201 Q. Right.

2 A. Just to clarify, I suppose in my statement on page 708
3 I just say that:

4

5 "Garda Keogh stated he wasn't happy with --"

11:33

6

7 I have in brackets:

8

9 "... sergeant Aidan (Lyons) or (Inspector Eamon) Curley
10 after he got disclosure and he was after them now."

11:33

11

12 I made a contemporaneous note in my Garda journal.

13

14 CHAIRMAN: Thank you.

15 202 Q. MR. MCGUINNESS: You have included that in your
16 original statement?

11:33

17 A. I have, and in my original disclosure.

18 203 Q. Thank you, Superintendent Minnock. We will be
19 recalling you at a later date. Other parties may wish
20 to cross-examine you now.

11:34

21

22 END OF EXAMINATION

23

24 CHAIRMAN: Now, yes, Mr. O'Brien.

25

11:34

26 SUPERINTENDENT AIDAN MINNOCK WAS THEN CROSS-EXAMINED BY
27 MR. O'BRIEN, AS FOLLOWS:

28

29 MR. O'BRIEN: Good morning, Chairman. Good morning,

1 superintendent.

2 A. Good morning.

3 204 Q. I am going to ask you some questions on behalf of Garda
4 Keogh. Just going back first of all, I think you
5 described your relationship with Garda Keogh in your 11:34
6 statement at page 685 as that you had a good
7 relationship with him, isn't that right?

8 A. That's correct.

9 205 Q. I just want to ask you a question just to ascertain the
10 position on the ground, as it were, prior to 2014. We 11:34
11 know that you were stationed in Athlone since 2010 and
12 I will frame this question in the same way as I asked
13 Inspector Farrell yesterday: Were you aware that there
14 were rumours as to certain matters circulating either
15 in the community or in the station at that time? 11:34

16 A. No.

17 206 Q. Okay. Just to move on to discuss the issue concerning
18 Liam McHugh. We know that this arose as a result of an
19 e-mail that was sent by Detective Sergeant Curley --
20 sorry, by Garda Lyons -- sorry, it's on foot of a 11:35
21 report by Garda Lyons, it's sent by e-mail from
22 Detective Sergeant Curley to Inspector Farrell. When
23 you returned from the United States in July, did you
24 and Inspector Farrell discuss this issue?

25 A. No. 11:35

26 207 Q. So the first time you became aware of it was from your
27 conversation with Detective Sergeant Curley, is that
28 correct?

29 A. That's correct.

1 208 Q. Do you recall that conversation with Detective Sergeant
2 Curley?

3 A. I do.

4 209 Q. Did I understand you a moment ago to say that at the
5 time you didn't have a copy of the e-mail containing 11:35
6 the report?

7 A. Well, when the initial conversation happened I didn't
8 have a copy, that I'm aware of, certainly not on my
9 desk, because I asked for the file at that juncture,
10 prior to preparing my minute, which was essentially the 11:35
11 report from Sergeant Lyons.

12 210 Q. I see. So the information as it was relayed to you was
13 from Detective Sergeant Curley. It was his explanation
14 to you as to what the report contained, is that right?

15 A. Well, I suppose Sergeant Curley was merely, I suppose, 11:36
16 explaining the concerns surrounding him, the
17 appropriateness of him making or taking the statement
18 from Mr. Liam MCHugh.

19 211 Q. I see. I suppose what I am trying to ascertain first
20 of all is, what was your understanding of the content 11:36
21 of the report or what was he saying to you about Liam
22 MCHugh and essentially what the allegation was?

23 A. He just basically said that there was an allegation.
24 He didn't -- I suppose, it certainly is quite complex,
25 so I don't think he tried to explain all of that. 11:36
26 Rather, the conversation surrounded the appropriateness
27 of him actually taking the statement from Liam MCHugh
28 or tasking someone from his unit or section to take the
29 statement from Liam MCHugh. I suppose he was seeking

1 either was I on the same page as him or was -- did I
2 have a different view or what was my independent view
3 on the matter. And I had my own view on the matter.
4 212 Q. I see. But did you understand it at that stage, when
5 you're speaking to Detective Sergeant Curley, that it's 11:37
6 an allegation of wrongdoing relating to Gardaí in
7 Athlone?
8 A. I did.
9 213 Q. Okay. Did you see that as -- I presume you did see it
10 as a serious issue? 11:37
11 A. Absolutely.
12 214 Q. Did you take any note of your conversation with
13 Detective Sergeant Curley?
14 A. I documented it on the minute on the 8th July 2014, I
15 suppose the nature of what I felt surrounding the 11:37
16 outcome of that conversation with Detective Sergeant
17 Curley.
18 215 Q. That's the minute that we have seen a few moments ago?
19 A. That's correct.
20 216 Q. That was opened by Mr. McGuinness. But in terms 11:38
21 perhaps of a diary entry, did you make any journal note
22 or a diary entry of it, just given its seriousness?
23 A. Certainly not. I wouldn't feel the need. I suppose
24 every matter we deal with in An Garda Síochána is a
25 serious matter. If you are going to put a minute on 11:38
26 the matter expressing your specific views on it, I
27 think it was well documented.
28 217 Q. I see.
29 A. So I didn't.

1 218 Q. I think the situation then evolved and you asked for a
2 copy of the file so that you could write to
3 Superintendent McBrien, isn't that right?
4 A. That's correct, yeah.

5 219 Q. And that's how the letter, or the minute, as you say of 11:38
6 the 8th --

7 220 Q. CHAIRMAN: Sorry, I thought you asked for the file?
8 A. I asked for the file as it stood.
9 CHAIRMAN: Yes, Mr. O'Brien said you asked for a copy
10 of the file. I thought you asked for the file. 11:38
11 MR. O'BRIEN: Sorry.
12 CHAIRMAN: I thought it was a file, it wasn't as if
13 there were copies around. That's what my understanding
14 is so far.

15 221 Q. MR. O'BRIEN: You asked for the file, just to clarify, 11:39
16 superintendent?

17 A. Yeah.

18 222 Q. And you were provided with that?
19 A. Yeah.

20 223 Q. At that stage did you have any conversation with 11:39
21 Inspector Farrell about this issue?

22 A. No.

23 224 Q. Did you know that Inspector Farrell had sent the issue
24 up the line, as it were, to Chief Superintendent
25 Curran? 11:39
26 A. No. I can't say I was aware of that. I probably would
27 have suspected that may have happened but... That
28 happened in my absence, so I can't say that I was aware
29 of that.

1 225 Q. When you discussed the matter with Superintendent
2 McBrien, was it brought to your attention that in fact
3 the issue had been sent up the line to Chief
4 Superintendent Curran?

5 A. I was aware that the matter -- I think my conversation 11:39
6 with Superintendent McBrien surrounding the escalation
7 of the matter to the Galway investigation team. I
8 don't believe I -- I don't recollect any conversations
9 around escalation of the matter to the chief
10 superintendent. 11:40

11 226 Q. I think you said to us a few moments ago, or you said
12 to the Chairman a few moments ago that your focus was
13 on the substantive matter?

14 A. That's correct.

15 227 Q. Is that right? 11:40

16 A. That's correct.

17 228 Q. Would it be fair to say, however, that the focus of the
18 Garda management was on Garda Keogh's involvement in
19 this issue?

20 A. I can't accept that at all. The reality of the matter 11:40
21 is that the superintendent, who is the manager,
22 escalated the matter to the Galway investigation team.
23 So I totally disagree with that.

24 229 Q. We know that the matter -- sorry, that Superintendent
25 McBrien did write to Detective Superintendent Mulcahy 11:40
26 and that he wrote back, and his letter is at page 1191.
27 His view, as we can see -- if that can be brought up,
28 please. You can see in the second last paragraph
29 there, he felt:

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"I feel it may be prudent for an independent investigation to be conducted to progress these matters."

11:41

So he was of the view that this should be investigated independently, is that right?

A. Sorry, I just can't see the screen.

MR. KELLY: I don't think it has been brought up on the screen.

11:41

A. I can't see the screen.

MR. KELLY: Sorry, the witness can't see the screen. He's getting a hard copy.

A. Thank you. Apologies.

230 Q. MR. O'BRIEN: Now, you can see there from the second last paragraph, it says:

11:41

"I feel that it may be prudent for an independent investigation to be conducted to progress these matters."

11:41

That is Superintendent Mulcahy.

A. Yes.

231 Q. That was your view as well, was it?

A. Yes.

11:41

232 Q. Were you surprised then when that didn't occur?

A. Em, not when all the matters were bottomed out.

233 Q. I mean --

A. A investigation commences with a statement. With no

1 statement, there is no investigation.

2 234 Q. well, you said a few moments ago that it wasn't a
3 concern to you as the matter was fully satisfied,
4 because Garda Keogh, I am paraphrasing here, said he
5 had no knowledge. That's a position he maintained from 11:42
6 the outset, isn't that right; that he had no knowledge
7 of this incident?

8 A. From his interaction --

9 235 Q. With Liam McHugh?

10 A. With Superintendent McBrien. 11:42

11 236 Q. Yes. But he maintained that he had no knowledge of
12 this incident ever occurring, isn't that correct?

13 A. And the date of that?

14 237 Q. No, at the time. When you were dealing with this issue
15 at the time, did you understand Garda Keogh's position 11:43
16 in relation to Mr. McHugh, that he had no interaction
17 with him at all?

18 A. No. That precedes my minute of the 8th July.

19 238 Q. Okay. You said a moment ago that the issue wasn't a
20 concern to you at the end because the matter was fully 11:43
21 satisfied because Garda Keogh said he had no knowledge
22 and Mr. McHugh said he had no knowledge, you said in
23 your evidence?

24 A. That's correct.

25 239 Q. But didn't that leave open, I suppose, a third perhaps 11:43
26 live issue, and that's the content of what's contained
27 in Garda Lyons' report. How did Garda Lyons -- why the
28 substance of the report wasn't investigated in relation
29 to Garda Lyons?

1 A. what you are asking me is, did I question the
2 credibility of Sergeant Lyons?

3 240 Q. Yes. 11:43

4 A. No.

5 241 Q. why was that? 11:43

6 A. Did I question the credibility of Garda Keogh? No.
7 There's one person left.

8 242 Q. Do you know why the matter wasn't properly
9 investigated, as Garda Keogh has maintained?

10 A. Yes. 11:44

11 243 Q. And why is that?

12 A. Because there was no statement. Every matter was
13 bottomed out, that I am aware of.

14 244 Q. Is it your view that a statement should not have been
15 taken from Garda Lyons? 11:44

16 A. Garda Lyons had provided a report. So at that stage
17 there was -- I wouldn't have seen any need for the
18 taking of a statement.

19 245 Q. At that stage, can I just ask you, were you aware that
20 internally Garda Keogh was dealing with, as we have 11:44
21 described it, the Pulse entry from the 18th May? So he
22 was dealing with queries from the senior management in
23 relation to that. Were you aware of that?

24 A. I wouldn't have been directly aware of it, but I would
25 have known there was some queries surrounding that. 11:44
26 But where those queries -- what Garda Keogh was
27 answering or not answering certainly would have passed
28 my desk.

29 246 Q. I see. Were you aware, secondly, that he was dealing

1 with queries relating to Olivia O'Neill?

2 A. Not really. I wasn't overly familiar with the Olivia
3 O'Neill investigating file at any stage.

4 247 Q. Okay. And obviously you were aware that he -- oh
5 sorry, were you aware that he was dealing with 11:45
6 questions in relation to the Liam McHugh issue?

7 A. I was aware that he was going to have to, subsequent to
8 my minute of the 8th July, answer questions in relation
9 to the Liam McHugh matter.

10 248 Q. When you consider these three issues running side by 11:45
11 side, these three investigations, would you accept that
12 taken together, as Garda Keogh has said, that this is
13 evidence of targeting of Garda Keogh?

14 A. Absolutely not. I fully refute that. All of those
15 matters came to light not manufactured by Garda 11:46
16 management but came to Garda management's attention,
17 and all of those matters had to be bottomed out, which
18 was done so by Garda management. I fully refute that.
19 MR. O'BRIEN: I don't have any further questions,
20 Chairman. 11:46
21

22 END OF EXAMINATION

23

24 CHAIRMAN: Thanks very much. Now, who is next?
25 Mr. Kane? 11:46

26 MR. KANE: Judge, I have two short questions for the
27 witness, please.

28 CHAIRMAN: Very good. Is it right that you should go
29 next and then I go to the Gardaí? Are you happy with

1 that.

2 MR. KANE: very happy.

3 CHAIRMAN: Thank you very much. Mr. Kane, just remind
4 us who you are for.

5 MR. KANE: Yes. Insofar as it concerns these, I am for 11:46
6 Garda Fergal Greene.

7 CHAIRMAN: Thank you very much.

8

9 SUPERINTENDENT AIDAN MINNOCK WAS THEN CROSS-EXAMINED BY
10 MR. KANE, AS FOLLOWS: 11:46

11

12 249 Q. MR. KANE: Superintendent Minnock, I want to ask you
13 questions about two statements that are made in your
14 statement. The first is on page 701, please. You
15 should see towards the top of the page, in the second 11:47
16 paragraph, it says:

17

18 "I asked Sergeant Haran if I should approach Garda
19 Keogh. Sergeant Haran reckoned it would not be the
20 best move as Garda Keogh did not seek any more or other 11:47
21 interventions from local management at that time."

22

23 Do you see that?

24 A. The 19th May?

25 CHAIRMAN: Do we know when that is, Mr. Kane? Surely 11:47
26 we need to go backwards.

27 MR. KANE: well, it's not dated in the statement but if
28 you trace back the previous sentence --

29 CHAIRMAN: That's what I was hoping. If you look back

1 at the previous page, we need to find something.
2 MR. KANE: It appears to be 2015. The last date in the
3 statement is 5th January 2015.
4 CHAIRMAN: Yes.
5 A. Yeah. 11:47
6 250 Q. MR. KANE: So, did you inform Garda Greene of that
7 information.
8 A. No.
9 251 Q. Can I ask you, please, to turn to page 707. At the
10 very bottom of the page, you're referring, I think, to 11:48
11 an in person conversation between yourself and Garda
12 Keogh. And at the very bottom of the page, it says:
13
14 "He" and I think that is Garda Keogh:
15 11:48
16 "...said that the chief superintendent was already in
17 touch with him and he asked for it to stop and that any
18 further direct contact would be seen as harassment. He
19 said he already complained about bullying and
20 harassment from management and he doesn't want any more 11:48
21 contact from them. I asked would he like me to remain
22 in contact with him and he said it would be better if I
23 didn't."
24
25 Did you pass on that information to Garda Greene? 11:49
26 A. No. Just to clarify, I suppose, I didn't pass on any
27 of my conversations with Garda Keogh to Garda Greene.
28 252 Q. Very well. Thank you, superintendent.
29

1 END OF EXAMINATION

2
3 CHAIRMAN: Thank you. Now, Mr. Murphy.

4 MR. MURPHY: Yes, Chairman.

5 MR. O'CONNOR: I beg your pardon, Chairman, Stephen
6 O'Connor. 11:49

7 CHAIRMAN: I am sorry, Mr. O'Connor. Should you go
8 next, Mr. O'Connor? Who are you for?

9 MR. O'CONNOR: I appear for retired Assistant
10 Commissioner Fintan Fanning, I am instructed by Sean
11 Costello solicitors. 11:49

12 CHAIRMAN: Yes. And do you think you should go next?

13 MR. O'CONNOR: Towards the close of Superintendent
14 Minnock's evidence to Mr. McGuinness, a document was
15 opened in which adverse references were made to
16 Assistant Commissioner Fanning. 11:49

17 CHAIRMAN: This is the note, the handwritten note of
18 the conversation that this witness had with Fergal
19 Greene, Garda Greene, is that right?

20 MR. O'CONNOR: Precisely, Chairman. 11:50

21 CHAIRMAN: That's right.

22 MR. O'CONNOR: From July 2018.

23 CHAIRMAN: It did, yes. That's correct.

24 MR. O'CONNOR: The effect of that is that in a
25 collateral way that has now been aired in public this
26 morning. 11:50

27 CHAIRMAN: Are you objecting to that, Mr. O'Connor?

28 MR. O'CONNOR: No, I don't think we could object to the
29 document being opened but it does have the effect

1 perhaps that Assistant Commissioner Fanning's name,
2 good name has now been engaged and without -- the
3 relevance of the material that I am referring to, to
4 the Terms of Reference of the Tribunal is certainly
5 tenuous, albeit that Garda Keogh was in fact 11:50
6 cross-examined by the Commissioner's legal team in
7 respect of the same conversation.
8 CHAIRMAN: what do you suggest I should do or how
9 should we deal with the matter?
10 MR. O'CONNOR: I would like to ask, on that basis, 11:50
11 Superintendent Minnock just two or three questions.
12 CHAIRMAN: Yes. Do you think that you should go before
13 Mr. Murphy, because if you do, I would be reasonably
14 sympathetic to that, subject to hearing what Mr. Murphy
15 has to say? would you prefer that or would you prefer 11:51
16 to hold your fire until such time as you have heard
17 Mr. Murphy?
18 MR. MURPHY: Chairman, I have no objection if my Friend
19 goes first.
20 CHAIRMAN: Yes. Tell me, you might be better off to 11:51
21 wait until Mr. Murphy has asked whatever he is going
22 to, so that if something arises in it, you're in a
23 better position. I will do whatever you want me to do.
24 MR. O'CONNOR: I am happy to wait until Mr. Murphy has
25 finished examining the witness, just in case something 11:51
26 does arise.
27 CHAIRMAN: I think as a matter of practical politics,
28 so to speak, a matter of practical justice, it's
29 probably better. That seems better, Mr. Murphy.

1 MR. MURPHY: Yes, Chairman.

2 CHAIRMAN: If something arises, there may be something
3 else for Mr. O'Connor. And I take his point as to the
4 questionable or whether it's of tangential relevance to
5 the Terms of Reference. I take his point about that 11:52
6 and I'm obviously not making any ruling on that. So
7 you take your own source, Mr. O'Connor. Okay, thank
8 you very much. Thank you for that intervention,
9 Mr. O'Connor.

10 MR. O'CONNOR: Thank you, Chairman. 11:52

11

12 SUPERINTENDENT AIDAN MINNOCK WAS THEN CROSS-EXAMINED BY
13 MR. MURPHY, AS FOLLOWS

14

15 253 Q. MR. MURPHY: Superintendent Minnock, thank you. You 11:52
16 have been asked questions in relation to the Liam
17 McHugh issue. I wonder if you could please be shown
18 page 695. This, I think, is an extract from your
19 statement. Could I refer you please to the middle of
20 the page and I wonder if it could scrolled down, 11:52
21 please, just to the centre. Thank you. And the
22 paragraph beginning "on page 9 and 10", do you see
23 that?

24 A. Yes.

25 254 Q. Can I just ask you to confirm, what is said there, I 11:52
26 think you say that Garda Keogh mentions the issue
27 surrounding Liam McHugh and you say that you have
28 addressed your involvement in the matter and then you
29 go on to say:

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"I do not accept that the focus of the matter was the alleged coercion of Garda Keogh towards Liam McHugh, inducing him to make a complaint against other Gardaí. The other substantive matter surrounds the alleged theft from Liam McHugh and this assertion was a concern to me."

11:53

Can I ask you, does that confirm what you meant earlier when you said the substantive matter?

11:53

A. Absolutely. That was a serious and significant allegation that was in that report.

255 Q. Yes. I wonder could you then please be shown document number 15823, please. This is the handwritten note which Mr. McGuinness asked you about. I think have you the original diary with you in the box, is that correct?

11:53

CHAIRMAN: This is the matter Mr. O'Connor referred to.
MR. MURPHY: That's the very same matter, yes.

A. Yes.

11:53

256 Q. MR. MURPHY: Again, just because the handwriting is slightly opaque, could I ask you just to assist us by indicating what that entry say, from the top, please. I think this is call from Garda Greene?

A. That's correct.

11:54

"Fergal Greene, Garda, 17/7/2018..."

Is when the entry was made.

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"Call from Garda Greene telling me he got phone call from Garda Nick Keogh. He said that Garda was drunk and he was ranting on a bit. He said he had been talking to Assistant Commissioner Fanning and he said he was going to look after all of them. He said he'd been in touch with them all and was going to meet up. He asked Fergal if he wanted to come on board and that he'd look after him too.

11:54

Nick said that Fanning was after --"

11:54

257 Q. You needn't name the next person. And then "was surprised"?

A. "And was surprised that Nick knew about any issue and it confirmed to him that Keogh had been talking to Fanning.

11:54

Nick said he wasn't happy with Lyons and Curley and what they'd said after he'd got disclosure. He seemed to suggest he was going after them now."

11:54

258 Q. I think that last passage is the one that Mr. McGuinness asked you about?

A. Yes.

259 Q. This was information relayed to you by Garda Greene, based on he said he had spoken to Garda Keogh about it?

11:55

A. That's correct.

260 Q. You made a note of this in your diary?

A. That's correct.

261 Q. Were you surprised by this information?

1 A. Yes.

2 262 Q. In terms of the questions you have been asked
3 concerning your approach and relationship to the Liam
4 McHugh issue, can I ask you, in terms of all the steps
5 that you took, did you witness any of your colleagues 11:55
6 targeting Garda Keogh in relation to that complaint?

7 A. No. I certainly didn't.

8 263 Q. And was it your intention or was it your objective at
9 any stage of your involvement in this process to target
10 or discredit or to hurt Garda Keogh? 11:55

11 A. Absolutely not.

12 264 Q. MR. MURPHY: Thank you.

13

14 END OF EXAMINATION

15 11:55

16 CHAIRMAN: Now, Mr. O'Connor. Everyone happy if
17 Mr. O'Connor goes next? Ms. O'Rourke, are you happy?

18 MS. O'ROURKE: I have no questions.

19 CHAIRMAN: Thanks very much.

20 MR. CONLON: No questions. 11:56

21 CHAIRMAN: Then we will come back to Mr. McGuinness.
22 Okay, Mr. O'Connor.

23

24 SUPERINTENDENT AIDAN MINNOCK WAS THEN CROSS-EXAMINED BY
25 MR. O'CONNOR, AS FOLLOWS: 11:56

26

27 265 Q. MR. O'CONNOR: Thank you, Chairman. Superintendent
28 Minnock, I appear for retired Assistant Commissioner
29 Fintan Fanning. I think you accepted in your

1 direct-evidence that what you are recording here as a
2 note is hearsay. It's information which has been
3 passed from -- allegedly passed from Garda Keogh to
4 Garda Greene and then on to you, isn't that correct?
5 A. That's correct. 11:56
6 266 Q. It's second or thirdhand information?
7 A. It is secondhand information, yes.
8 267 Q. Yes. In fact, Assistant Commissioner Fanning will say
9 that he only ever met with Garda Keogh on two
10 occasions. I presume that you're not in a position to 11:56
11 dispute or deny that?
12 A. No.
13 268 Q. He will say that he met Garda Keogh first, I think, on
14 an unannounced visit to Athlone Garda Station in
15 October of 2015 and briefly spoke with Garda Keogh on 11:56
16 that occasion. He will also say that he also met Garda
17 Keogh on one further occasion, in August of 2019, at
18 Mullingar Garda station on a completely unrelated issue
19 and you are not in a position, I take it, to take any
20 issue with any of that? 11:57
21 A. No.
22 269 Q. You might be aware that Garda Keogh was in fact
23 cross-examined by the counsel for the Commissioner in
24 respect of this entry, were you aware of that, in the
25 course of the Tribunal? 11:57
26 A. I wasn't.
27 270 Q. It might be helpful to bring up the transcript for Day
28 112, page 88. Yes, question number 347. Perhaps for
29 the benefit of the witness, Chairman, I will just read

1 out these passages. Mr. Murphy was cross-examining
2 Garda Keogh at this stage and he said:

3
4 "MR. MURPHY: Superintendent Minnock will say that on
5 the 17th July of 2018 he received a call from Garda
6 Greene who said he had been speaking to you and he said
7 that you had been drunk and had been ranting on a bit.
8 But also he said that you had been talking -- you told
9 him that you were talking to Assistant Commissioner
10 Fanning and that he was going to look after all of
11 them. Is that what you said to Garda Greene?"

12
13 Garda Keogh answered:

14
15 "A. I don't know what I said to Garda Greene, but
16 that's definitely not true, that part is a hundred
17 percent not true."

18
19 He was then asked:

20
21 "Q. Garda Greene, Inspector Minnock told him that --
22 he said that you had asked Garda Greene if he wanted to
23 come on board and he'd look after him too. Did that
24 conversation happen?"

25
26 The answer to that question is:

27
28 "A. I can't speak in relation to what I may have told
29 Garda Greene. As briefly I touched on yesterday,

1 Judge, a lot of the stuff -- I was aware Garda Greene
2 was spending a lot of time in the superintendent's
3 office. So at that point I did use the word yesterday
4 misinformation and that is a common police tactic."
5

6 Then the Tribunal intervened and Garda Keogh clarified:
7

8 "A. Misinformation. Judge, the part in relation to --
9 I can't -- I'm not denying that I would have said that
10 to Garda Greene. But what I will say is, that part of
11 me talking to Assistant Commissioner Fanning, I may
12 have said that to Garda Greene but that did not
13 happen."
14

15 Then the Chairman asked:

11:59

16
17 "CHAIRMAN: Okay. So you may have said it to him?

18 A. Yes.

19 Q. CHAIRMAN: But if you did, it wasn't correct?

20 A. Yes, Judge."
21

22 The next question:
23

24 "Q. CHAIRMAN: Or said in drink or whatever it was?"
25

26 Then Garda Keogh said:
27

28 "A. Yeah, it could also have been -- it could have
29 also been deliberate misinformation as well. Because I

1 was aware that he was running back with everything. So
2 at that stage..."

3
4 So my question to you is, I presume you're not in a
5 position to deny Garda Keogh's explanation that this 11:59
6 was in fact deliberate misinformation on this part with
7 regard to Assistant Commissioner Fanning, you're not in
8 a position to dispute that or deny that?

9 A. No.

10 271 Q. Assistant Commissioner Fanning will deny in full that 11:59
11 any such conversation between himself and Garda Keogh
12 ever took place. Do you have any comment to make on
13 that?

14 A. No.

15 MR. O'CONNOR: Thank you, Superintendent Minnock. 12:00
16

17 END OF EXAMINATION

18
19 CHAIRMAN: Now, Mr. McGuinness, anything arising?

20 MR. MCGUINNESS: Nothing arising. 12:00

21 CHAIRMAN: Thank you very much. All right, thank you
22 very much indeed, superintendent.

23 WITNESS: Thank you, Chairman.

24 CHAIRMAN: We won't want you now on issues 1 to 4 but
25 obviously there will be other issues arising at a later 12:00
26 stage and so on. So, thank you very much for today.
27 Now, Mr. McGuinness, that seems to conclude the
28 business of today.

29 MR. MCGUINNESS: Yes, it does, Chairman. You will note

1 that we had adjourned the taking of Garda Treacy's
2 evidence until Monday morning.

3 CHAIRMAN: Yes, I understand, and that was a reasonable
4 request for reasonable convenience. Obviously, if it
5 hadn't been the case, then we would have proceeded with 12:00
6 other evidence. There are other reasons why these
7 things happen. So I think everybody pretty well
8 understands that scheduling is a somewhat imprecise
9 activity.

10 MR. McGUINESS: Just to say, Chairman, it is proposed 12:00
11 to continue taking evidence on Monday morning at 10:30,
12 commencing with Chief Superintendent Murray.

13 CHAIRMAN: Yes.

14 MR. McGUINESS: But it is intended to interpose Garda
15 Treacy after midday. 12:01

16 CHAIRMAN: So somewhere around 12:30, for her
17 convenience we will take Garda Treacy, Stephanie
18 Treacy, isn't that right?

19 MR. McGUINESS: Then we will be resuming Chief
20 Superintendent Murray's evidence after that, just so 12:01
21 everyone is on notice of that.

22 CHAIRMAN: Okay, everybody understands that. We're all
23 right on that, Mr. Kelly, you're aware of it.

24 MR. MURPHY: Yes, Chairman. Mr. McGuinness informed
25 me, Chairman, of that position. 12:01

26 CHAIRMAN: Okay, thank you very much. Very good.

27

28 THE HEARING THEN ADJOURNED UNTIL MONDAY, 2ND DECEMBER
29 2019, AT 10:30AM

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