

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

HEARING HELD IN DUBLIN CASTLE  
ON TUESDAY, 8TH FEBRUARY 2022 - DAY 163

163

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

GWEN MALONE STENOGRAPHY  
SERVICES

APPEARANCES

SOLE MEMBER: MR. JUSTICE SEAN RYAN,  
FORMER PRESIDENT OF THE COURT OF  
APPEAL

REGISTRAR: MR. PETER KAVANAGH

FOR THE TRIBUNAL: MR. DIARMAID McGUINESS SC  
MR. PATRICK MARRINAN SC  
MS. SINÉAD McGRATH BL

FOR SERGEANT WILLIAM HUGHES: MR. MICHAEL LYNN SC  
MR. COLM O'DWYER SC  
MS. NÓRA NÍ LOINSIGH BL  
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FOR THE COMMISSIONER  
OF AN GARDA Síochána: MR. SHANE MURPHY SC  
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MS. SHELLEY HORAN BL  
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MS. ÉABHALL NÍ CHEALLACHÁI  
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TAKE NOTICE – PURSUANT TO ORDER DATED THE 1ST DAY OF  
FEBRUARY 2022 OF MR. JUSTICE RYAN OF THE DISCLOSURES  
TRIBUNAL

IT IS HEREBY ORDERED THAT the identification by name of Mr.  
'A' or of any other suspect whether directly or indirectly  
in connection with investigations undertaken by An Garda  
Síochána is hereby prohibited;

AND IT IS FURTHER ORDERED THAT any interested party in this  
matter be at liberty to apply on the giving of 2 days  
notice in writing to the tribunal.

I N D E X

W I T N E S S

P A G E

SERGEANT WILLIAMS HUGHES

CROSS-EXAMINED BY MR. O'HIGGINS ..... 6

1 THE HEARING RESUMED, AS FOLLOWS, ON TUESDAY, 8TH  
2 FEBRUARY 2022:

3  
4 CHAIRMAN: Good morning, Sergeant Hughes.

5 10:30

6 SERGEANT WILLIAMS HUGHES CONTINUED TO BE CROSS-EXAMINED  
7 BY MR. O' HIGGINS AS FOLLOWS:

8 1 Q. MR. O' HIGGINS: Good morning, sergeant.

9 A. Morning.

10 2 Q. We were deal with -- before we broke last night, we 10:30  
11 were dealing with some of your medical reports in the  
12 context of... well a few of the themes that the  
13 Tribunal is investigating. I think you would agree  
14 with me that your GP, Dr. Reilly had indicated you had  
15 reported inability to cope during the period February 10:31  
16 2007?

17 A. That would be correct, yes.

18 3 Q. All right. And, as I understand it, you were off work  
19 December '06 to March '07, approximately, is that  
20 right? 10:31

21 A. That would be correct, yes.

22 4 Q. And you returned in April for a while, doing your best  
23 to get back?

24 A. Yes. If I can be reminded, yes.

25 5 Q. Sorry, this is my summary now. Please differ with me 10:31  
26 if I am wrong in any of it, this is what I picked up  
27 from the papers. And you took sick leave again then in  
28 the second half of 2007, and you were out from July to  
29 December?

1 A. That's correct. It was the 4th July I think on the  
2 records there it was made, but I distinctly remember  
3 being on duty on the 1st July.

4 6 Q. Yes. You're aggrieved, aren't you, as I understand  
5 your complaints, that the CMO recommended you for 10:32  
6 retirement on ill health grounds in June of 2008?

7 A. That's correct.

8 7 Q. But can I suggest to you that your dissatisfaction with  
9 that is difficult to fathom, if I could put it that  
10 way, in that it appears to have been based on what you 10:32  
11 had told your psychiatrist, Dr. Griffin, in January  
12 2008, that you couldn't ever foresee yourself returning  
13 to the force as an effective police officer?

14 A. That's not correct. Exactly what I said to Dr. Griffin  
15 is, I said unless the matters were resolved in the 10:33  
16 workplace.

17 8 Q. Maybe if we just look at that, if you don't mind,  
18 sergeant. If we could have page 1343 on the screen,  
19 please. And what is going to come up here is a medical  
20 report from Dr. Griffin, psychiatrist, dated 7th 10:33  
21 January 2008. And this was an independent  
22 psychiatrist, is it?

23 A. On behalf of the CMO, yes.

24 9 Q. Yes. And he's writing to Dr. Quigley?

25 A. That's correct. 10:33

26 10 Q. And it indicates you attended on the 4th January  
27 last -- that'd be January 2008 -- for the purpose of  
28 preparing a medical report. And then it outlines, in  
29 the next paragraph, towards the bottom, it refers to

1 your -- there's a reference to Dr. Joe Fernandez who  
2 you saw in Swords Clinic on two occasions, and you'd  
3 also attended your family doctor. It said you were not  
4 on any psychotropic medication. "Also seen by Dr.  
5 Michael Corry in Dun Laoghaire on threes occasions in 10:34  
6 recent months."  
7 He was your own psychiatrist?

8 A. Yes, I was asked by my solicitor to see him.

9 11 Q. Pardon?

10 A. I was asked by my solicitor to see Dr. Corry. 10:34

11 12 Q. Is there a pattern there? Are you distancing yourself  
12 from going to see him?

13 A. Well my solicitor advised I go see Dr. Corry.

14 13 Q. But it is a medical issue, really. Are you not behind  
15 the decision to go to get help to an appropriate 10:34  
16 professional?

17 A. Having discussed it with my solicitor, he recommended  
18 that I go to see Dr. Corry, and I did.

19 14 Q. Did you feel that you -- do you differ with the idea  
20 that you needed, for medical reasons, to see a 10:35  
21 psychiatrist?

22 A. I think that my solicitor required a report from our  
23 own psychiatrist, nominated by the solicitor.

24 15 Q. But my question is: did you feel you needed to see a  
25 psychiatrist? 10:35

26 A. Well, I felt that I probably needed a medical report  
27 from a separate psychiatrist to that of -- that was  
28 being appointed by the CMO.

29 16 Q. But was there a medical need for you to see a



1 psychiatrist, as far as you were concerned?

2 A. well, the non-medical matters that were affecting me  
3 were relayed to Dr. Corry, and that's the purpose of  
4 going to see him, to --

5 17 Q. I don't want to delay you, or anybody, unduly, but it 10:35  
6 is a reasonably straightforward question. Was it your  
7 position that you needed to see a psychiatrist, or are  
8 you saying you didn't need to see a psychiatrist?

9 A. well, the matter was discussed with my legal  
10 representative and he recommended that I go to see a 10:36  
11 psychiatrist.

12 18 Q. All right. If we turn over the page in his concluding  
13 remarks on page 1344, Dr. Griffin, the psychiatrist,  
14 says the following:  
15  
16 "When I pressed Sergeant Hughes on continuing in the 10:36  
17 police force... "  
18  
19 And this now is in January '08  
20  
21 "... even on light duties he feels that he can't 10:36  
22 foresee any way of returning as an effective police  
23 officer. "  
24  
25 Did you say that to the psychiatrist? 10:36

26 A. I would have told him that I couldn't see myself  
27 returning until the matters in the workplace which were  
28 affecting me were -- there was resolution attempts  
29 being made.

1 19 Q. Well his report goes on:

2

3 "Certainly having read detailed file which I don't have  
4 a copy of but have full sight of, I don't think this  
5 man is in a position now or will be in a position in 10:37  
6 the future to give full and effective service as a  
7 police officer. I don't think he now has the mental  
8 robustness or will in future have the mental robustness  
9 to continue in the Garda force. Thus my recommendation  
10 would be that he be considered for retirement on 10:37  
11 medical grounds."

12

13 So that's fairly clear. Having discussed with you,  
14 having pressed you for your view of matters, there's a  
15 recommendation by him. And my suggestion to you is 10:37  
16 that this was a recommendation that he was making with  
17 your backing.

18 A. The decision arrived at by Dr. Griffin, I had furnished  
19 him with an extensive document in relation to the  
20 reasons for my difficulties in the workplace, which I 10:38  
21 think he read through, or he skimmed through it anyway,  
22 and this is based on the medical end of the equation,  
23 if you like. Obviously, we contested this -- when it  
24 surfaced through the CMO's office, we contested that  
25 opinion later on. 10:38

26 20 Q. Did his recommendation have your backing?

27 A. Not that -- not in that format, no.

28 21 Q. So did he do something of a solo run against your wish?

29 A. Well, all I'll say is that he submitted that report and

1 we contested it then later on in the year, and  
2 ultimately he then changed his mind.

3 22 Q. Because, I wonder is there -- do we have a situation  
4 here of you changing your mind and then being unhappy  
5 with the Garda authorities? 10:39

6 A. No, that's not correct.

7 23 Q. Is it possible that you actually didn't really know  
8 what you wanted yourself at this difficult time in your  
9 life?

10 A. No. I knew exactly what I wanted, and I furnished a 10:39  
11 report to Dr. Griffin in that regard setting out all  
12 the difficulties I had in the workplace, and he  
13 formulated a form then to Dr. Quigley, and I didn't see  
14 the report, obviously, before it went to Dr. Quigley  
15 and I think when I went back to Dr. Griffin then, I 10:39  
16 clarified the issue with him and he then came -- he  
17 arrived at a different opinion.

18 24 Q. Well you see, Dr. Quigley obviously received that  
19 report and he indicates that his purpose in writing to  
20 Dr. Griffin was to seek an independent specialist 10:40  
21 psychiatric opinion, and the opinion had been the most  
22 accurate diagnosis was one of Post Traumatic Stress  
23 Disorder, and that the death of Ms. Saulite and the  
24 "threats to his own life had affected him greatly", was  
25 the view. And he acted on that recommendation, which I 10:40  
26 am suggesting you backed?

27 A. Em, sorry, that Dr. Quigley acted on that  
28 recommendation?

29 25 Q. Yes.

1 A. And I backed it?

2 26 Q. Yes.

3 A. No, that's not true. We contested it actually.

4 27 Q. You did later.

5 A. I think there was correspondence to and from 10:40

6 Dr. Quigley in the interim, but by June 2008 he had

7 decided to pursue the medical discharge route -- this

8 is Dr. Quigley now.

9 28 Q. You see, Dr. Quigley says -- and this is on page 1333

10 if we need to go there -- he says he further reviewed 10:41

11 your position on the 5th June 2008 and advised you that

12 he, Dr. Quigley, had formed the opinion that you should

13 be retired on the grounds of ill health based upon the

14 independent psychiatric report of Dr. John Griffin

15 regarding his assessment of the member on 4th January 10:41

16 2008.

17 So, on foot of that, he wrote to HRM in June 2008, on

18 the 9th June, that's four days later, speedily dealing

19 with the matter, outlined the position and referenced

20 his earlier advices of the 6th March 2008. And, in 10:41

21 fairness to your position, he noted that the case was

22 particularly complex.

23 A. Yes.

24 29 Q. There was a mixture of issues, grievance, welfare

25 issues, disciplinary, legal issues, industrial 10:41

26 relations issues, and obviously factual issues. He

27 doesn't include factual but I am suggesting factual as

28 well.

29 A. Sorry, what's that last one?

1 30 Q. Factual.

2 A. Factual, yes.

3 31 Q. I am adding factual, he doesn't list factual. And we  
4 know that considerably later on in October 2008, you  
5 appealed the decision regarding ill health retirement? 10:42

6 A. That's correct.

7 32 Q. And that was based upon Dr. Michael Corry's report,  
8 the consultant psychiatrist?

9 A. That's correct.

10 33 Q. And, again, Dr. Quigley took the appropriate step of 10:42  
11 writing to Dr. Griffin and seeking his further opinion?

12 A. That's correct.

13 34 Q. And Dr. Griffin, when he got that further opinion --  
14 sorry, Dr. Quigley, when he got that further opinion,  
15 acted on that? 10:42

16 A. Yes. I went at the see Dr. Griffin in the interim and  
17 furnished him with the same information as I had  
18 furnished him before in relation to the difficulties in  
19 the workplace.

20 35 Q. And there was a change in emphasis or, some might say, 10:43  
21 a change of mind, but I am suggesting you were in the  
22 engine behind this change of mind; you change your  
23 mind?

24 A. No, that's not correct. My mind was always set in  
25 relation to my difficulties in the workplace. 10:43

26 36 Q. And it's unfair to blame the Garda authorities for you  
27 changing your mind?

28 A. Well the Garda authorities weren't -- they were not  
29 pursuing investigations of the matters that were

1 causing my workplace absence, so, to a certain extent,  
2 I would blame them, yes.

3 37 Q. The authorities were being guided at every step by  
4 reports from responsible professional medical  
5 practitioners, which, in turn, were based upon 10:43  
6 information you were giving them?

7 A. The information I was giving to Dr. Griffin I don't  
8 think was actually passed on to Dr. Quigley, the  
9 written information, the reports.

10 38 Q. The recommendation was. 10:44

11 A. The recommendations were, but the non-medical reports  
12 and extensive reports that were furnished to  
13 Dr. Griffin were not passed to -- sorry -- to  
14 Dr. Quigley, as far as I know.

15 39 Q. But what was passed on to Dr. Quigley by Dr. Griffin 10:44  
16 was his indication that you had sought -- you had felt  
17 you didn't have any future in the Guards.

18 A. That was a mistake. I didn't envisage a future in the  
19 Guards if the matters that were affecting me were not  
20 attended to by Garda management in the workplace. 10:44

21 40 Q. By who?

22 A. By Garda management in the workplace.

23 41 Q. No, no. The information that was conveyed by you to  
24 Dr. Griffin, which was in turn in a report conveyed to  
25 Dr. Quigley upon which he premised his decision, are 10:44  
26 you saying that was a mistake?

27 A. What I am saying is that the report that I furnished to  
28 Dr. Griffin set out very clearly my concerns with  
29 regard to my workplace environment and the matters that

1 were affecting me. Dr. Griffin didn't pass that report  
2 to Dr. Quigley and he arrived at his conclusion there  
3 in the report obviously sent to Dr. Quigley. But I  
4 hadn't sight of that at the time.

5 42 Q. Throughout the period October 2007, November 2007 and 10:45  
6 into the spring of 2008, and into April 2008, you were  
7 ruminating obsessively on your problems, isn't that  
8 right?

9 A. Well they were certainly to the fore of my mind, yes.

10 43 Q. You were obsessed with your sense of grievance and 10:45  
11 persecution?

12 A. Well I wouldn't say obsessed. I would say I was  
13 seeking resolution of the matters, the non-medical  
14 matters with local management, but that wasn't made  
15 available to me. 10:45

16 44 Q. Do you take issue with my putting it as bluntly as  
17 that; that you were ruminating in an obsessive way?

18 A. Em, that would be a matter of opinion, probably, of a  
19 medical person, but certainly I was available to  
20 management at all times there to seek resolution to the 10:46  
21 problems that were affecting me.

22 45 Q. You see, I am suggesting to you that your initial sense  
23 of personal guilt, which was unreasonable and overly  
24 harsh upon yourself, that appears to have been reported  
25 to Dr. Fernandez, and at some point in time that 10:46  
26 morphed into an anger, an anger with your colleagues  
27 and with management, and that further then heightened  
28 into a sense of vengefulness with Garda authorities?

29 A. No. I was never vengeful towards Garda authorities.

1 In all my reports I submitted, which are a matter of  
2 record, there is -- you can see that my points are set  
3 out quite clearly and not in a vengeful manner.

4 46 Q. You mentioned Dr. Michael Corry, your psychiatrist,  
5 would you mind looking at his report, page 1361. This 10:47  
6 is a report dated 17th April 2008 and under "Presenting  
7 History" there, he recounts, in summary form, that you  
8 alleged that you had been the target of bullying and  
9 harassment in the workplace since September 2003. Did  
10 you report that to your own psychiatrist? 10:47

11 A. In the reports I submitted to the psychiatrist, yes.

12 47 Q. "It intensified following the death of Bai ba Saulite on  
13 19th November 2006 when she was shot dead in her home."  
14  
15 Over the page, under the heading of "Examination and 10:47  
16 Presenting of Complaints" he continues:  
17  
18 "To date I have seen him on three occasions; namely  
19 October 2007, 8th November 2007 and 11th April 2008.  
20 10:47  
21 He presents as an open forthright individual who  
22 articulates his distress intensely. He has been on  
23 sick leave since 17th December 2006 with the exception  
24 of April, May and June 2007. He is currently on  
25 pension rate of pay." 10:48  
26  
27 It is the next bit I want to draw to your attention:  
28  
29 "He complains of racing thoughts, obsessional



1 ruminations over the way he has been treated by Garda  
2 management, multiple reminders, i.e. seeing a Garda  
3 patrol car, difficulty sleeping, nightmares, feelings  
4 of profound isolation, fear of being arrested,  
5 irritability..."

10:48

6  
7 The next two I have asked you about --

8  
9 "... anger, vengefulness towards his authorities, avoid  
10 routines, gets his mail and pay posted out to the  
11 station, poor concentration, poor retention,  
12 hopelessness and depression."

10:48

13  
14 Sergeant, that is quite the list.

15 A. Yes, it is, indeed.

10:49

16 48 Q. You were ruminating in an obsessional way, according to  
17 this, over your difficulties.

18 A. Well, Dr. Corry would have received the same report, he  
19 did receive the same report of me as was provided  
20 Dr. Griffin in relation to all my concerns in the  
21 workplace, and this is his summation in relation to the  
22 reports I furnished him and through my interviews with  
23 him.

10:49

24 49 Q. Is it correct that at this time you had difficulty  
25 sleeping and were experiencing nightmares?

10:49

26 A. Well I had difficulty sleeping on occasions, yes, in  
27 relation to developments that were, you know,  
28 presenting while I was off sick.

29 50 Q. And at this point you're off sick, are you?

1 A. Yes.

2 51 Q. So you are ruminating on your own or -- certainly not  
3 with colleagues at work?

4 A. No.

5 52 Q. He was of the view, in his concluding paragraph, that 10:50  
6 you were in great suffering and you required ongoing  
7 support of psychotherapy. Did you get psychotherapy?

8 A. Sorry, where's that?

9 53 Q. The last two lines, sorry.  
10 "To conclude Sergeant Hughes is in great suffering and 10:50  
11 requires ongoing supportive psychotherapy."

12 A. I didn't avail of psychotherapy, no.

13 54 Q. Why not?

14 A. I felt that the -- if the matters were dealt with by  
15 Garda management, they would have alleviated my 10:50  
16 situation considerably, but that was not to be.

17 55 Q. Didn't another psychiatrist recommend that as well? Am  
18 I correct about that?

19 A. Sorry, can you remind me, please?

20 56 Q. Did -- I am just trying to recall it myself. Well, can 10:51  
21 you assist us? Did any of your other practitioners  
22 suggest to you that it'd be helpful for you to get  
23 psychotherapy?

24 A. I can't recall now.

25 57 Q. Didn't Dr. Fernandez? 10:51

26 A. I'd have to be reminded with his report.

27 58 Q. If we might look at page 1356. And this now is -- just  
28 to put it in context, this is March '07 report, 12th  
29 March '07, which is earlier:

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"Given his presentation I advised Mr. Hughes that he was not fit to return to work pending further review. He was not on any psychotropic medication when reviewed and I was reluctant to consider this prospect unless absolutely necessary." 10:52

Then he says:

"Under these circumstances I feel that supportive psychotherapy would be the most appropriate intervention until I have familiarised myself with the further aspects of his presenting complaints, including his antecedents." 10:52

So it is very clear that this specialist as well, at that period, is giving you a recommendation to get psychotherapy and get to the root of difficulties. 10:52

A. I think this is addressed to Dr. -- is it addressed to my own doctor, is it? 10:52

59 Q. Yes, to Dr. Reilly.

A. And I would have seen Dr. Reilly then afterwards and maybe discussed that with him. I can't recall discussing with Dr. Reilly the psychotherapy option.

60 Q. No, but it would be an important part of the whole exercise the treatment, the possible remedy. So, did you discuss that with Dr. Reilly on foot of the recommendation from this specialist? 10:53

A. I don't recall the conversation I had with Dr. Reilly

1 following Dr. Fernandez's intervention, but I do know  
2 that the remedy lay within the workplace and it didn't  
3 lie within the medical arena.

4 61 Q. I wonder are we getting close really to, really, one of  
5 the root causes of the ongoing difficulties? Your 10:53  
6 doctors are suggesting a path towards recovery and are  
7 you spurning it?

8 A. Because I knew in my heart of hearts that the remedy  
9 for my situation lay within the workplace, and  
10 resolution of matters within the workplace, and I was 10:53  
11 very happy that it didn't lie within psychotropic  
12 medication or psychotherapy.

13 62 Q. Did Dr. Reilly at any point suggest you go to see a  
14 counsellor?

15 A. I think he may have. I'd just have to be reminded now 10:54  
16 through the report.

17 63 Q. I think it is page 6769. But I'm not even sure if it  
18 is necessary for us to go there. Did somebody suggest  
19 to you to go see a counsellor?

20 A. I think Della Murray, Inspector Della Murray, at the 10:54  
21 time she suggested, and I did, but I didn't think it  
22 was of much benefit, with the greatest of respect to  
23 the counsellor involved.

24 64 Q. Dr. Reilly, there in the report on screen, said he  
25 referred you to a counsellor and he gave a note for 10:54  
26 work. How many times did you see the counsellor?

27 A. Excuse me?

28 65 Q. How many times did you see the counsellor?

29 A. I didn't see the counsellor. I must have discussed it

1 with Dr. Reilly and I don't recall seeing a counsellor  
2 back then on behalf of Dr. Reilly.

3 66 Q. So, you have been advised to undergo psychotherapy by  
4 two different psychiatrists. You've been advised to go  
5 see a counsellor by your GP and also by, you mentioned, 10:55  
6 the welfare support officer. Wasn't that eminently  
7 good advice that you should have taken?

8 A. Em, I, myself, thought, and I believed that that route  
9 was not the route to take and the route to take was to  
10 have the matters, the non-medical matters remedied in 10:55  
11 the workplace.

12 67 Q. Did you not feel that in terms of your, the very  
13 difficult situation in which you found yourself, being  
14 in the eye of the storm, that it'd be a good plan to  
15 get help and to act on the recommendations of the 10:56  
16 medics whom you saw?

17 A. Yes. As I repeatedly say, I felt that the remedy for  
18 the situation lay in the workplace, and if we were to  
19 look at the, even the recommendations of the CMO, the  
20 assistant CMO to HRM, subsequently through HRM, to try 10:56  
21 and get these matters investigated in the workplace,  
22 and this was ignored by local management. And I think  
23 the psychiatrist there for Dr. Quigley suggested that  
24 it would be a very positive step to have the  
25 non-medical matters investigated. 10:56

26 68 Q. But I wonder are you merging two different concepts?  
27 And we've been over this perhaps, Mr. Marrinan brought  
28 you over this, the distinction between the injury at  
29 work controversy or dispute versus your desire that

1           there be some class of investigation into what you  
2           insist were system errors?

3           A.    No. I'm not morphing it at all. I was very clear with  
4           what was affecting me with all the medical people I  
5           attended, and subsequently and eventually it was           10:57  
6           referred to the CMO that this is the kernel of his  
7           problems and we need to have it sorted out, and HRM  
8           made several attempts to secure investigation files  
9           from local management, and they went unanswered.

10         69   Q.    You see, the reason I'm suggesting to you perhaps you           10:57  
11           did need medical assistance and you needed to take  
12           their advice to get proper treatment, was that you were  
13           developing something of a persecution complex. Your  
14           anger -- your guilt had turned to anger and you were  
15           developing an unshakeable belief that your colleagues           10:58  
16           were doing you down.

17           A.    Well I think I wasn't happy at all with the  
18           developments in relation to the disciplinary inquiry,  
19           and I think I had good reason to believe that my  
20           colleagues were acting in the manner as you describe.           10:58

21         70   Q.    I am suggesting to you that in the initial stages you  
22           believe you had seriously messed up, and you appear to  
23           have believed that had you read the victim impact  
24           report and reported to management the concerns that  
25           were in it raised by Baiba Saulite, that somehow things           10:58  
26           would have been different and you were way too hard on  
27           yourself, and that is a significant route of your  
28           problems?

29           A.    From the outset, following the murder, I believed that

1           there was a systems failure. I believed that Baiba  
2           Saulite and John Hennessy were exposed to viable peril,  
3           and I believed that there should have been  
4           investigation into the Garda handling of the entire  
5           matters regarding Baiba Saulite and John Hennessy           10:59  
6           immediately following the murder. This was the not the  
7           case and I was concerned that management were not  
8           pursuing that course.

9    71   Q.    Coming back to Dr. Quigley's role in matters, when he  
10           received your appeal of the decision to retire in           10:59  
11           October, he took the necessary and appropriate step of  
12           making further contact with Dr. Griffin?

13           A.    I think so, yes.

14    72   Q.    And you were assessed in January of '09 by Dr. Griffin,  
15           and Dr. Griffin concluded, following a long           10:59  
16           consultation, that in fact it would be not -- he  
17           considered it would be appropriate -- sorry, he did not  
18           consider it would be appropriate to retire on medical  
19           grounds.

20           A.    That's correct.           11:00

21    73   Q.    Right. And, properly and reasonably, Dr. Quigley  
22           forwarded that communication to HRM, on the 19th  
23           January, alerting them to Dr. Griffin's, if I may say,  
24           changed position?

25           A.    I think so, yes.           11:00

26    74   Q.    And he also reported -- outlined that you were  
27           reporting financial difficulties at having been placed  
28           on a pension rate of pay?

29           A.    I think so, yes.

1 75 Q. And that was a reasonable and decent thing for him to  
2 include in the report?  
3 A. I think so. And, if I recall, he outlined some of the  
4 non-medical matters that needed to be addressed by  
5 management. 11:00

6 76 Q. And he also wrote to management -- to HRM in March, and  
7 also sought further advice from Dr. Griffin with a view  
8 to exploring your reintegration into the workplace?  
9 A. Yes, I think so.

10 77 Q. And he also wrote to your GP, again with a view to 11:01  
11 progressing your, hoped for, reintegration and to seek  
12 an updated medical?  
13 A. I think so, yes.

14 78 Q. I think a subsequent appointment was arranged with the 11:01  
15 independent specialist Dr. Griffin for May, 21st May  
16 2009, and Dr. Griffin continued to report that you were  
17 suffering financially, and he queried whether there was  
18 any way that the process of bringing the whole issue to  
19 a conclusion be progressed as quickly as possible?  
20 A. I think so, yes. 11:01

21 79 Q. In July, Dr. Quigley wrote to your GP, seeking  
22 clarification about medical interventions, again to  
23 support your return to work?  
24 A. I think so, yes.

25 80 Q. In August, he received -- Dr. Quigley received 11:02  
26 confirmation from HRM that the disciplinary  
27 investigation had been brought to a conclusion and that  
28 it was considered no breach of discipline had occurred,  
29 and this was advised to your GP by Dr. Quigley?



1 A. I think so, yes.

2 81 Q. I presume that brought some level of solace for you,  
3 the fact that you were now informed the discipline -- I  
4 appreciate you feel it oughtn't to have started at all,  
5 and you have made that clear, but it must have brought 11:02  
6 solace to you that the discipline was finalised and you  
7 were fully exonerated?

8 A. It was great to get that out of the way, okay, yes.

9 82 Q. Yes. But unfortunately it didn't mend your view of  
10 colleagues? 11:03

11 A. Of colleagues?

12 83 Q. Yes.

13 A. It didn't mend my view that the disciplinary  
14 investigation was a targeting of me in the workplace.

15 84 Q. And you'd agree with me that colleagues, in particular 11:03  
16 your superintendent, Mark Curran, really went out of  
17 his way to try and provide a role for you so that you  
18 could reintegrate back into employment?

19 A. Well, I think towards the end of that year I was in  
20 such a financial state that I'd no choice but to return 11:03  
21 to the workplace, and Superintendent Curran was there  
22 to receive me and to allocate me to a particular job  
23 within Coolock Garda Station.

24 85 Q. No, but didn't -- I mean we've seen it in the  
25 correspondence -- didn't Mark Curran try and really 11:04  
26 find a role for you? I am not suggesting it was an  
27 invented job, but he went out of his way to try and  
28 accommodate your return?

29 A. Yes. He was the officer to whom I reported on my

1 return to the workplace.

2 86 Q. That's not actually my question.

3 A. And he processed the situation in accordance with the

4 ACMO's suggestions.

5 87 Q. You're not willing to give him any credit for your 11:04

6 assisting your return to work?

7 A. Well I returned to work and he facilitated me in the

8 staff office in Coolock, yes.

9 88 Q. All right, we'll come back to that when we are dealing

10 with Superintendent Curran's position more fully. 11:04

11

12 As matters moved into 2010, you came -- you were

13 referred to Dr. Patrick Devitt, consultant

14 psychiatrist, isn't that right?

15 A. In 2010, yes. 11:05

16 89 Q. And Dr. Devitt was of the view that when you reported

17 to him in 2010 -- his report is dated September 2010 --

18 that your overwhelming emotion was one of anger, is

19 that right?

20 A. Well, I wasn't happy at all with the manner in which I 11:05

21 was treated by the Garda authorities over the preceding

22 three years.

23 90 Q. You were talking about your feelings of being oppressed

24 and harshly dealt with all the time -- ruminations and

25 obsessions? 11:06

26 A. Well, I presented Dr. Devitt with a similar report to

27 that furnished to Dr. Griffin and to Dr. Corry, and

28 obviously he, through talking with him there, he

29 composed that report.

1 91 Q. The whole issue had become an obsession for you, hadn't  
2 it? Truly entrenched, imbedded in cement at this  
3 point?  
4 A. Well I was extremely unhappy with the manner in which I  
5 felt that Garda management had dealt with my situation 11:06  
6 over the preceding three years.  
7 92 Q. But you weren't getting any break from it, you were  
8 talking about it, really, every day and you were  
9 avoiding contact with colleagues?  
10 A. I don't recall saying that I'm avoiding contact with 11:07  
11 colleagues. When I was working in Coolock Garda  
12 Station I had plenty of contact with colleagues.  
13 93 Q. Well did you not tell the specialist -- I don't want to  
14 be unfair because you don't have the report in front of  
15 you -- page 1366. We might start with page 1365, it's 11:07  
16 the first page of Dr. Devitt's report. This is a  
17 report of the 16th September 2010. The report is  
18 prepared at the request of Dr. Richard Quigley,  
19 Assistant CMO, and if we look over the page to page  
20 1366, he reports, halfway down, your symptoms. And 11:07  
21 just above that heading it records that:  
22  
23 "In December 2009 he returned to work in An Garda  
24 Síochána in a light duty capacity. He has been working  
25 in that capacity at Coolock station in the storeroom, 11:08  
26 performing janitorial tasks which he regards as  
27 demeaning."  
28  
29 That is not a fair summary of your role, is it? It was

1 a proper job.

2 A. Well it was originally the Staff Sergeant's Office, but  
3 most of the staff sergeant had been taken up by  
4 civilian staff, so there was very little -- it was  
5 effective an office whereby store equipment was kept 11:08  
6 and requisitions were made for different storeroom  
7 items and stuff, and matters like that.

8 94 Q. Sorry, isn't that description there, that  
9 down-in-the-mouth description is overblown, I am  
10 suggesting to you, you had a proper job with 11:08  
11 infrastructural role within the station, a responsible  
12 role which was organised for you, and it's unfair to  
13 regard it as demeaning, particularly when you didn't  
14 say that to people?

15 A. Well that's an expression I used at the time. I had no 11:09  
16 job description given to me in relation to my functions  
17 at Coolock Garda Station, and they were certainly not  
18 that of the staff sergeant's historic roles -- my  
19 predecessor, in other words.

20 95 Q. And am I correct, ordinarily it wasn't a role that was 11:09  
21 accompanied by weekend allowance?

22 A. That's correct.

23 96 Q. But in point of fact, when you requested if there could  
24 be a weekend allowance, the superintendent and the  
25 chief superintendent conferred and they organised, in a 11:09  
26 very decent way, that there would be an allowance made  
27 available even though the role didn't normally carry  
28 it?

29 A. Sorry, I want to qualify that. The predecessor, the

1 staff sergeant previously, did receive his weekend  
2 allowances.

3 97 Q. I'd understood you made a special request that there  
4 would be allowances. They acted on that and they  
5 organised you to get -- you've put it here -- twice a 11:10  
6 month on a Sunday?

7 A. Yes.

8 98 Q. You see under the heading "Symptoms Suffered by  
9 Sergeant Hughes as Reported to the Psychiatrist  
10 Dr. Devitt": 11:10  
11

12 "1. Anxiety, fear of the workplace and authorities.  
13 2. Bad sleep.  
14 3. 'I talk about it and think about it all the time'."  
15 11:10

16 And that's in quotations.  
17

18 "...i.e. ruminations and obsessions."  
19 A. They are not my words. They're his words. If we were  
20 discussing my situation, well I would say well it's on 11:10  
21 my mind constantly.

22 99 Q. Forget about the specific words, but did you not  
23 indicate that information in number 3?

24 A. I may have indicated to him that it was affecting me  
25 adversely in relation to the treatment of the 11:10  
26 authorities for the preceding three years.

27 100 Q. Did you tell him that you were thinking about the  
28 issues all the time?

29 A. I was saying they were continually on my mind, which

1           they were.

2 101 Q.   And obsessions, did you tell him that they were  
3           obsessions for you?

4           A.   well, I wouldn't have used the word 'obsessions'. I  
5           would say 'determination' more than 'obsessions';           11:11  
6           determination to have the matters resolved.

7 102 Q.   Mr. Marrinan previously asked you I think about your  
8           reporting of drinking. It's noted here "heavy  
9           drinking" in number 4.

10          A.   well, yes, at the time -- at low times there I probably   11:11  
11          would have had a couple of glasses at nighttime,  
12          probably three or four times a week.

13 103 Q.   Is that the height of it?

14          A.   Yes. I generally kept myself pretty fit, and that can  
15          be reflected in that I attended a gym three or four           11:11  
16          times a week and partook in a lot of 10K races and 5K  
17          races during that time. So I was reasonably fit in  
18          mind and reasonably fit in body.

19 104 Q.   Heading 5 is "Avoidance" and it says:  
20  
21                    "As any contact with An Garda Síochána caused him  
22                    discomfort he tended to avoid it."  
23

24           That's why I was asking you that question. Did you  
25           report that to the specialist?                                   11:12

26          A.   I don't recall reporting that I was avoiding members of  
27          An Garda Síochána. As I said, my position in Coolock  
28          Garda Station, I think there was 70 or 80 staff there  
29          in Coolock there, and I'd interact with them on a daily

1 basis.

2 105 Q. And the last one is a theme I have been developing with  
3 you -- anger.

4 A. Yes. I was less than happy at the manner in which I  
5 was treated by my predecessors over a protracted 11:12  
6 period.

7 106 Q. Your overwhelming emotion was one of anger, isn't that  
8 right?

9 A. Well, deep unhappiness with management, yes.

10 107 Q. If we see under the heading of "Current Condition" he 11:12  
11 says:

12

13 "Sergeant Hughes still suffers anxiety, reduced  
14 confidence, distrust and anger. His sleep is still  
15 adversely affected and he still drinks to excess, 11:13  
16 though less than previously when he was on sick leave.  
17 He also has a feeling that he will be targeted by his  
18 superiors.

19

20 Sergeant Hughes acknowledged that he is fit for his 11:13  
21 current duties.

22

23 Asked why he regarded himself as unfit for more regular  
24 duties he cited his loss of confidence, his anger, his  
25 distrust and the feeling that he is being targeted. He 11:13  
26 also felt that the ongoing litigation would make  
27 relationships difficult for him working in a normal  
28 capacity. "  
29

1           Then, it is proper I read it out as well. You say:  
2  
3           "However he stated if the matters were resolved then he  
4           was hopeful that these symptoms would resolve such that  
5           he could resume full duties." 11:13  
6  
7           And this next bit I have been pressing. He says:  
8  
9           "Sergeant Hughes stated that his overwhelming emotion  
10          is one of anger. 'I have a terrible anger, I am afraid 11:13  
11          I'll retaliate, sometimes I have to go home'."  
12  
13          Was it as bad as that, sergeant?  
14          A. There was certainly a situation following the --  
15          especially the two-year disciplinary process and I just 11:14  
16          received a letter saying that the matters were dealt  
17          with and that I was exonerated; in other words I think  
18          after being subjected to that for two years, I was  
19          considerably angry that that process had taken place at  
20          all. 11:14  
21 108 Q. Under the heading of "Alcohol/Drugs" he gives  
22          information that he presumably got from yourself.  
23  
24          "While he was off sick he was drinking up to 20 units  
25          of alcohol per day." 11:14  
26          A. No. I went back to Dr. -- I think I went back to the  
27          doctor after that, that was a misunderstanding. I  
28          don't think I'd be in my full health here today if I  
29          was drinking 20 units of alcohol a day.



1 109 Q. There seems to be a pattern of doctors making quite a  
2 number of mistakes in your case?  
3 A. Well that is a mistake, you know. That just wasn't  
4 realistic, you know.

5 110 Q. It says: 11:15  
6  
7 "Currently he drinks approximately 50 units a week."  
8  
9 Is that a mistake?

10 A. No. That is a mistake, yes. 11:15

11 111 Q. So has he dreamt these figures --  
12 A. Sorry?

13 112 Q. Has he taken these figures from thin air?  
14 A. I don't know how -- if he asked me how many pints I  
15 drink, I probably would have say five or six when I'm 11:15  
16 out, and how many nights a week I would be out? I  
17 don't recall how he arrived at those figures, but  
18 through general conversation in relation to alcohol  
19 consumption -- but I did actually correct him when I  
20 went back the next time to him, Dr. Devitt, and I said 11:15  
21 "look, that's a bad reflection there and I certainly  
22 don't consume that much each week."

23 113 Q. Isn't the source for those figures fairly clear: it's  
24 yourself?

25 A. Is the source fairly clear? 11:15

26 114 Q. Yes. You told him those figures.  
27 A. I wouldn't describe my drinking as units. If somebody  
28 asked me what I drink when I'm out, I tell them what I  
29 drink when I'm out for a night.

1 115 Q. Over the page, he deals with your mental state as of  
2 the 16/9/2010. And there's a heading "Mental State",  
3 if Mr. Kavanagh scrolls down a little bit, we have it  
4 there, second paragraph down:

5  
6 "It was quickly obvious that Sergeant Hughes was  
7 greatly consumed by every detail much the events which  
8 had befallen him with respect to the disciplinary  
9 proceedings and the bullying and other irregularities  
10 he had perceived at his workplace." 11:16

11  
12 This now is September 2010 --

13 A. Yes.

14 116 Q. -- he is offering this opinion.

15  
16 "He felt that he was the victim of injustice. Sergeant  
17 Hughes reported that he constantly thinking and talking  
18 about these events such that his wife and a wife of a  
19 colleague find it difficult to listen to him and his  
20 colleague was also involved. 11:17

21  
22 It was difficult to deflect Sergeant Hughes from going  
23 into minute detail."

24  
25 Is that accurate? 11:17

26 A. Well, if anybody wanted to talk to me about my views on  
27 what had happened, I would gladly inform them of that,  
28 you know.

29 117 Q. He did -- in fairness, I should draw -- read on. It

1 says:  
2  
3 "You did not appear depressed or anxious. There was no  
4 evidence of psychosis. And he was not and had never  
5 been suicidal." 11:17  
6 A. That's correct.  
7 118 Q. So there's balance there as well?  
8 A. That's correct.  
9 119 Q. And in the conclusions, over the page, sergeant, he  
10 comes back to matters at point 5, and he says at point 11:17  
11 5:  
12  
13 "Currently Sergeant Hughes, because he is still  
14 consumed with every aspect of his case, and is  
15 distrustful of An Garda Síochána, and still exceedingly 11:18  
16 angry, must be regarded as mentally unfit to resume  
17 regular Garda duties."  
18  
19 Was that your view at the time?  
20 A. Well, I was extremely -- my confidence had seriously 11:18  
21 eroded at that point with the Garda authorities and my  
22 views of the Garda authorities for dealing with matters  
23 in the workplace that were affecting me.  
24 120 Q. All right. And if -- as we look now at Dr. Devitt's  
25 next report, I am suggesting to you one summary of it 11:18  
26 would be to say that your obsessional mistrust issues  
27 worsened as you moved into 2011?  
28 A. Well, the basis for -- that formed my opinions there in  
29 relation to matters in the workplace were never, were

1 never actually investigated properly by Garda  
2 management, and I feel that if they had have  
3 investigated the matters that were affecting me, it  
4 would have alleviated my condition substantially.

5 121 Q. Right. So page 1370, please, which is the report of 11:19  
6 Dr. Devitt, consultant psychiatrist, of the 10th March  
7 2011. Towards the bottom of page 1371, the next page,  
8 there's a heading "Sergeant Hughes' s attitude towards  
9 An Garda Síochána". It says:

10  
11 "Sergeant Hughes is extremely angry at the 11:19  
12 organi sation. "

13  
14 And then he puts in quotations:

15  
16 "'I hate the organi sation. My career has been turned 11:19  
17 into a complete mess at the hands of Garda  
18 management' . "

19  
20 Was that your view? 11:20

21 A. That would have been the way I was feeling back in  
22 2011, yes.

23 122 Q. "'The only levers that they have over me are to cut to  
24 my pay' . "

25  
26 And then the report continues: 11:20

27  
28 "Sergeant Hughes believes that from September 2010 to  
29 March 2011 hi s distrust of An Garda Síochána has

1 increased."

2 A. That's correct.

3 123 Q. "'I feel persona non grata. I'm completely useless in  
4 the workplace' .

5

11:20

6 Sergeant Hughes is also angry at the Garda medical  
7 department because he believes 'Garda medical did not  
8 have access to the sickness investigation files'."

9 A. Yes, indeed. As I said, the matters that were  
10 affecting me were not investigated by Garda management  
11 properly and proper report sent forward to assist the  
12 ACMO in dealing with me.

11:20

13 124 Q. Over the page, on page 1372, he puts this in  
14 quotations:

15

11:21

16 "'I can't work for an organisation that condones  
17 corrupt activity'."

18

19 Were you reporting that to the specialist?

20 A. Well I would have been reporting those matters to Garda  
21 management if they had interviewed me.

11:21

22 125 Q. In fairness, I should read out the bit underneath that.

23

24 "He wrote: 'I continue to feel that properly conducted  
25 and objective investigations (in accordance with the  
26 laws and regulations applying) into the many serious  
27 allegations which had been made known to Garda  
28 management may go some way to restoring my health to a  
29 point whereby a returning to the workplace may be a

11:21

1           possibility'."

2           And that encapsulate what you have been saying here?

3           A.    That's it.

4 126 Q.    And under the heading of the interview that he had with  
5           you on 10th March 2011, three paragraphs down, it says: 11:21  
6  
7           "Sergeant Hughes appeared to be again greatly consumed  
8           by every detail of the events which had fallen him and  
9           the conduct and irregularities that he had perceived at  
10          the workplace. 11:22  
11  
12          It is quite obvious that he ruminates on these matters  
13          on an almost continuous basis. Again it was difficult  
14          to deflect Sergeant Hughes from going into minute  
15          detail." 11:22  
16          A.    Well I had provided him with an extensive report in  
17          relation to the matters that were affecting me, the  
18          non-medical matters that were affecting me.

19 127 Q.    And I think the situation that's described in those two  
20          reports continued as we moved into late 2011, isn't 11:22  
21          that, broadly speaking, correct?

22          A.    Sorry? Excuse me?

23 128 Q.    Your ruminating -- what I am suggesting is your  
24          obsessiveness and your inability to defect from your  
25          own personal situation, all those symptoms continued 11:22  
26          late into 2011?

27          A.    Well I had been subjected, in my view, to serious  
28          workplace abuses over the preceding years and these  
29          were not addressed by Garda management and I'd lost

1 complete trust in the organisation, its ability to  
2 resolve these issues properly, and that's the situation  
3 as it stood in 2011.

4 129 Q. All right. If we look at page 1376, this is in the  
5 report of the October 2011, under the heading of 11:23  
6 "Interview with Sergeant Hughes on the 6/10/2011." If  
7 we scroll down slightly, the second paragraph beneath  
8 that heading it says:

9  
10 "Sergeant Hughes was pleasant at the outset while 11:23  
11 engaging in social pleasantries. However, once the  
12 topics of his absence from work and his grievance  
13 against Garda management were raised he again launched  
14 into great detail of the injustices done against him  
15 and became quite animated. 11:24

16  
17 Again he was greatly consumed by every detail of the  
18 events which had befallen him and his perception that  
19 his workplace was harmful to his mental health.

20  
21 'When they start dealing with the elephant in the room  
22 I'll start feeling better myself'."

23 A. I recall saying that to him, yes.

24 130 Q. And towards the bottom of the same page, he again comes  
25 back to the symptom of anger that you reported, the 11:24  
26 last line there:

27  
28 "The overwhelming emotion communicated by Sergeant  
29 Hughes was one of anger."

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I think there may be a typo. Does it say "I'm so angry"?

A. Well, at the interviews with Dr. Devitt I conveyed to him the processes that had led me to his door and the abuses of process that had led me to his door which was not resolved by local management, and I feel at any point in the preceding three years, whether I was on duty or off duty, Garda management could have approached me and investigated my concerns fully, but they did not. 11:24 11:25

131 Q. As we moved in towards the end of 2011, can I ask you, sergeant, was it your desire and preference that you be medically discharged?

A. Towards the end of 2011 -- I am just trying to get the sequence right -- Em, I approached my doctor, Dr. Keenan, I think in 2012, and that's what I conveyed to her. 11:25

132 Q. No, I am talking about, now, October 2011, did you want to be retired? 11:25

A. I can't recall, in October 2011, what my feelings exactly were and whether I was waiting for developments in relation to other matters.

133 Q. All right. I don't mean it to be some sort of quiz. I appreciate it is difficult to track all of this. But a more straightforward question: did you -- didn't the desire to retire actually come from you? 11:26

A. It did in the latter years, yes.

134 Q. Right. And if we look at the Dr. Devitt's next report,



1           which is 29th March 2012, as we move into spring of  
2           2012, he's reporting that it was your opinion you  
3           should be medically discharged?

4           A.     That could be correct, yes.

5   135   Q.     All right.  So this is page 1379.  The reason I am           11:26  
6           asking you this is, I had understood it to be a  
7           grievance of yours that you came to be medically  
8           discharged.

9           A.     Sorry, was it a grievance of mine?

10  136   Q.     Yes.   11:27

11          A.     Well I felt I was -- I had no choice, I was worn down  
12          by the entire process.  Management were not looking  
13          after the matters that were affecting me in the  
14          workplace and I felt I had no option, in 2012, but to  
15          pursue this route for my own personal benefit.           11:27

16  137   Q.     But I mean in terms of the actual decision to medically  
17          discharge you, you've no complaint with that in and of  
18          itself, am I correct?

19          A.     Sorry, I have no?

20  138   Q.     In terms of the actual decision to medically discharge   11:27  
21          you, you do not complain about that, or do you?

22          A.     It was an option that I had no choice but to avail of  
23          for my own personal benefit.

24  139   Q.     I wonder -- are you or are you not complaining that you  
25          were medically discharged ultimately?                   11:27

26          A.     I am complaining, yes, afterwards, that I was medically  
27          discharged, but at the time I had no choice and I  
28          wasn't going to object to it.

29  140   Q.     Is this another example of you complaining about

1 something that you sought?

2 A. I am complaining -- yes, I wrote to -- as soon as I  
3 retired, I began writing to HRM extensively to find out  
4 what documents were available to them at the time of  
5 the medical discharge. But, in 2012, I made up my mind 11:28  
6 that for my own personal health and benefit the best  
7 thing would be to pursue the medical discharge because  
8 I couldn't see a future any longer within An Garda  
9 Síochána.

10 141 Q. How can you logically give out or complain about 11:28  
11 something that you sought and wanted and lobbied for?

12 A. I sought it as my last option for my own personal  
13 benefit. I didn't see any future for myself within An  
14 Garda Síochána without the matters being resolved.

15 142 Q. On page 1380 which is the next page under the heading 11:28  
16 of "Progress since the 6th October 2011", which is the  
17 date of the previous interview, there are a number of  
18 bullet point numbered paragraphs. Could I ask you to  
19 look at number 6, please? It says:  
20  
21 "It is Sergeant Hughes's opinion that he should be 11:29  
22 medically discharged. 'I think a medical discharge  
23 would actually benefit me. It's one way of getting a  
24 monkey off my back'."

25 Did you say that to the doctor? 11:29

26 A. I don't recall that term, but what I wanted to convey  
27 to him was that for my personal benefit it would be  
28 more advantageous to seek a medical retirement.

29 143 Q. Did you also report that to Dr. Keenan, who is referred

1 to in the next bullet point, number 7?

2 A. Yes, I think I had conversations with her in that light  
3 as well.

4 144 Q. Number 7 reads:  
5  
6 "This opinion is corroborated by Dr. Keenan who in her  
7 letter of the 28th February 2012 to Dr. Quigley stated  
8 'I feel the huge psychological toll of the past number  
9 of years have effectively made him unfit to return to  
10 his work'."

11 A. That would be in line with the way I was thinking in  
12 2012, yes.

13 145 Q. "8. Sergeant Hughes has been off work since January  
14 2011 and is upset he hasn't been contacted or  
15 interviewed by management since that time."  
16  
17 Did you say that?

18 A. Well, interviewed in relation to the matters that  
19 caused my workplace absences in the first place.

20 146 Q. Did you say that you hadn't been contacted by  
21 management?  
22 A. Well that's what she wrote, but what I would have  
23 conveyed to her was that I hadn't been contacted by  
24 management in relation to the matters that were  
25 affecting me in the workplace.

26 147 Q. Is this another mistake by the doctor?  
27 A. Well all I can say is that's what she wrote, but I do  
28 know if anybody had interviewed me back then, I would  
29 say the reason why I'm retiring and seeking retirement

1 is that the matters that were affecting me were not  
2 being resolved by management.

3 148 Q. Did you report to the specialist that you were upset  
4 you hadn't been contacted by management?

5 A. Sorry, is this to Dr. Keenan, is it? 11:31

6 149 Q. Did you report to this specialist, who is Dr. Patrick  
7 Devitt, consultant psychiatrist, did you report to him  
8 that you were upset you hadn't been contacted by  
9 management?

10 A. In respect of the matters that were affecting me. 11:31  
11 Contact with management -- I had contact on a daily  
12 basis with management at Coolock Garda Station when I  
13 was there.

14 150 Q. And hadn't you also been contacted by management during  
15 the period when you were off? 11:31

16 A. In relation to the -- basically in relation to  
17 notifications of pay reductions and appointments with  
18 the CMO.

19 151 Q. Inspector Hanrahan?

20 A. Inspector Hanrahan? I can't recall, I'd have to be 11:31  
21 reminded.

22 152 Q. Inspector Lacey?

23 A. I met Inspector Lacey I think on one occasion in Swords  
24 Garda Station I furnished him with a report.

25 153 Q. Superintendent Curran? 11:32

26 A. I'd have to be reminded -- in relation to phone calls,  
27 is it?

28 154 Q. Yes.

29 A. I was contacted by Superintendent Curran, I think, when

1 I originally went sick in January 2012.

2 155 Q. You see, you seem to be reporting here, incorrectly, to  
3 your specialist that nobody's contacting you. Are you  
4 miss reporting the facts to your specialist?

5 A. No, I'm not misreporting anything. What I was 11:32  
6 conveying to him was that the management were not  
7 dealing with the matters that were affecting my  
8 workplace absences, and I think that in 2012 again I  
9 went through the cycle of management not looking to  
10 interview me as to my workplace absences. 11:32

11 156 Q. Could I ask you to look at the next page please, page  
12 1381? Under the heading of "Mental State on the 29th  
13 March 2012", third paragraph down:

14

15 "It became quickly obvious Sergeant Hughes had not 11:33  
16 relinquished any of the resentments he had displayed on  
17 previous meetings.

18

19 He referred frequently throughout the interview to  
20 allegations of malpractice and corruption I have made 11:33  
21 but were not investigated.

22

23 'The elephant in the room is the huge injustice done  
24 against me.' He said 'it shouldn't be left to the  
25 medical department to sort it out'." 11:33

26

27 Then it says:

28

29 "Sergeant Hughes appeared ambivalent regarding

1 retirement on medical grounds. He said that when he  
2 was offered medical retirement in the past he did not  
3 take it on legal advice."

4

5 were you blaming your lawyers to the doctor?

11:33

6 A. Excuse me, sorry?

7 157 Q. were you blaming your lawyers to the doctor?

8 A. No. No.

9 158 Q. what's that about? And I don't want to know about  
10 legal advice you were given; that's none of my  
11 business. But you appear to be putting blame on  
12 lawyers here, or advice you claim you were given?

11:33

13 A. No, at the time I think we're talking about it 2008  
14 medical discharge process, and at that point I'd  
15 obviously received legal advice, but my own opinion  
16 was, at that time, that I should be medically retired.

11:34

17 159 Q. It reads:

18

19 "He said that when he was offered medical treatment in  
20 the past he did not take it on legal advice. He was  
21 aware that retiring on mental health grounds might have  
22 future implications."

11:34

23 A. At that time.

24 160 Q. Are we to take from that that there was some sort of  
25 tactical play going on and you weren't actually  
26 focusing on what was best for you medically, you were  
27 focusing on some sort of strategy?

11:34

28 A. In 2008 -- we went through it already -- the strategy  
29 was -- not the strategy, but my intention was to not

1 retire on medical grounds. However, in 2012, I think  
2 when this report was being composed, I was thinking  
3 that perhaps the best approach would be for a medical  
4 retirement.

5 161 Q. If we look at the conclusions to Dr. Devitt's report on 11:35  
6 the next page, and the final one I just want to ask you  
7 about, they're listed number 1 to 8. Just before I do  
8 that, can I ask you: You're going in and out of work a  
9 little bit. You decide to go sick, as I think you've  
10 said, from time to time, was that being used as part of 11:35  
11 a strategy?

12 A. Strategy?

13 162 Q. Yes.

14 A. There was no strategy. I reported sick after visiting  
15 my GP. 11:36

16 163 Q. Was sick leave being abused here?

17 A. Not at all, no. Sure, sick leave was as a result of  
18 the doctor's opinion in relation to me reporting to him  
19 the matters that were of concern to me.

20 164 Q. Number 8, the specialist says: 11:36

21  
22 "The issue of retirement on medical grounds (mental  
23 health) should not be addressed until his High Court  
24 action is settled as there is still a possibility that  
25 if Sergeant Hughes feels a sense of vindication, his 11:36  
26 mental state will improve such that he could resume  
27 Garda duties."

28 A. That's what he wrote, yes.

29 165 Q. So, these delays weren't the fault of the Gardaí, were

1 they? Your own psychiatrist was advising you to not  
2 finalise retiring on medical grounds until at least  
3 after your civil proceedings were finalised?

4 A. No, I disagree. The fault lay completely at the door  
5 of the Garda management in failing to investigate the 11:37  
6 matters that were concerning me and causing my sickness  
7 absences, and they were not sending their reports to  
8 HRM for even Dr. Devitt's consideration or the ACMO's  
9 consideration. And without those reports being  
10 forwarded, I believe that a proper decision could not 11:37  
11 be made by the medical people, and HRM for that matter,  
12 in relation to my position.

13 166 Q. I want to suggest to you, sergeant, that the medical  
14 reports enable me to suggest to you that throughout  
15 this period you had lost perspective in a serious way, 11:38  
16 you had lost your judgment on these issues, and you  
17 were pursuing an obsessive campaign.

18 A. That is not true. My perspective was very clear. I  
19 had serious matters to be investigated by Garda  
20 management in relation to my workplace absences and 11:38  
21 Garda management failed to actually properly  
22 investigate those absences and forward the relevant  
23 files for determination by A/C HRM and the ACMO.

24 167 Q. You came to believe, I suggest to you, that almost  
25 every action of management was directed against you and 11:38  
26 you saw slights where there were none?

27 A. No, I don't accept that.

28 168 Q. I'm suggesting to you that your recollection of  
29 matters, and indeed conversations with colleagues



1 became flawed, such was your daily rumination with your  
2 campaign?

3 A. I don't accept that.

4 169 Q. And you turned on people who were actually trying to  
5 help you? 11:39

6 A. I turned on them?

7 170 Q. Yes.

8 A. No, that is not true.

9 171 Q. You developed an anxiety to draw other people into your  
10 personal controversy and to deflect from your own 11:39  
11 situation and your initial feelings of guilt?

12 A. That's not correct.

13 172 Q. And I am suggesting to you that your lack of judgment  
14 and perspective during this period, which built and  
15 built and built as the months went by, prevented you 11:39  
16 from appreciating that you were cleared of all  
17 potential wrongdoing by Chief Superintendent Feehan's  
18 investigation?

19 A. Yes, and I would say that I don't agree with that and  
20 that Chief Superintendent Feehan's investigation, in my 11:39  
21 view, should never have commenced in the first place.

22 173 Q. I suggest to you that throughout his saga, as your  
23 anger and defensiveness grew, you became obsessed with  
24 your campaign to pull others into your predicament to  
25 share blame. 11:39

26 A. Yes, I was less than happy with Garda management's  
27 failure to interact with me in relation to forming  
28 reports to be sent up to the relevant professionals  
29 there to make decisions in relation to my future in the

1 organisation.

2 174 Q. You became fixated on a belief that there were system  
3 failures, and that consumed you and hindered your  
4 return to work and resumption of normal duties?

5 A. I know there was system failures and the systems 11:40  
6 failure were not investigated by Garda management.

7 175 Q. Can I ask you, sergeant, to move to one of the themes  
8 the Tribunal is looking at, which is the CRO  
9 investigation and your dissatisfaction with it?

10 A. The confidential recipient investigation, yes. 11:40

11 176 Q. Yes, the confidential recipient investigation. It has  
12 been your evidence to the Tribunal -- well actually,  
13 sorry, before we just move there, can I ask you this  
14 question: You were happy, were you not, with the  
15 valuable role you had played in the abduction 11:41  
16 investigation, that is to say the investigation into  
17 the abduction of Baiba Saulite's children?

18 A. Yes, we did everything to the best of our abilities.

19 177 Q. Yes. And you had done valuable work in that, as was  
20 acknowledged I think by Garda management, throughout 11:41  
21 that investigation?

22 A. I wouldn't be seeking accolades in relation to my work  
23 I am doing but I don't recall a commend, if that is  
24 what you are saying, anything like that, coming down.

25 178 Q. Do you not? Do you not recall Inspector Mangan saying 11:42  
26 that the investigation was carried out in a  
27 professional manner?

28 A. Yes, he did, but I didn't see that until 2012.

29 179 Q. I see. Do you not also recall seeing it referred to

1 elsewhere in the papers, Chief Superintendent Feehan  
2 agreeing with it was done professionally?

3 A. Again, I had no knowledge of that until 2012.

4 180 Q. You, presumably, wanted -- well it's obvious -- you  
5 wanted the perpetrator of the killing of Baiba Saulite 11:42  
6 brought to justice?

7 A. Oh certainly, yes.

8 181 Q. why did you not provide the statement therefore to  
9 Inspector O'Sullivan when he looked for one, for the  
10 murder investigation? 11:42

11 A. Detective Inspector O'Sullivan looked for a statement  
12 in 2007, September 2007, ten months after the murder.  
13 I explained to him, and I think we went through this  
14 already, I explained to him that I had no difficulty at  
15 all in providing a statement and that I would be 11:43  
16 including my views of a systems failure in relation to  
17 matters prior to the murder.

18 182 Q. weren't you the person, the ideal person, to offer  
19 insight to the murder investigation, for instance on  
20 the issue of possible motive of the suspect? 11:43

21 A. Motive of the suspect?

22 183 Q. You had valuable information to convey as to your  
23 knowledge of the relationship over the years between  
24 Mr. A and Baiba Saulite?

25 A. All the information I had, all the evidence, all the 11:43  
26 artifacts, all the files, all the intelligence material  
27 was with Garda management at the time of the murder and  
28 shortly thereafter.

29 184 Q. No, no, but that's no substitute for you sitting down

1 and providing the lead investigators with your  
2 statement --

3 A. And -- sorry, go ahead.

4 185 Q. -- so that it could go into the DPP file, the file  
5 going into the DPP? 11:44

6 A. And I was always available in that regard to Garda  
7 management.

8 186 Q. Right. Why didn't you, just as you did with the  
9 defence of your position in the Mangan report, why  
10 didn't you take time to write down your statement for 11:44  
11 the file, for the murder investigation?

12 A. As I said, I was requested to provide a statement in  
13 2007, September 2007, and I expected that Detective  
14 Inspector, as he said he would, he would get back to me  
15 in relation to what was required in my statement. 11:44

16 187 Q. Well you see, I wonder were you putting your own  
17 personal agenda above the interests of the  
18 investigation?

19 A. Absolutely not. And if there's any suggestion of me  
20 actually following that route there, Detective 11:44  
21 Inspector O'Sullivan was free to contact one of my line  
22 managers, namely Superintendent Curran, if there was an  
23 issue in that regard and to raise it with him. And I  
24 note from the files that have been submitted here to  
25 the Tribunal that he has recorded the fact that there 11:45  
26 was no statement forthcoming from me. I wasn't aware  
27 that was being recorded at the time, and he should have  
28 taken this up with Superintendent Curran, for  
29 Superintendent Curran to address any issues that were

1 affecting me in relation to providing the statement.  
2 No such approach was made to Superintendent Curran, as  
3 far as I am aware, and no such approach to me was made  
4 by Superintendent Curran.

5 188 Q. Sergeant, even if you lift it beyond Inspector 11:45  
6 O'Sullivan, who makes it clear he sought a statement  
7 and reported that up the line --

8 A. Yes.

9 189 Q. -- surely you must have realised the DPP was going to 11:45  
10 look -- was going to be anxious to get a statement from  
11 you, the lead investigator in the abduction, who knew  
12 all about the relationship between Mr. A and Baiba  
13 Saulite and who could provide valuable insight into all  
14 of these things, including the question of motive, why  
15 didn't you proactively sit down, write out a statement 11:46  
16 and provide it to the investigation?

17 A. I was waiting -- as with the initial approach, I was  
18 waiting for the detective inspector to come back and  
19 clarify precisely what he wanted me to put in the  
20 statement. That approach wasn't made. And I wasn't 11:46  
21 aware of the fact that he had reported that my  
22 statement wasn't forthcoming. I would have been  
23 alarmed to hear that because, under the Garda Síochána  
24 Act, gardaí are not permitted to decline to make a  
25 statement -- the Garda Síochána Act 2005 that is -- 11:46  
26 they are not permitted to decline to make statements or  
27 to submit their views that a statement is not  
28 forthcoming. It just didn't fit in with proper  
29 procedure.

1 The proper procedure, if there was a difficulty or an  
2 issue with me not providing a statement, was for local  
3 management to contact my line manager, Superintendent  
4 Curran, and he would, no doubt, have addressed the  
5 matter with me at that time.

11:47

6 190 Q. Are we agreed at the end of the day you didn't provide  
7 a statement?

8 A. Well, it's recorded on the file there a statement is  
9 not forthcoming, so I take it they decided that a  
10 statement wasn't necessary then from me.

11:47

11 191 Q. I see. All right. I want to move to the confidential  
12 recipient investigation. Can you just outline, because  
13 I am a little bit unclear on it, you feel that the  
14 handling of the CRO investigation represented bullying  
15 and targeting of you, is that your case?

11:47

16 A. The -- as I saw it, the investigation wasn't conducted  
17 in accordance with the regulations that underpinned  
18 that particular procedure. I wasn't kept informed of  
19 developments. I wasn't given feedback. And when the  
20 investigation completed two years later I was merely  
21 sent a one-page letter from the confidential recipient  
22 saying that the allegations I'd made, or had made, were  
23 without foundation and I considered that not to be  
24 sufficient given the input I had made into this process  
25 from the start. In addition, I feel that Chief  
26 Superintendent Feehan, with respect, should not have  
27 been involved in that investigation because some of the  
28 matters that were the subject of complaint in the  
29 confidential recipient process were in respect of his

11:48

11:48

1 handling of the disciplinary investigation and the  
2 previous investigation, the fact-finding investigation.

3 192 Q. Whom do you say targeted you with respect to the CRO  
4 investigation? And can you tell -- more importantly,  
5 can you tell the Chairman what evidence do you have 11:49  
6 against any of the alleged targeters?

7 A. Well, I believe that the CR -- sorry, the confidential  
8 recipient investigation was managed by Chief  
9 Superintendent Feehan and Inspector Fergus O'Dwyer, and  
10 the people that I say that matters were reported to 11:49  
11 failed to actually investigate the issues to my  
12 satisfaction at the time.

13 193 Q. In plain English, that means you weren't happy with the  
14 outcome?

15 A. I wasn't happy with the process, nor the outcome. 11:49

16 194 Q. Yes. So no matter how in-depth, no matter how  
17 thorough, no matter how comprehensive the report was,  
18 the investigation was, if it didn't reach a conclusion  
19 that you agreed with, that was targeting?

20 A. Well, you see, I didn't know what conclusions it had 11:49  
21 reached in relation to specific matters that I had  
22 complained about. Only that I was told that the  
23 matters that I had complained about were without  
24 foundation. I don't think that is a sufficient  
25 response to the allegations I had made which I 11:50  
26 categorically included in the reports to the  
27 confidential recipient.

28 195 Q. In your view, was the decision not to uphold your  
29 complaints, was that targeting of you?

1 A. Well they had not investigated, as far as I could see,  
2 the matters that I complained of to the fullest extent.  
3 196 Q. Was that targeting of you, that they didn't uphold your  
4 complaints?  
5 A. Well I felt that I was -- I had earnestly provided 11:50  
6 ample information to the confidential recipient process  
7 that merited a full investigation. And the failure to  
8 actually apply a full investigation to the matters  
9 there, what I would see as a targeting of me, and the  
10 fact that there was officers involved who were involved 11:50  
11 in previous investigations that were complained of in  
12 the confidential recipient process, I reckoned it  
13 highly irregular.  
14 197 Q. Just taking things sequentially. First of all, do you  
15 say that the report was not thorough or comprehensive? 11:51  
16 A. The report seems to be very extensive, yes.  
17 198 Q. Who are the investigators of the report?  
18 A. I think Chief Superintendent Feehan was the lead  
19 investigator.  
20 199 Q. Yes. Who else? 11:51  
21 A. Inspector Fergus Dwyer.  
22 200 Q. Yes.  
23 A. And I had given -- provided reports personally to  
24 Superintendent O'Gara and Inspector O'Boyle.  
25 201 Q. Senior, highly regarded distinguished senior officers, 11:51  
26 carrying out an in-depth investigation, isn't that  
27 right?  
28 A. They were senior officers, yes.  
29 202 Q. Carrying out an in-depth investigation?



1 A. Yes.

2 203 Q. Are you complaining about the fact it was in-depth?

3 A. Not that it was in-depth, but it didn't actually

4 discover, it didn't highlight the -- at the end of the

5 investigation it didn't highlight matters that were 11:52

6 brought to their attention as being -- confirming, some

7 of them confirming the issues that I had complained of.

8 204 Q. So, really doesn't it come down primarily to your

9 grievance with the outcome; they didn't accept your

10 complaint, they didn't uphold your complaint? 11:52

11 A. They didn't, as far as I could see, and on reading the

12 documents now that were provided, they didn't actually

13 highlight areas where there were obvious failures on

14 behalf of Garda management.

15 205 Q. You have mentioned in dispatches Superintendent Noel 11:52

16 McLoughlin?

17 A. Yes.

18 206 Q. And you have maintained a position that, in your

19 materials at any rate, that he supported your complaint

20 that there were system failures? 11:53

21 A. He certainly did.

22 207 Q. Are you clear on that?

23 A. I am very clear.

24 208 Q. Didn't Superintendent McLoughlin indicate to the CRO

25 investigation that you should have given crime 11:53

26 prevention advice to Ms. Saulite?

27 A. I saw he said that, yes.

28 209 Q. Didn't he also indicate that as far as he was

29 concerned, there were not system errors?

1 A. Sorry, there were not what?

2 210 Q. Isn't that right?

3 A. Sorry? What was that question, please?

4 211 Q. That there were not system errors?

5 A. Sorry. I just can't hear that last -- 11:53

6 212 Q. I am sorry, you're not hearing me. Didn't  
7 Superintendent McLoughlin indicate that as far as he's  
8 concerned, there were not system errors?

9 A. They're not systems failures, is it? Sorry, that last  
10 word. 11:54

11 213 Q. Systems failure -- your phrase?

12 A. No, the conversation I had with him was in his own  
13 house and he was agitated as a result of receiving  
14 correspondence from the confidential recipient process,  
15 and part of the conversation I had with him, he 11:54

16 confirmed that he had received no information at all  
17 from a certain division in relation to Baiba Saulite  
18 prior to him retiring, and he himself said that, well  
19 if I didn't receive the information, how could he  
20 make make decisions on it? And if he hadn't got the 11:54

21 information well then that was a failure in the system.

22 214 Q. You see, he provided a report to, and input, to the CRO  
23 investigation?

24 A. That's correct.

25 215 Q. If you felt there was system errors, is it not logical 11:54  
26 that you were extending criticism to the divisional  
27 officer, who was Superintendent McLoughlin -- he's in  
28 charge of the district?

29 A. District officer, sorry. He was superintendent.

1 216 Q. District officer, excuse me.

2 A. Yes.

3 217 Q. Yes. So your overall thesis of system failures would  
4 have been primarily pointing at him?

5 A. Em, not if he -- yes, it points at everybody. It 11:55  
6 points at the Garda Síochána as an organisation. The  
7 big question is: what was the systems failure? The  
8 systems failure, as far as I am concerned, was the lack  
9 of coordination, correlation of crimes information and  
10 intelligence. 11:55

11 218 Q. All right. That's fair enough, you have made that  
12 point. But what I am wondering is if that is so, that  
13 means the superintendent messed up in failing to ensure  
14 coordination and pooling of information; it was the  
15 superintendent's fault, amongst others perhaps, but it 11:56  
16 was primarily his fault?

17 A. Only if he was aware of the information that was  
18 available to him from other divisions. As it turns  
19 out, he wasn't aware of the information from the other  
20 divisions. 11:56

21 219 Q. I see. So I wonder is there a logical flaw in your  
22 thesis, because he's a friend of yours, isn't he?

23 A. I would know Noel well, yes.

24 220 Q. Is he somebody who targeted you?

25 A. No. I haven't stated him as targeting me. 11:56

26 221 Q. No. Can we look at page 2763, please? This is the CRO  
27 investigation report, which starts at page 2752. The  
28 report received from the Garda confidential recipient  
29 concerning the Garda investigation of the murder of

1 Baiba Saulite. And if we look at page 2763, we've  
2 paragraph 2.14. It says:

3  
4 "This investigation..."

5  
6 we might scroll up a small bit there. 11:58

7  
8 "This investigation has not found that any formal crime  
9 prevention advice was imparted to Ms. Saulite. Neither  
10 has it found any reports or directions emanating from 11:58  
11 the divisional or district offices regarding this  
12 issue. During the course of the child abduction case  
13 Sergeant William Hughes assisted Ms. Saulite in  
14 obtaining accommodation in an effort to distance  
15 herself from Mr. A." 11:58

16  
17 That is the case, is it, you helped her get  
18 accommodation?

19 A. That's correct, in the early stages of the child  
20 abduction investigation. 11:58

21 222 Q. "She was also advised to report any alleged  
22 mistreatment towards her by Mr. A. This advice was  
23 given in the context of the investigation undertaken by  
24 Sergeant Hughes and his team and did not include any  
25 specific threat to the life of Ms. Saulite emanating 11:59  
26 from either a confidential source or from Ms. Saulite  
27 herself."

28  
29 The next bit I want to ask you about:

1  
2 "Ex Superintendent Noel McLoughlin informed this  
3 investigation team that Sergeant William Hughes was  
4 primary investigator of the child abduction case and  
5 therefore the primary point of contact for Ms. Baiba 11:59  
6 Saulite. Ex Chief Superintendent McLoughlin stated  
7 that Sergeant Hughes should have given crime prevention  
8 advice to Ms. Saulite. Ex Superintendent McLoughlin  
9 stated that he reinforced on numerous occasions to his  
10 staff in general to give appropriate crime prevention 11:59  
11 advice to the relevant parties. Ex Superintendent  
12 McLoughlin in the many meetings he had with Sergeant  
13 Hughes reinforced the instruction to him. The  
14 investigation team has not located any written  
15 direction emanating from Ex Superintendent McLoughlin 11:59  
16 directing that crime prevention advice be given to  
17 Ms. Saulite."

18  
19 It would appear to indicate that if there was an error,  
20 it was yours, was Noel McLoughlin's view? 12:00

21 A. Sorry, can we scroll up to the top, the first paragraph  
22 there, please?

23 223 Q. Just a moment.

24 A. Yes.

25 224 Q. I am asking -- we will go to that if you like, but in 12:00  
26 2.15 --

27 A. Yes.

28 225 Q. -- it appears clear that Noel McLoughlin doesn't agree  
29 with your view on these matters and is indicating that

1 you were the primary investigator, the primary point of  
2 contact with her, and you should have given crime  
3 prevention advice, was his view.

4 A. Yes. He is talking -- he is referring there to crime  
5 prevention advice possibly in relation to matters I 12:00  
6 knew of -- the child abduction case. There's a couple  
7 of aspects to this here, is that Superintendent  
8 McLoughlin informed me that he didn't know of the  
9 Blanchardstown information -- the other division's  
10 information in relation to Baiba Saulite; he told me at 12:01  
11 that meeting that day. In relation to me giving crime  
12 prevention advice, I always -- in dealing with Baiba  
13 Saulite, we'd always do our best for her in any  
14 circumstances in relation to advising her. However,  
15 there is a crime prevention advice officer based in the 12:01  
16 division whose primary function is to issue crime  
17 prevention advice in serious matters. And following  
18 the 11th October 2006, the threat to John Hennessy, and  
19 Baiba was party to that, the crime prevention officer,  
20 as we know through documentation, provided extensive 12:01  
21 crime prevention advice to John Hennessy both at his  
22 place of business and at his home and to his own  
23 personal safety. No such crime prevention advice was  
24 provided to Baiba in advance -- at that time. And  
25 the -- if Ex Superintendent McLoughlin there, if he's 12:01  
26 referring to crime prevention advice I would give, it  
27 would only be in the context of what I know in relation  
28 to --

29 226 Q. Sorry, say that again, he was referring to crime

1 prevention advice that you might have given?  
2 A. In relation to matters that I would know of.  
3 227 Q. Yes. But he was of the view, at any rate, that you  
4 ought to have -- I suppose the reason I am mentioning  
5 this to you -- 12:02  
6 A. Yes.  
7 228 Q. -- just to put it in context: He is offering a view.  
8 It's perhaps not a view you'd agree with --  
9 A. Yes.  
10 229 Q. -- it's his bona fide view I think we can assume, but 12:02  
11 that isn't targeting of you that he is offering a very  
12 different view to you on things you ought to have done  
13 or might have done. So, the reason I am bringing this  
14 up, just as an example, to suggest to you that merely  
15 because somebody holds a different view to you on an 12:02  
16 important matter, in this case a very different view to  
17 you, doesn't mean the person is targeting you or that  
18 they have a malicious intention to do you down. Do you  
19 understand the point I am making?  
20 A. I do. 12:03  
21 230 Q. So, also if we widen that from the superintendent to  
22 any of your managerial colleagues, merely because they  
23 didn't agree with the point you were making, and  
24 repeatedly making, doesn't mean that they were  
25 targeting you -- in this case merely because the CRO 12:03  
26 investigation did not uphold your beliefs does not mean  
27 that they were setting out to target you. Do you  
28 understand?  
29 A. In the context of these two paragraphs here, Noel

1           McLoughlin, Superintendent Noel McLoughlin, asserts  
2           that -- seems to be asserting that I was the primary  
3           crime prevention advice officer in relation to Baiba  
4           Saulite and all her troubles in relation to the Garda  
5           Síochána. Where I see the matters -- an item that I           12:04  
6           raised in the confidential recipient investigation  
7           report was the fact that crime prevention advice was  
8           not -- the fact that it said in the press release that  
9           crime prevention advice was provided to Baiba prior to  
10          her murder, and part of it was that I had not been           12:04  
11          informed of that, but it was discovered then in this  
12          confidential recipient process that the press release  
13          was incorrect in that regard, and that was discovered.  
14          Now, I think that's a very important issue here. The  
15          Garda press release, after following up within three           12:04  
16          days of her murder, said she was issued with crime  
17          prevention advice in relation to herself and her  
18          property. That wasn't true. And that was discovered  
19          in the confidential recipient process here.

20   231   Q.    So is that an example of you seeking to rely upon the           12:04  
21                    CRO report when it suits, but reject it as targeting  
22                    when they come to a conclusion that doesn't suit?

23            A.    Well, there are areas in it that I would agree with and  
24                    other areas that I don't agree with. And I think an  
25                    opposing view shouldn't be seen as dissent. I think           12:05  
26                    that clearly here, in these two paragraphs here, Noel  
27                    McLoughlin is of the view that I should have issued her  
28                    with the ultimate crime prevention advice in relation  
29                    to all her difficulties, when in fact I was only



1 looking after the child abduction investigation and  
2 there were several other matters involving other gardaí  
3 that were dealing with her too.

4 232 Q. Could I ask you, superintendent, to look at page 47 --  
5 sergeant, excuse me, page 47 of the materials, which is 12:05  
6 your statement of interview to the Tribunal. And it  
7 deals with this issue of the CRO investigation and its  
8 propriety. And on page 47, four lines down, we see it  
9 says:

10  
11 "On the 19th May 2010 I received correspondence from 12:05  
12 the confidential recipient stating that matters had  
13 been examined and no issue were arising. I have  
14 provided a copy of this correspondence to the  
15 Disclosures Tribunal. As a result of this process I 12:06  
16 felt bullied, harassed and scapegoated. I felt there  
17 was an abuse of process, cover-up, harassment of me,  
18 criminal activity and malpractice."

19  
20 That's pretty high, isn't it, sergeant? 12:06

21 A. Well that's the way I feel in relation to -- this is  
22 the entire process now, not just to the matters we were  
23 referring to there two minutes ago.

24 233 Q. What was the criminal activity?

25 A. Well the harassment of me I believed, and I'd reported 12:06  
26 this in the confidential recipient reports and I  
27 reported it in the disciplinary investigation report, I  
28 believed that the protracted harassment of me in the  
29 workplace amounted to a breach of the Non-Fatal

1 Offences Against the Person Act harassment.

2 234 Q. The way you put it in the statement, if we read on:

3

4 "The criminal activity I am referring to here is the 12:07  
5 continued harassment of me by the Garda authorities in  
6 failing to properly investigate serious complaints  
7 which I believe may have constituted a breach of the  
8 Non-Fatal Offences Against the Person Act."

9

10 But there's been an in-depth thorough and comprehensive 12:07  
11 report into your allegations. How is that targeting?

12 A. Well, we'd have to go through the report and I can  
13 point out areas where I feel that the matters that I  
14 was alleging were not investigated -- highlighted as a  
15 result of that investigation. 12:07

16 235 Q. Who targeted you arising from this report, you say?

17 A. I think I have it later in my statement to the Tribunal  
18 who targeted me.

19 236 Q. Yes. Who do you say targeted you?

20 A. Well, primarily Chief Superintendent Feehan, I feel, 12:07  
21 should not have been in charge of the investigation.

22 237 Q. We have that point.

23 A. Yes.

24 238 Q. But who targeted you in the carrying out and conclusion  
25 of the report, who targeted you? 12:08

26 A. Well it would be the author of the report then -- Chief  
27 Superintendent Feehan.

28 239 Q. So the author of the report. Is it because of the  
29 outcome?

1 A. Because I feel that the matters that I had  
2 comprehensively reported to the confidential recipient  
3 office had not been, had not been investigated  
4 properly.

5 240 Q. I see. Did anybody else target you? 12:08

6 A. Well any of his -- any person acting on his behalf that  
7 would know of the issues I was raising and the fact  
8 that they weren't actually investigated.

9 241 Q. So anybody associated with the investigation, including  
10 the series of senior officers who carried out the 12:08  
11 in-depth report, they were targeting you as well?

12 A. Well I believe that anybody who had knowledge of the  
13 complaints that were made, and then the investigation  
14 that was carried out into those complaints could see  
15 that there was a shortfall in the investigations of the 12:09  
16 specific complaints I was making.

17 242 Q. I am suggesting to you your accusation that  
18 distinguished officers were involved in targeting you  
19 arising from the outcome of this report is illogical,  
20 but it is more than illogical, it's very unfair to 12:09  
21 them, and I am suggesting to you there is not a jot of  
22 evidence to support your allegations of targeting.

23 A. I believe there's a lot of evidence to support the fact  
24 that the matters complained of, substantive matters  
25 complained of in my report to the confidential 12:09  
26 recipient's office were not properly investigated in  
27 that process.

28 243 Q. There are two newspaper articles -- well a number of  
29 newspaper articles that you're unhappy about, but just

1 taking them in turn, sergeant. The Sun newspaper  
2 article, early on, that was looked into by  
3 Superintendent Dennedy, isn't that right?

4 A. Yes, indeed.

5 244 Q. And you weren't happy with that, am I right about that? 12:10

6 A. Sorry, happy with?

7 245 Q. With the investigation into that.

8 A. I don't think --

9 246 Q. I appreciate I am going back a good bit of time --

10 A. Yes. 12:10

11 247 Q. -- but we have to move into the various themes that you  
12 are aggrieved about. Superintendent Dennedy did a  
13 report into The Sun newspaper article way back --

14 A. Yes.

15 248 Q. -- the 23rd November 2006, in the aftermath of Baiba's 12:11  
16 killing, isn't that right?

17 A. That's correct.

18 249 Q. And he interviewed Damien Lane, the journalist in The  
19 Sun newspaper, and he was accompanied by Sergeant  
20 Buckley, and they went out to the newspaper offices in 12:11  
21 Bishop Street, and also present was the solicitor for  
22 the newspaper, isn't that right?

23 A. I didn't -- I wasn't made aware of these matters back  
24 in 2006 and 2007.

25 250 Q. Well sorry, didn't he interview you and Garda Nyhan at 12:11  
26 Swords Garda Station on the 12th December '06?

27 A. That's correct. We made witness statements, I think.

28 251 Q. Yes. So it was looked into at your request,  
29 comprehensively, by an accomplished officer, and he

1 reached -- then inspector -- and he reached his  
2 conclusion, having spoken with another journalist in  
3 The Mirror newspaper and also having interviewed the  
4 allegedly offending journalist from The Sun?

5 A. Yes. But I wasn't made aware of these developments. 12:12

6 252 Q. I see. Well let's look at what he notes was the  
7 product of the interview.

8 We might look at page 1883, please. So this is a  
9 report, I might just scroll up and get the date of it,  
10 I think it's 15th December '06. Yes, we see that in 12:12  
11 the top right. And it's a report to D/Superintendent  
12 Byrne in Santry. There's a reference to the interview  
13 with Mr. Lane, the journalist in The Sun newspaper.

14

15 "On 11th December at 4:30, accompanied by Sergeant 12:13  
16 Buckley, I met Damien Lane The Sun newspaper. Also  
17 present was Michael Tyrrell solicitor from Mathews  
18 [sic] Ormsby and Prentice. I asked Mr. Lane the  
19 following questions:

20 Q. Did the source mention rank when he was referring 12:13  
21 to Gardaí in this article?

22 A. No, it was an assumption on my part.

23 Q. Did the source mention 24-hour guard?

24 A. No, it was an assumption on my part.

25 Q. Did the source mention gardaí across north county 12:13  
26 Dublin?

27 A. No, it was an assumption on my part.

28 Q. Did the source mention drugs lords?

29 A. No. It was an assumption on my part. I put two

1 and two together and got five. I don't have the name  
2 of any particular drugs lord."

3  
4 If we go over the page:

5 12:13

6 "Q. What do you mean by if he cannot get the intended  
7 target?

8 A. Answered by Michael Tyrrell: artistic licence on  
9 behalf of the journalist.

10 Q. Who is your source? 12:13

11 A. He is not from the criminal fraternity.

12 Q. Is he a guard?

13 A. I cannot say, but it's a source you should not have  
14 no concerns about.

15 12:14

16 Mr. Lane stated that he over-egged, sensationalised and  
17 tabloidised the article."

18  
19 Do you see that?

20 A. Yes. 12:14

21 253 Q. Sorry, just above that it says:

22  
23 "Mr. Tyrrell indicated that [blank] for Sergeant Hughes  
24 had written to them. Mr. Tyrrell stated that he rang  
25 [blank] to allay any fears that they may have had over 12:14  
26 the article."

27  
28 Was that conveyed to you?

29 A. I don't know what -- sorry what's this blank?

1 254 Q. I don't know. Was it your solicitor?  
2 A. Sorry?  
3 255 Q. Did your solicitor make contact with the journalists?  
4 A. Oh he could have in the meantime, yes.  
5 256 Q. Then under the heading of "Interview with Sergeant Liam 12:14  
6 Hughes and Garda Declan Nyhan" the following is said,  
7 two paragraphs down:  
8  
9 "I enquired if either of the two members had been  
10 personally threatened or if they had any more 12:14  
11 information to support the substance of their letters.  
12  
13 Sergeant Hughes stated that (a) at the time of the  
14 arrest [blank] stated that the Gardaí were being  
15 personal towards him (b) at the bail application 12:15  
16 [blank's] demeanour was aggressive and he went on a  
17 rant, and (c) comments of D/Inspector O'Sullivan in the  
18 bail application that Mr. A was a dangerous criminal  
19 with international connections..."  
20 12:15  
21 And this last bit I want to ask you about:  
22  
23 "(d) Baiba told him --" that's you -- "Baiba told him  
24 at Swords Garda Station that she feared for her life  
25 and that of Sergeant Hughes, Garda Nyhan and 12:15  
26 Mr. Hennessy, solicitor."  
27  
28 Do you see that there?  
29 A. I do.

1 257 Q. So that's his note of what you said to him?  
2 A. No, that's not incorrect. Absolutely incorrect.

3 258 Q. That chimes with what Inspector Cryan, what Inspector  
4 Cryan recorded you asking him to write down in the few  
5 days after the killing. 12:16

6 A. It -- that I asked Inspector Cryan to write this down?

7 259 Q. It chimes with -- it is consistent with what Michael  
8 Cryan indicates you told him in your meeting in the  
9 Garda station when you were agitated, standing up and  
10 down, unable to do your own report, you asked him to 12:16  
11 write the thing down for you. He says -- and it's of a  
12 piece with what's recorded here by Inspector Dennedy --  
13 he says you told him that Baiba Saulite had said she  
14 feared for her own life as well as Sergeant Hughes,  
15 Garda Nyhan and Mr. Hennessy, solicitor? 12:16

16 A. I think that's in his notes, but the report that he  
17 sent to Chief Superintendent Phillips, I don't think  
18 that is what he says in the report.

19 260 Q. Just focus on the question. This man is recording what  
20 he says you said. 12:17

21 A. Yes.

22 261 Q. Are you saying he's mistaken in this recollection?

23 A. He's mistaken there in relation that she had told -- if  
24 he's referring to the 14th November 2006 --

25 262 Q. It doesn't say that -- 12:17

26 A. No, it doesn't.

27 263 Q. -- but it seems to be a reference to that?

28 A. It doesn't, no. But if it does refer to the 14th  
29 November 2006, he's actually mistaken.



1 264 Q. So, both he is mistaken and, you say, Inspector Cryan  
2 is mistaken?  
3 A. We have to see Inspector Cryan's report that he  
4 submitted to Chief Superintendent Phillips on the day  
5 after the meeting. 12:17

6 265 Q. You have seen his note?  
7 A. I have seen his notes.

8 266 Q. You are aware of his position on it?  
9 A. I am aware that he made those notes, yes.

10 267 Q. Yes, but you are aware of his position; it came up as a 12:17  
11 live issue in the proceedings against Garda Nyhan,  
12 didn't it?  
13 A. To my recollection, yes.

14 268 Q. Yeah. So you're aware that two officers have  
15 attributed -- and remember, they are taking down what 12:17  
16 you are saying. They are saying this is what you said.  
17 So I just wonder is there a bit of a pattern? You're  
18 not anxious that that would be said. You appear to be  
19 insisting that it wasn't said, even though the  
20 suggestion is you said it? 12:18

21 A. Yes, I have a difficulty with Inspector Dennedy's notes  
22 there in that regard, and I think the pattern really  
23 should be that when notes are taken, you know, the best  
24 practice would be to read the notes back off the person  
25 from whom they are taken just for validity purposes to 12:18  
26 make sure that's what they said. We do that throughout  
27 the Garda Síochána in all aspects of interviewing  
28 people, whether they are suspects or witnesses, we read  
29 the documents back over to them for validity of

1 content, and perhaps even to get them to initial it or  
2 sign it. This account here, if it refers to the 14th  
3 November of 2006, is incorrect.

4 269 Q. All right --

5 A. That is Inspector Denedy. 12:18

6 270 Q. Can we move forward in the time machine two years on to  
7 The Star newspaper about which you're also unhappy?

8 A. Yes.

9 271 Q. And this was November 2008, and we can see it, just so  
10 to locate it in context for you, it's on page 8092, the 12:19  
11 actual article. Just looking at the headline, and I am  
12 not suggesting this was fair content or, you know, a  
13 nice thing to have to look at, I do acknowledge that.  
14 Having said that, the headline, unpleasant as it is,  
15 it's actually correct, isn't it? 12:19

16 A. It is correct.

17 272 Q. Yes.

18 A. That I didn't look after -- if it's referring to me, I  
19 didn't look after the -- at the warning contained in  
20 the victim impact. 12:20

21 273 Q. Yes. In any event, on the 12th December 2008, Séan  
22 Costello's office, on your behalf, wrote to the  
23 Commissioner in relation to this article, isn't that  
24 right?

25 A. That's correct. 12:20

26 274 Q. And Chief Superintendent Feehan appointed Inspector  
27 Fergus Dwyer to investigate the complaint as set out in  
28 your letter, isn't that so?

29 A. That's correct.

1 275 Q. And Chief Superintendent Feehan deals with that in his  
2 statement to the Tribunal, and this forms the  
3 subject-matter of Issue 5 of the Tribunal, isn't that  
4 right?

5 A. I think so, yes. 12:20

6 276 Q. Sorry, yes. Well it does. And I think Inspector Dwyer  
7 was accompanied by D/Sergeant Mark Waters, and met you  
8 in the presence of your then solicitor on the 12th  
9 October 2010?

10 A. Sorry, it was Detective Inspector Fran Sweeney he was 12:20  
11 accompanied by actually.

12 277 Q. Sorry?

13 A. He was accompanied by Detective Inspector Francis  
14 Sweeney.

15 278 Q. Sorry, I have picked that up in the statement. Maybe I 12:21  
16 am incorrect in that in my jotter notes. It was  
17 somebody else, was it?

18 A. If this was the time -- the occasion when I handed him  
19 the 25-page report, he was accompanied by that  
20 Detective Inspector Fran Sweeney. 12:21

21 279 Q. Was there an interview where D/Sergeant Mark Waters was  
22 with you in your solicitor's office?

23 A. I can't recollect that meeting.

24 280 Q. All right. It is -- sorry, this meeting that we're  
25 discussing, it is the one where you handed a 12:21  
26 pre-prepared statement to Inspector Dwyer.

27 A. Yes. I think I only met Inspector Dwyer, I could be  
28 corrected on this, once probably, in Séan Costello's  
29 office.

1 281 Q. Right. Now, you're aware that Inspector Dwyer  
2 conducted a thorough investigation of this matter and  
3 interviewed Michael O'Toole, the journalist who had  
4 written the article, isn't that right?  
5 A. He interviewed Michael O'Toole, yes. 12:21  
6 282 Q. And in addition, Detective Sergeant Waters met with the  
7 solicitor John Hennessy, isn't that right?  
8 A. So I believe, yes.  
9 283 Q. To take a statement from him regarding the newspaper  
10 article? 12:22  
11 A. Yes, indeed.  
12 284 Q. And the conclusion that was reached was that the bulk  
13 of the information in the article was available from  
14 material in the public domain already, with the  
15 exception of a reference to disciplinary proceedings 12:22  
16 against a garda based in north Dublin, isn't that  
17 right?  
18 A. Eh, I'd have to compare the documents before I come  
19 back with an answer on that, the documents you're  
20 referring to, we'd have to contrast them. 12:22  
21 285 Q. Wasn't that the gist of the conclusion of the  
22 investigation?  
23 A. Well that's his conclusion, yes.  
24 286 Q. Right. And the investigation was unable to ascertain  
25 the source of the information contained in the article, 12:23  
26 and I am suggesting to you that notwithstanding the  
27 considerable efforts that were gone to, there was  
28 nothing more that could have been done in relation to  
29 that investigation?

1 A. Yes. I think when you say it didn't identify the  
2 person, I think the journalist confirmed that it wasn't  
3 of anybody above Assistant Commissioner rank, if I am  
4 corrected.

5 287 Q. Well you see, we're dealing with just more general 12:23  
6 points here. The man -- you have asked this to be  
7 looked into?

8 A. Yes.

9 288 Q. It is isn't just given to a garda on-the-beat. Senior 12:23  
10 investigators are tasked with the role of going to a  
11 journalist, interviewing them --

12 A. Yes.

13 289 Q. -- arranging a meeting with a solicitor present, going 12:24  
14 to another source, another person who might offer  
15 valuable input -- the solicitor Mr. Hennessy, chasing  
16 things down, they look into it. That was respectful of  
17 your complaint and your inquiry, wasn't it?

18 A. Yes, over the period of the investigation. But the  
19 point I am trying to make is that I think you said that  
20 they didn't establish who it was, the actual person who 12:24  
21 provided the information. But I think Michael O'Toole  
22 may have indicated in his report that it was -- I think  
23 he mentioned it wasn't anybody above chief  
24 superintendent or assistant commissioner rank, but he  
25 was more or less confirming it was a member of the 12:24  
26 Garda Síochána.

27 290 Q. Well that's your slant on matters.

28 A. No, that's what I read in the documents.

29 291 Q. So, my question to you is this: Mindful that that was

1 fully investigated, and the Garda management couldn't  
2 go any further with it, how is that targeting of you?  
3 A. Well, the targeting I thought was initially from the --  
4 the article had appeared within a few weeks of me  
5 approaching the confidential recipient process, which I 12:25  
6 was alarmed about, that it came from within the -- I  
7 was reliably informed that it came from within the  
8 Garda Síochána. The motivation, as I believed at the  
9 time, was as a result of me taking this action in the  
10 confidential recipient process and reporting 12:25  
11 corruption/malpractice within the organisation; that  
12 was my feeling at the time. And I felt that the matter  
13 could have been investigated more promptly and, you  
14 know, the lines of inquiry followed up to a conclusion.  
15 292 Q. You use 'I feel' quite a bit in your targeting 12:25  
16 allegations. You don't seem to have any evidence of  
17 these matters?  
18 A. Well, the fact that the article appeared in The Star  
19 newspaper, I feel, was a targeting of me.  
20 293 Q. I see. 12:26  
21 A. And despite the investigation finding that there were  
22 similar articles -- I think I briefly read through  
23 those similar articles and they don't contain the  
24 information that's in this particular article here.  
25 This is a direct, without naming me, it directly 12:26  
26 identified me, and I felt it was targeting of me.  
27 294 Q. Yes. And in terms of the thoroughness of the  
28 investigation, we've already been over, that was  
29 carried out by Superintendent Dwyer, Inspector O'Boyle,

1 Inspector Sweeney, Sergeant Bailey, Sergeant Grady,  
2 Sergeant Dalton, Sergeant McAvinchey, and Sergeant  
3 Waters and Superintendent O'Gara, assisting Chief  
4 Superintendent Feehan in the CRO investigation, that  
5 was also targeting because of the outcome? 12:26

6 A. It was targeting -- the initial targeting, I believe,  
7 was in relation to the article itself appearing, and I  
8 believed it was a member of the Garda Síochána that had  
9 leaked this information, and this is confirmed by the  
10 journalist more or less. 12:27

11 295 Q. I see. Can I ask you then --

12 296 Q. CHAIRMAN: Sorry, can I just clarify? Okay, let's  
13 assume that was targeting. In what way was the  
14 investigation targeting?

15 A. I think, Mr. Chairman, the length of time it took to 12:27  
16 actually investigate the matter, I felt, was just...  
17 it was too slow.

18 297 Q. CHAIRMAN: It was too slow. How was that targeting?

19 A. Well it's a matter that --

20 298 Q. CHAIRMAN: I am just trying to be clear. I understand 12:27  
21 your point that the original leaking, you say, was  
22 targeting. Okay, so here there's an investigation, it  
23 should have happened faster. What difference did that  
24 make?

25 A. Yes, I would have preferred, Mr. Chairman, if probably 12:27  
26 the matter was referred to GSOC for investigation and  
27 I --

28 299 Q. CHAIRMAN: If what matter was referred to GSOC?

29 A. The leaking of this article to the media. If it had

1 have come from a member of the Garda Síochána, I think  
2 that an independent investigation should have been  
3 conducted and perhaps it shouldn't have been conducted  
4 by the people who were already concerned with matters.

5 300 Q. CHAIRMAN: wait now. The people who actually 12:28  
6 conducted -- we know it was actually investigated, I  
7 don't want to be difficult about this but I don't want  
8 to be slithering off into all kinds of other areas. In  
9 what way did the investigators of this matter target  
10 you? 12:28

11 A. well, I felt --

12 301 Q. CHAIRMAN: Question.

13 A. I just felt that an independent investigation --

14 CHAIRMAN: I know that. Don't go --

15 A. Yes. 12:28

16 302 Q. CHAIRMAN: Don't go off on that --

17 A. Just to qualify my answer, yeah.

18 303 Q. CHAIRMAN: You didn't get an independent investigation?

19 A. Yeah.

20 304 Q. CHAIRMAN: You didn't get an investigation. I can't 12:28  
21 remember whether you actually made that case in your  
22 interview, that's not important, none of that is  
23 important. The question is, there was an  
24 investigation, you may be happy or unhappy, but in what  
25 way did the investigation, of the investigators, target 12:29  
26 you?

27 A. well as I have stated, Mr. Chairman, it was the overly  
28 protracted nature of the investigation I felt was again  
29 just --



1 305 Q. CHAIRMAN: Okay, it took too long?  
2 A. Yes. And --  
3 306 Q. CHAIRMAN: How did taking too long target you?  
4 A. Well, I felt that the --  
5 307 Q. CHAIRMAN: Targeting you; I mean we are using language 12:29  
6 here.  
7 A. It's targeting me in that I felt that the investigators  
8 shouldn't have been in charge of that investigation  
9 from the outset and that it was overly protracted, and  
10 I just felt that it wasn't being taken seriously. 12:29  
11 308 Q. CHAIRMAN: How do you say it wasn't being taken  
12 seriously?  
13 A. Well, in the first course the proper procedure,  
14 Mr. Chairman, is to interview the complainant in  
15 relation to any complaint, and from that then the 12:30  
16 investigators then can proceed to interview witnesses,  
17 potential witnesses. And if that had been done, rather  
18 than waiting for my statement, in the autumn I think it  
19 was, and then interviewing John Hennessy and carrying  
20 out further interviews of other persons involved, I 12:30  
21 think it could have been dealt with much more  
22 expeditiously if a statement had been obtained from me  
23 at the earliest juncture.  
24 CHAIRMAN: Okay. Thank you.  
25 A. Thank you. 12:30  
26 309 Q. MR. O' HIGGINS: Just arising from the Chairman's  
27 question, sergeant, I think on the 24th March 2009,  
28 your legal representative wrote to Inspector Dwyer  
29 objecting to C/S Feehan's involvement in the

1 investigation?

2 A. I think that's correct, yes.

3 310 Q. Having been informed of the decision that the  
4 investigation should continue, Inspector Dwyer wrote to  
5 your legal representative, I understand, on the 29th 12:31  
6 April 2009, and again on the 29th May 2009, requesting  
7 that a meeting be arranged with you so that a formal  
8 statement of complaint might be taken. The inspector  
9 provided his mobile phone to facilitate contact by you.  
10 The reason for corresponding through your solicitor was 12:31  
11 that the inspector had previously been asked that any  
12 communication between himself and Sergeant Hughes  
13 should in fact be made through the legal  
14 representative.

15 And I am suggesting to you that on the 27th July 2010, 12:31  
16 Superintendent Dwyer wrote to your legal representative  
17 stating that he was affording you a final opportunity  
18 of making a statement of complaint in respect of the  
19 newspaper article. And at that point your solicitor  
20 responded to Superintendent Dwyer, on the 10th August 12:32  
21 2010, stating that Sergeant Hughes was happy to provide  
22 a statement.

23 So there was a considerable period of time that was  
24 taken up with delay on your side of the house.

25 A. Well, I said I think that this was raised previously 12:32  
26 and I can't account for the considerable amount of time  
27 between correspondences there, I don't know what was  
28 happening, but certainly there was no delay on my part  
29 in trying to expedite this investigation. I was

1 available to the investigators there from January, when  
2 they first received the complaint officially from the  
3 Commissioner.

4 311 Q. And my understanding is that Superintendent Dwyer, who  
5 I mentioned already, and Detective Sergeant Mark 12:32  
6 Waters, met with you in the presence of your solicitor  
7 on the 12th October 2010, and at that point you handed  
8 in the pre-prepared statement. We've been over that  
9 but you don't think it was Sergeant Waters?

10 A. It wasn't, no, it was Detective Inspector Francis 12:33  
11 Sweeney.

12 312 Q. I see. Your solicitor acknowledged that he'd received  
13 correspondence from Chief Superintendent Dwyer seeking  
14 to interview you, but asserted that the superintendent  
15 should have made contact directly with the sergeant. 12:33  
16 Do you remember this?

17 A. Sorry, the --

18 313 Q. Mr. Marrinan brought you over this.

19 A. Yes.

20 314 Q. There was a slightly ridiculous situation where you 12:33  
21 were criticising the guards for making contact -- the  
22 solicitor hadn't responded to correspondence, and now  
23 the guards were being blamed for not contacting you  
24 directly. It was mad, it was ridiculous position?

25 A. Yes. There was some sort of breakdown in communication 12:33  
26 there.

27 315 Q. Yes. So how can you blame Garda management for that?

28 A. Sorry, just to qualify my answers there in relation to  
29 targeting, this matter just struck me --

1 316 Q. No, how can you blame, in relation to this delay that  
2 was clearly not the fault of management, how can you  
3 blame them for that when it was a mess up between you  
4 and your solicitor?

5 A. I can't explain, as I said previously, the breakdown in 12:34  
6 communication there but I was always available to  
7 assist this inquiry, after all I initiated it, I wasn't  
8 going to stand back from it.

9  
10 But if I may qualify a previous answer there as to how 12:34  
11 I felt targeted. During that investigation one of the  
12 witnesses was visited at her home, and she was informed  
13 that the inspector was there to obtain a statement in  
14 respect of Liam Hughes, Sergeant Liam Hughes and the  
15 disciplinary matters that -- the disciplining of 12:34  
16 Sergeant Liam Hughes, or words to that effect, and it  
17 heads her statement. And I just felt that it was  
18 highly irregular for an inspector to actually identify  
19 me as being subject to disciplinary procedures to a  
20 witness who is not in An Garda Síochána. 12:34

21 317 Q. All right. Can you just remind me, because I am  
22 unclear on this detail, in respect of one of your  
23 complaints about one of the articles, you felt that --  
24 and I just wonder was it this one -- that An Garda  
25 Síochána should have availed of powers under the, I 12:35  
26 think, Offences Against the State Act, to arrest the  
27 journalist to force the journalist to reveal their  
28 source. Was that this article?

29 A. I didn't, I didn't say to force any journalist do

1 anything. What I said in my correspondence to the  
2 superintendent at that time in relation to, I think  
3 that was The Sun article --

4 318 Q. The Sun article, was it?

5 A. Yes. It would appear that the journalists have 12:35  
6 information in relation to a capital murder, you know.  
7 And that -- I said, if that is the case, well then the  
8 person should be actually approached in that regard.

9 319 Q. Well when you say approached, were you urging that the  
10 journalist, in relation to The Sun article, should have 12:35  
11 the coercive powers of the Offences Against the State  
12 Act deployed against them and an arrest power used to  
13 force them to reveal his source, was that your  
14 position?

15 A. Well if you read the article, it was very direct and it 12:36  
16 actually said that a member of the Garda Síochána is  
17 about to be murdered. And that is a capital offence,  
18 and anybody with that type of information, we have  
19 powers there to actually investigate that and we should  
20 be using the utmost powers if there was truth in the 12:36  
21 article. Now, we see there that he admitted that it  
22 was fabrication, more or less, and --

23 320 Q. So you wanted -- this is now dealing with The Sun I  
24 appreciate and not the one we're on at the moment --  
25 but The Sun article, you wanted your colleagues to 12:36  
26 arrest the journalist?

27 A. I don't think, I don't think that I used that term,  
28 that I wanted them to arrest the journalist. I was  
29 saying if there's any truth to the information in the

1 article, well then the journalist is in possession of  
2 information in relation to a possible capital murder.

3 321 Q. You see, I wonder is this an example of what I was  
4 talking earlier about your perspective having become  
5 really quite skewed? It would be a gross abuse of 12:37  
6 Garda power, would it not, to arrest a journalist under  
7 the Offences Against the State Act in order to obtain  
8 information from the journalist; that simply wouldn't  
9 be countenanced by a reasonable person?

10 A. Of course. And if I was given that job, if I was to 12:37  
11 approach a journalist, I wouldn't be going in with the  
12 section 30 Offences Against the State Act. First of  
13 all, I'd do exactly what was done in this  
14 investigation; I'd establish first was there any truth  
15 behind it? The investigating members did find out that 12:37  
16 was utter fabrication, so that was ruled out any option  
17 to enforce any legal constraints on the journalist  
18 involved. But, at the outset, the article appeared to  
19 suggest that the journalist was in possession of  
20 information in relation to a capital, potential capital 12:38  
21 murder, and I think that should have been taken  
22 seriously. If they're going to put that in print, well  
23 then they have to face the consequences of the Garda  
24 attention to it; there has to be some Garda attention  
25 to it. 12:38

26 322 Q. Returning to the 2008 article which I was asking you  
27 questions about, Chief Superintendent Feehan indicates  
28 that as well as directing that the steps be taken of  
29 Inspector Dwyer interviewing you with his colleague,

1 directing that there be an interview with the  
2 journalist concerned, there was also interviews with  
3 other journalists carried out, and you're aware of  
4 that?

5 A. No, I wasn't, no.

12:38

6 323 Q. All right. Well, for instance, didn't the  
7 investigation look at other articles around this time  
8 in their efforts to bottom-out on your complaint?

9 A. Sorry, I think what they did was they found other  
10 articles of a similar nature.

12:39

11 324 Q. Yes...

12 A. And saying -- and I think they're putting forward the  
13 argument that there was similar content in those and  
14 that this particular article in November 2008 was, the  
15 information was garnered from those articles. I think  
16 I disagree with that. I think there is more in this  
17 article that -- and it was agreed by the journalist  
18 that it came from a source within the organisation.

12:39

19 325 Q. All right. You see, if we look at page 980 of the  
20 materials, we see the efforts that Inspector Dwyer was  
21 making. And it says -- you might scroll up there for a  
22 moment just to get the date of this communication.  
23 It's to you, it's September 2010 -- 10/9/2010.

12:39

24  
25 "As you are aware I have been endeavouring to take a  
26 statement of complaint from you in respect of the  
27 aforementioned complaint. In this regard we arranged  
28 to meet on the 8/9/10. This meeting was subsequently  
29 deferred to the 10/9/10 and again to the 13/9 each time

12:40

1 at your request.

2

3 On the 10th September 2010 Inspector Aidan O'Donnell  
4 AGSI contacted me on your behalf and requested a  
5 further deferral of our meeting citing the  
6 unavailability of your legal representative as his  
7 reason for doing so.

12:40

8

9 In view of the fact that our proposed meeting has been  
10 deferred a number of times I informed Inspector  
11 O'Donnell that I was now placing the onus on you to  
12 contact me within the next 14 days and provide me with  
13 a date suitable to all parties when you can meet and  
14 provide me with a statement of complaint in relation to  
15 this matter."

12:40

12:40

16

17 And then we might look at page 982, please. And it  
18 says -- it's a communication of 2/10/2010:

19

20 "In compliance with the directions of the Deputy  
21 Commissioner Operations on the 12th July 2010  
22 Superintendent Dwyer corresponded with Séan Costello  
23 Solicitors on the 27 July 2010 informing Sergeant  
24 Hughes one final opportunity to make a written  
25 statement of complaint in respect of the...

12:41

12:41

26

27 On the 10th August 2010 Séan Costello solicitor  
28 indicated that Sergeant Hughes was willing to make a  
29 statement in respect of the matter. The member's legal



1 representatives stated that they were not in receipt of  
2 Superintendent Dwyer's response of the 29th May 2010  
3 and that their client was happy to give a statement at  
4 any time.

12:41

5  
6 Arrangements were put in place to meet with the member  
7 on the 8th September 2010. As stated in previous  
8 reports this meeting subsequently referred to 10th  
9 September and again to the 13th September, each time on  
10 the request of Sergeant Hughes."

12:42

11  
12 If we scroll down:

13  
14 "On the 10th September Inspector O'Donnell contacted  
15 Superintendent Dwyer ... as his reason for doing so.  
16 In view of the fact that the meeting with Sergeant  
17 Hughes had been deferred a number of times,  
18 Superintendent Dwyer informed Inspector Dwyer that he  
19 was placing the onus on Sergeant Hughes to contact him  
20 (Superintendent Dwyer) within the next 14 days with a  
21 view to providing a date suitable to all parties."

12:42

12:42

22  
23 Then if we scroll down, it concludes:

24  
25 "On the 16th September Superintendent Dwyer  
26 corresponded with Sergeant Hughes informing him of the  
27 matters discussed with Inspector O'Donnell.

12:42

28  
29 On the 28th September 2010 Séan Costello solicitor

1 contacted Superintendent Dwyer and arrangements were  
2 put in place to meet Sergeant Hughes on the 4th October  
3 2010. However on the 1st October 2010 Mr. Costello's  
4 office contacted Superintendent Dwyer requesting a  
5 deferral of the proposed meeting as Mr. Costello had to 12:43  
6 attend an urgent family matter over the weekend.

7  
8 The meeting with Sergeant Hughes now stands deferred to  
9 the 20th October 2010."

10  
11 Do you see all that? 12:43

12 A. I do.

13 326 Q. In the light of all this, do you wish to withdraw your  
14 criticism of delay and therefore targeting by Garda  
15 management? 12:43

16 A. I don't. As we can see from that report there, the  
17 subject matter of the report, from start to finish, is  
18 a request to have a meeting with me in relation to the  
19 statement. The statement was always available from me  
20 and it could have been posted into -- I am pretty adept 12:43  
21 at making statements -- I could have made a statement  
22 and just forwarded it on to them if that was the matter  
23 that was holding up the investigation, I could have  
24 forwarded a statement in December or January in that  
25 regard. 12:44

26 327 Q. Can we move to Superintendent Mark Curran please,  
27 sergeant. Superintendent Curran you brought into this  
28 matter in the first instance with respect to the  
29 meeting of the 23rd April 2007.

1 A. Yes, indeed.

2 328 Q. Am I correct that you did not have with you at this  
3 meeting -- you weren't taking notes?

4 A. No, I was not.

5 329 Q. Mark Curran was taking a note so that he could prepare 12:44  
6 a report, isn't that right?

7 A. Yes. I could see he was taking some notes.

8 330 Q. Yes. So, his report is dated the next day, is a  
9 note -- a record of the points discussed between  
10 yourself and Superintendent Curran, isn't that right? 12:45

11 A. I just haven't got them in front of me on the screen  
12 here.

13 331 Q. Certainly...

14 A. Sorry.

15 332 Q. We can call it up. Page 1067. This is a report to the 12:45  
16 Chief Superintendent DMR North, and it carries the date  
17 stamp 24th April 2007.

18

19 "Matters raised by sergeant Li am Hughes, Swords  
20 station. 12:46

21

22 Reference to above, I met with Sergeant Hughes, Swords  
23 station on the 23rd April 2007."

24

25 So the heading there "Matters Raised", it's a list of 12:46  
26 matters raised, isn't that right?

27 A. It looks like it, yes.

28 333 Q. It continues:  
29

1 "Sergeant Hughes raised a number of issues which he  
2 believed are outstanding and requested that he receives  
3 communication regarding same.

4  
5 They are as follows. . . "

12:46

6  
7 And they are numbered 1 to 5.

8  
9 "1. Since the murder of Baiba Saulite he is still in  
10 fear for both himself and his family. He states that  
11 he has not been informed of any assessment of  
12 information regarding his or his family's situations. "

12:46

13  
14 My instructions are that was one of the overarching  
15 messages you were wishing to impart.

12:47

16 A. That's the overall --

17 334 Q. This was one of your big messages, isn't that right?

18 A. The discussion I had with, I think we've gone over it  
19 before, the discussion I had with Superintendent Curran  
20 primarily was in relation to me reporting to him my  
21 belief that there was a systems failure with regard to  
22 the investigations of matters prior to the murder of  
23 Baiba Saulite, and of my belief that they have to be  
24 looked after, they have to be investigated, because it  
25 would have negative impact on the investigation of the  
26 murder and would be required in the coroner's inquest  
27 also.

12:47

28 335 Q. So you're sticking with the idea your purpose of the  
29 conversation here was to impart -- this was the big

12:47

1 one, this was the system failure disclosure you were  
2 making?

3 A. Yes, indeed. And we spoke about other matters as well,  
4 but primarily my report to him was in relation to the  
5 systems failure. 12:48

6 336 Q. I see. So presumably then you imparted to him the  
7 system failure walter O'Sullivan had told you about on  
8 the 20th November?

9 A. No, I did not on that occasion. And I just want to, if  
10 I can, qualify that. In relation to the remarks 12:48  
11 yesterday in relation to walter O'Sullivan, what was  
12 conveyed here in relation to those remarks was, why  
13 didn't I make a comment on that over until two years  
14 later? At the point when I met Mark Curran,  
15 Superintendent Curran at Swords, I had already supplied 12:48  
16 my evidence of chronology to the Mangan investigation.  
17 I hadn't heard anything back. And I had expected that  
18 all other members of the Garda Síochána who were  
19 dealing with Baiba Saulite were subject to  
20 investigation in that matter. I had no reason to 12:48  
21 believe that Detective Inspector walter O'Sullivan  
22 hadn't contributed to that investigation and disclosed  
23 those remarks he made to me on the 20th November 2006.  
24 And at the point when I met Mark Curran, Superintendent  
25 Curran, in April 2007, I still hadn't heard back from 12:49  
26 the fact-finding inquiry. I wasn't approached again by  
27 that inquiry in relation to clarifying any issues,  
28 or -- so -- and you will see reference to it there,  
29 that I would have said that to Superintendent Curran at

1 the time.

2 337 Q. On your case, this was the meeting in which you're  
3 disclosing system failures?

4 A. Yes.

5 338 Q. You know that's flatly disputed. But park that for a 12:49  
6 moment.

7 A. Yes.

8 339 Q. On your case, just run with your case, you're  
9 disclosing system failures?

10 A. Yes. 12:49

11 340 Q. I am suggesting to you, it would have been a sensible  
12 and an obvious thing for you to disclose what Walter  
13 O'Sullivan told you, that was a gross system failure on  
14 your case?

15 A. Well, I have mentioned -- sorry, can I answer? I have 12:50  
16 mentioned already the reticence and the reluctance I  
17 would have in actually making such disclosures at that  
18 period in time. If we can recall that the Confidential  
19 Charter was actually set up in 2006 by the Minister for  
20 Justice at the time and the Tanaiste Michael McDowell 12:50  
21 and the introduction to that Charter outlines that they  
22 were introducing a charter that would protect members  
23 of An Garda Síochána from making disclosures there and  
24 would protect them in the workplace. And we, at the  
25 time I was making the disclosures to Superintendent 12:51  
26 Curran no such protections were in place. But the  
27 Charter document that was produced which led to the  
28 confidential recipient process being set up, it is  
29 quite clear that the Charter was being introduced to

1 help people stand up and make confidential disclosures  
2 to the authorities without fear of -- without fear.

3 341 Q. On your case, you've summoned up the courage to  
4 disclose the system failures at this meeting?

5 A. Yes, I did. 12:51

6 342 Q. So any excuse justifying non-disclosure by you,  
7 non-mentioning of it, based upon fear or not summoning  
8 up the courage, that's out of the picture. You've  
9 summoned up the courage and on your case you're telling  
10 Mark Curran all about system failures. It is 12:52  
11 incredible that you don't mention the biggest system  
12 failure of all?

13 A. Well, as I said, running parallel to me reporting to  
14 Superintendent Cryan fact-find investigation. And as  
15 far as I was concerned at that point in time Walter 12:52  
16 O'Sullivan may or would have had disclosed his dealings  
17 with Baiba Saulite and any assertions that he wants to  
18 make to that investigation.

19 343 Q. The report, you're aware, that he sent up to superiors  
20 after recording the list of matters raised by you, 12:52  
21 makes no mention of system failures, are we agreed  
22 about that?

23 A. I see that, yes.

24 344 Q. Nothing about warnings in respect of investigations,  
25 nothing about your being isolated, no reference to the 12:53  
26 Garda Code, isn't that correct?

27 A. Sorry? There's no reference to that, no. There  
28 doesn't appear to be.

29 345 Q. No, no. You see, both yourself and Superintendent

1 Curran differ as to what was your recall of this  
2 meeting and the only record of what was said, the only  
3 note taken at the time is the report we're looking at  
4 on the screen?

5 A. Well, he was writing something on a brown envelope I 12:53  
6 remember at the time, so I don't know whether those  
7 notes are available.

8 346 Q. I am suggesting to you, the most accurate and credible  
9 account of what was discussed at the meeting is on  
10 screen? 12:53

11 A. No. I don't agree.

12 347 Q. The narrative of the report of the 24th April that is  
13 on screen does not contain within any material that  
14 could be considered a protected disclosure, does it?

15 A. I guess not. 12:54

16 348 Q. Didn't you confirm to Superintendent Curran  
17 subsequently your agreement with the report that he had  
18 sent up?

19 A. Sorry, can you repeat that?

20 349 Q. Didn't you confirm to him subsequently your agreement 12:54  
21 with the report he had sent up on your behalf recording  
22 your different grievances?

23 A. I think he said he rang me and read out the content of  
24 that report, I don't recollect the conversation or the  
25 narrative that he used, but if he's -- I don't remember 12:54  
26 disagreeing with the report he was sending up, but I'm  
27 not sure if the report, if he mentioned systems failure  
28 to me over the telephone.

29 350 Q. No, no. Did he read it out to you?



1 A. Well he -- I've a vague recollection of a telephone  
2 call with Superintendent Curran --

3 351 Q. Yes?

4 A. -- following that meeting.

5 352 Q. So he reads out his distillation of what you'd said, 12:55  
6 numbered 1 to, whatever it is, 5 --

7 A. Yes.

8 353 Q. -- and you indicated your happiness with it?

9 A. So he says. I have a vague recollection of that  
10 telephone call. 12:55

11 354 Q. Okay. But you don't say otherwise, do you?

12 A. In relation to? I don't say otherwise in relation to?

13 355 Q. He read out his report and you agreed with it as a  
14 correct record?

15 A. As I said, I've a vague recollection of the telephone 12:55  
16 call and I see that the report actually is signed by  
17 another officer. So I don't know whether it was Donald  
18 Waters rang me in that regard, Inspector Waters.

19 356 Q. So let's just be clear: Are you saying you didn't  
20 confirm that's the list or are you saying something 12:56  
21 else?

22 A. I am saying I don't recollect confirming a list as  
23 without lined there with Superintendent Curran over the  
24 telephone.

25 357 Q. You see, I am suggesting to you that if you had a 12:56  
26 discussion with him or had raised system failures he  
27 would have asked you as the basis for your belief:  
28 what system? what element of the system? was there a  
29 process failure? who was responsible? How did it come

1 to this opinion? How would this have impacted the  
2 murder investigation? He would have asked you basic  
3 questions around it, and noted them.

4 A. I couldn't agree more, that would have been the best  
5 way to actually send a report up, was to seek a full 12:57  
6 report off me in the categories that you just outlined  
7 there.

8 358 Q. He wouldn't have buried this; he would have asked you  
9 questions about it, had you raised it?

10 A. Yes, but he did not. 12:57

11 359 Q. But did that not prompt you to say, well, you don't  
12 seem to be concerned around this, here's more, this is  
13 why I say it is significant?

14 A. Well, he was taking notes and he said he was going to  
15 report matters up, so I took it that he was going to 12:57  
16 report up my assertions of a systems failure.

17 360 Q. So when you -- when it was read out to you subsequently  
18 what the report said, and didn't include system  
19 failures mention, presumably you came back on it and  
20 you said, hang on, you've left out the big one, the 12:57  
21 system failures?

22 A. But you see I don't recollect the telephone call, the  
23 conversation I had with Mark Curran that he says he  
24 rang me and read this, read these articles over to me.

25 361 Q. So is this another example of somebody else getting the 12:58  
26 conversation wrong and their recollection being flawed  
27 and yours being right?

28 A. I am saying that the conversation I had with him in the  
29 office is not fully reflected in this report that he

1 sent up.

2 362 Q. Even though the only record of the meeting makes  
3 absolutely no mention of system failures?

4 A. The record -- yes, so he says, yes.

5 363 Q. No, no, you've said, you agree it doesn't say anything 12:58  
6 about system failures?

7 A. But I did say it to them in that, at that April -- it's  
8 something I will never forget, because at the time I  
9 was making a very serious allegation here that nobody  
10 else seemed to have recognised, that there was a 12:58  
11 systems failure within the organisation in relation to  
12 Baiba, before she was murdered.

13 364 Q. Mark Curran's position, Superintendent Curran's  
14 position, then superintendent, is that he doesn't  
15 believe your words "system failures" were used in your 12:58  
16 conversations with him until late 2007 or early 2008.  
17 That's when you were dropping into conversations system  
18 failures. That's the best of his recollection.

19 A. Well, I can assure you that from the night of the  
20 murder and the following morning I formed the view that 12:59  
21 there had been a systems failure. And that was the  
22 best phrase I could use to describe what I saw was a  
23 complete failure on behalf of Garda management to  
24 correlate and coordinate serious matters before the  
25 death of Baiba Saulite. 12:59

26 365 Q. Because you see, he feels that had you mentioned it,  
27 the term is striking, "system failures", he would have  
28 inquired into it, as is his practice, and would, for  
29 instance, have sought a report from Inspector

1 O'Sullivan just as he did in 2008 in relation to a  
2 separate matter about the statement?

3 A. Sorry, that's what he is going to say? That's what he  
4 is saying?

5 366 Q. Had you said it, he would not just have looked into it, 13:00  
6 he would have sought a report from somebody else?

7 A. Well, the fact is, he didn't. He didn't look into it.  
8 I made this assertion to him in that meeting in April  
9 2006 -- sorry, I get my -- 2007, sorry, and I also  
10 alluded to the statement in my report to the 13:00  
11 confidential recipient and to the disciplinary inquiry,  
12 and no clarifications were sought or withdrawals were  
13 sought or clarifications from me in relation to those  
14 matters were sought then.

15 367 Q. You see I just want to, just before we finish before 13:00  
16 lunch, can I ask you this: I think you respect  
17 Superintendent Curran?

18 A. Yes. I respect all members of authority.

19 368 Q. No, no, actually Mark Curran. I think you respect him.  
20 Because I think you said that previously. 13:01

21 A. Yes. I worked with Mark throughout my career, briefly  
22 he was a sergeant of mine in Swords and then he was an  
23 inspector when I was a sergeant in the Bridewell and  
24 then he was superintendent in Coolock.

25 369 Q. And not only that, but you know that he went to quite 13:01  
26 lengths to try and help your situation, get you back to  
27 work, find a job for you, get you the Sunday allowance,  
28 record what your grievances were, notify them to his  
29 managerial colleagues, he was a decent manager and went

1 out of his way for you and I suspect -- I am suggesting  
2 to you that you respected that about him?

3 A. Yes. If I can qualify that, please. Mark was always  
4 courteous to me and me to him as well. Like, I never  
5 felt threatened by him in any shape or form. However, 13:01  
6 there is one important aspect of his duties that I feel  
7 with the greatest of respect that he didn't look after.  
8 And that was to interview me in relation to my absences  
9 from duty and the matters that were affecting me and  
10 causing me to be absent. As required by HRM, numerous 13:02  
11 reports came down to local management requesting  
12 specifically those investigative reports and with  
13 respect to Mark, Superintendent Curran, those reports  
14 were not forthcoming.

15 CHAIRMAN: Very good. Thanks very much. We'll break 13:02  
16 there. Thank you.

17 THE WITNESS: Thank you.

18 CHAIRMAN: And you can continue on afterwards, as you  
19 please, on the topic, but we're obviously not going to  
20 finish it this second, so we'll take a break. 13:02

21 MR. O'HIGGINS: Thank you, Judge.

22 CHAIRMAN: Thank you very much. Very good.

23

24 THE HEARING THEN ADJOURNED FOR LUNCH AND RESUMED AS  
25 FOLLOWS: 13:02  
26

27 CHAIRMAN: Thanks very much. Are you settled in,  
28 sergeant? Now, Mr. O'Higgins, are you settled in  
29 Mr. O'Higgins?

1 MR. O' HIGGINS: Thank you, Chairman. So, sergeant, we  
2 moved on to speaking about your relationship -- or your  
3 dealings with Superintendent Curran. And I think you  
4 told us that you -- I don't want to misparaphrase what  
5 you said -- you have respect for Superintendent Curran, 14:02  
6 and, I've offered to you, considerable respect, would  
7 that be fair?

8 A. Yes, we've mutual respect, yeah, on a personal basis.

9 370 Q. Yes, all right do you recall a conversation that  
10 Superintendent Curran recalls, that September 2011, or 14:02  
11 thereabouts, he's not absolutely clear on date, you  
12 were saying to him, consistently in fairness, that you  
13 weren't fit for operational duties due to your belief  
14 that the Garda authorities could not be trusted?

15 A. I don't recollect that. 14:03

16 371 Q. All right. The next bit may be more memorable for you.  
17 He asked you a direct question, and it was: if your  
18 accusation that management couldn't be trusted, if that  
19 included him? And you responded that you were  
20 referring to levels higher up in the Guards. 14:03

21 A. Okay. I don't recollect that conversation. But  
22 obviously I had a mistrust at senior levels in the  
23 organisation.

24 372 Q. So just taking those answers to the questions you've  
25 given. Firstly, that you have respect on a personal 14:03  
26 level, mutual respect, with the superintendent; that's  
27 point one. Point two, if it's correct, as he  
28 recollects, you indicated your distrust of Garda  
29 management did not include him. Can I take it,

1           therefore, and I am trying to limit the list as best we  
2           can so that we know what we're disagreed about, can I  
3           take it that I can just take Mark Curran off the  
4           list -- you're not abandoning your other points, I  
5           accept that -- but we can take Mark Curran off the list 14:04  
6           of the list of people who are deliberately doing you  
7           down and targeting you?

8           A.    Well, if the failure to investigate my absences from  
9           work is attributable to Superintendent Curran, well --  
10           and on a consistent basis -- I can't really say that we 14:04  
11           can remove him from the list of people that I didn't  
12           trust to look after my best interests.

13   373   Q.    All right.  So, you're continuing -- and I'm not -- I  
14           just want to get it clear.  Your reservation, and the  
15           reason you're not in a position, perhaps, to fully 14:05  
16           clear Mark Curran from your criticism is you feel he  
17           played a role in the failure to sort out or investigate  
18           the cause of your stress?

19           A.    Yes.  And, in addition, I believe that all the senior  
20           officers were aware of the circumstances of the systems 14:05  
21           failure, and I was not being listened to in relation to  
22           that.

23   374   Q.    All right.  So, if the Chairman, and I appreciate it is  
24           an if, and it's a matter for the Chairman, but if the  
25           Chairman were to conclude that the system -- that your 14:05  
26           assertion there was failure to investigate the cause of  
27           your stress, if that was not the fault of the Gardaí  
28           and didn't amount to targeting -- if -- that would mean  
29           there's no other accusation being made against Mark

1 Curran?

2 A. Em, the failures, as I saw it, there with local  
3 management was, as I said, the failure to interview me  
4 and send proper investigative files up to HRM, so that  
5 proper -- 14:06

6 375 Q. We have that --

7 A. Yes.

8 376 Q. That one, but that's it.

9 A. And also, that local management were very aware of the  
10 matters that were keeping -- that were of major concern 14:06  
11 to me, and that relates to, it relates to the systems  
12 failure and the failure to prevent a viable risk to  
13 Baiba Saulite prior to her murder.

14 377 Q. You see, Superintendent Curran, in common with, really,  
15 as far as I can see, most, if not all, of his 14:06  
16 colleagues, is a bit bemused and troubled by your  
17 allegations. You don't seem to have, in any particular  
18 conversation -- and I am asking you this: can you  
19 point to a particular conversation where you  
20 confronted, where you manned up and confronted the 14:07  
21 person sitting opposite you, you're targeting me, stop  
22 it! Did you have such a conversation?

23 A. With Superintendent Curran, is it?

24 378 Q. Anybody.

25 A. No, I didn't actually have that conversation. 14:07

26 379 Q. Doesn't that speak volumes? You never alerted them or  
27 gave them a chance to answer the allegation that they  
28 were targeting you?

29 A. That's incorrect. In the two reports I submitted in



1 2008, the confidential recipient report and the  
2 disciplinary report --

3 380 Q. No, no, we'll come to that.

4 A. -- I'm --

5 381 Q. I'm talking about a conversation man to man with 14:08  
6 somebody whom you, years later, include in  
7 correspondence to various State agencies that they're  
8 targeting you. You never manned up and said it to them  
9 in a conversation directly person to person, is that  
10 fair? 14:08

11 A. I don't think it is fair, because I had a meeting with  
12 Superintendent Curran at Coolock station on the 17th  
13 September 2008 --

14 382 Q. We'll come to that.

15 A. -- and I raised the issues in a report that I submitted 14:08  
16 to him on that occasion. And following that report, I  
17 didn't receive any feedback, and then again the two  
18 reports in 2008, the confidential recipient process and  
19 the disciplinary process clearly sets out my concerns  
20 in relation to the matters that were affecting me 14:08  
21 inside the workplace.

22 383 Q. With one exception, which I'll come to, I'm suggesting  
23 to you that it wasn't until September 2008, when you  
24 made your report to the confidential recipient, it  
25 wasn't until then that targeting came into the 14:09  
26 picture -- your allegation of targeting, targeting  
27 because you had raised criticisms.

28 A. Yes. Along with another -- a lot of other descriptions  
29 of behaviours that I felt were, in my case were apt in

1 my case.

2 384 Q. But you see, if we marry that up to what we've looked  
3 at this morning and a little bit late afternoon  
4 yesterday, and the medical situation, where you -- the  
5 medics are saying you're reporting daily, brooding -- 14:09  
6 it wasn't the brooding word, it was ruminating, and  
7 obsessively thinking through and not being able to  
8 deflect from the subject-matter, and being absolutely  
9 self-preoccupied, if you marry that with the fact that  
10 it doesn't appear it's until September '08 that you 14:10  
11 make an allegation of targeting -- now there is one  
12 exception to that I will come on to that in a minute --  
13 CHAIRMAN: Sorry, Mr. O'Higgins, it is not really  
14 fair -- may I suggest respectively, it is not really  
15 fair to say you didn't do this until September 2008 14:10  
16 with one exception I'll come on to in a minute. You  
17 better come on to the exception and then you can say  
18 except for that one you didn't do it.  
19 MR. O'HIGGINS: Fair enough.  
20 CHAIRMAN: It seems more fair as a way of asking the 14:10  
21 question, do you understand?  
22 MR. O'HIGGINS: Thank you, Chairman.  
23 CHAIRMAN: If there is a reason you are doing it -- I  
24 am loathe to interfere with somebody cross-examining,  
25 so I don't want to be jumping in, but it does strike me 14:11  
26 as -- certainly it is a little confusing.  
27 MR. O'HIGGINS: I'll leave that, Chairman, and do it  
28 now.  
29 385 Q. Chief Superintendent Feehan has noted that he had a

1 conversation with you on the 8th November 2007?

2 A. That's correct.

3 386 Q. And he says that:

4

5 "In this telephone conversation --"

14:11

6

7 well sorry I will just give the backdrop to it. The  
8 investigation team in the disciplinary investigation  
9 were anxious to interview you in order to progress the  
10 investigation, all right?

14:11

11 A. Yes, that's correct.

12 387 Q. And on the 1st November, you were requested by Chief  
13 Superintendent Feehan to attend at Store Street Station  
14 for the purpose of being interviewed, and we were over  
15 this earlier. But on the 8th November, there was a fax  
16 received at Store Street from your solicitor and it  
17 stated that you were currently unfit due to work  
18 related stress and you would not be attending the  
19 meeting tomorrow; do you remember that?

14:11

20 A. I do.

14:12

21 388 Q. On the same day, 8th November, you had a telephone  
22 conversation with Sergeant -- with Superintendent  
23 Feehan?

24 A. Chief Superintendent Feehan.

25 389 Q. Excuse me, Chief Superintendent Feehan. During which  
26 you stated you had met with your solicitor who advised  
27 you not to attend the proposed meeting. And you went  
28 on to state that you were feeling awful but that you  
29 would come in to meet him any way as you knew your

14:12

1 responsibilities under the Garda Síochána Act.

2 A. That's what he says, yes.

3 390 Q. Yes.

4 A. Yes, I rang Chief Superintendent Feehan because I was  
5 conscious of my obligations under the An Garda Síochána 14:12  
6 Act that I can't decline to meet, without good reason,  
7 an officer investigating any matter, and I rang Chief  
8 Superintendent Feehan to say I it's not that I'm  
9 declining to go in or refusing to go in, it was just I  
10 was having fierce difficulties with the disciplinary 14:13  
11 investigation as I felt it was targeting me.

12 391 Q. Well you see, that's where there is a breakdown between  
13 your two accounts, there's a dispute?

14 A. Yes, indeed.

15 392 Q. And you're aware of that, isn't that right? 14:13

16 A. Well I am aware of what Chief Superintendent Feehan has  
17 reported to the Tribunal, yes.

18 393 Q. Yes. You say, don't you, that -- you claim you said  
19 you wanted to know why you were being targeted when it  
20 was obvious there were failures in respect of other 14:13  
21 investigations?

22 A. Correct.

23 394 Q. That's your assertion?

24 A. Sorry, that's my view?

25 395 Q. That's your assertion as to what you said. 14:13

26 A. Yes.

27 396 Q. You claim he said in response that he'd contact the CMO  
28 to get his advice on interviewing you when you were off  
29 sick.

1 A. I think that's correct, yes.

2 397 Q. Do you see the disconnect between those two questions  
3 and answers?

4 A. Eh --

5 398 Q. If you actually raised targeting, I am being 14:14  
6 targeted --

7 A. Yes.

8 399 Q. -- because of system failures having been raised by me,  
9 he just wouldn't respond: I'll tell you what I'll do,  
10 I'll contact the CMO to get his advice and interview 14:14  
11 when you're off sick. That doesn't flow as a probable  
12 response?

13 A. Yes, indeed. And I did say to him there that I was  
14 being targeted there. I felt I was being targeted in  
15 the -- 14:14

16 400 Q. No, will you deal with the question I am asking you?

17 A. Yes.

18 401 Q. Do you know the question I am asking you?

19 A. Was the -- there doesn't seem to be a flow in the  
20 conversation? 14:14

21 402 Q. Yes.

22 A. The conversation. Well that's where we're relying on  
23 the Chief Superintendent, his recollection of matters,  
24 and I've just provided my recollection, with due  
25 respect. 14:15

26 403 Q. You see, my instructions are that during this telephone  
27 conversation there was no mention made of being  
28 targeted or of any alleged failures in respect of other  
29 investigations?

1 A. Well that is incorrect, because my reason for ringing  
2 him was to explain to him that I was available to him  
3 if required under the Garda Síochána Act, and then we  
4 went -- I then went to proceed to tell him that I  
5 thought the disciplinary investigation was targeting 14:15  
6 me, and that's what happened.

7 404 Q. You see, he points to the fact that in the papers which  
8 he received from the liaison officer at Garda  
9 Headquarters preparing for this Tribunal, there's a  
10 copy of a handwritten note which he made 14:15  
11 contemporaneously with the telephone conversation he  
12 had with you.

13 A. Yes.

14 405 Q. And he says that in the event that you had made any  
15 conference to being targeted or had referred to 14:15  
16 failures in respect of other investigations, he would  
17 include mention of it -- he would have included mention  
18 of it in the handwritten note?

19 A. Yes, indeed.

20 406 Q. That would have been a logical thing to do? 14:16

21 A. Sorry, that would have been logical for?

22 407 Q. It would have been logical of him to do that. If you  
23 had said what you claim you said, he would have  
24 included mention of it in the note?

25 A. Yes. Em, I presume that -- from his recollection of 14:16  
26 matters, that's what he's reported to the Tribunal.

27 CHAIRMAN: No, we know that, sergeant.

28 A. Yes.

29 408 Q. CHAIRMAN: Sorry, he's asking you what -- if he -- if

1           you said -- just what Mr. O'Higgins is saying is: if  
2           you said I am being targeted, it doesn't make sense for  
3           him to say: look, I am going to contact the CMO to see  
4           if you're all right to be interviewed.

5           A.     Yes. 14:16

6 409 Q.     CHAIRMAN: He'd say something else. He'd say why are  
7           you being targeted? Or whatever it is. Do you  
8           understand?

9           A.     Yes, I do, Mr. Chairman.

10 410 Q.    CHAIRMAN: Now you're sure you said 'I'm being  
11           targeted'?

12          A.     Yes.

13 411 Q.    CHAIRMAN: But do you understand Mr. O'Higgins'  
14           question?

15          A.     I do. I do. That there wouldn't be a flow of 14:17  
16           conversation that the next thing he would say --

17 412 Q.    CHAIRMAN: It doesn't seem to make sense.

18          A.     Yes.

19 413 Q.    CHAIRMAN: Maybe it does, maybe it doesn't, but it  
20           doesn't appear to. 14:17

21          A.     I can't explain that, Mr. Chairman.

22 414 Q.    CHAIRMAN: Okay.

23          A.     I can't explain it.

24 415 Q.    MR. O'HIGGINS: Can we look at the note, which is not  
25           the clearest of handwriting -- 14:17

26           CHAIRMAN: I'm not deciding anything, do you  
27           understand?

28          A.     Yes.

29 416 Q.    CHAIRMAN: But I am following the debate --

1 A. Yes.

2 417 Q. CHAIRMAN: -- as between counsel and you. Okay, now  
3 you want to look at the note, Mr. O'Higgins, okay.

4 418 Q. MR. O'HIGGINS: Page 840, please. And just, I have  
5 here the advantage of a typed up version of it, so I 14:17  
6 might read it into the record so it will assist you,  
7 sergeant, in answering the question I am going to ask  
8 on foot of it.

9

10 what the note appears to say in the hieroglyphics that 14:18  
11 are there.

12

13 "8/11/07 Called Sergeant Hughes back following a call  
14 from him. He said he had met his solicitor, Séan  
15 Costello, who had advised him not to attend a meeting 14:18  
16 with him tomorrow. Said he was feeling awful, but  
17 would come to meet me anyway. Says he knows his  
18 obligations under the Garda Act. I told him I would  
19 seek advice from the Chief Medical Officer and would  
20 revert to him early course." 14:18  
21

22 And that's the note.

23 A. That's --

24 419 Q. This conversation, 8th November 2007.

25 A. That's a note of his conversation? 14:18

26 420 Q. Yes. would you agree with me, just viewing the thing  
27 objectively now, that's a note taken at the time. The  
28 fact it doesn't include what you say you claim you said  
29 to the chief superintendent is a pointer perhaps



1           towards the possibility that you didn't say it -- just  
2           the possibility?

3           A.     Well my recollection is I did say it, and I discussed  
4           it with him.

5 421 Q.     All right. Presumably if that was your disposition at     14:19  
6           the time, and mindful that you have a solicitor on  
7           record, it's clear from this note, and the context,  
8           you're going to Séan Costello's office, did you get  
9           them to write a letter relaying these targeting  
10          allegations at this point?                                     14:19

11          A.     I don't think so, no.

12 422 Q.     CHAIRMAN: Could you just help me, sergeant? Could you  
13          tell me what your recollection of the conversation is?

14          A.     I remember the conversation. I contacted Chief  
15          Superintendent Feehan because I was worried that the     14:20  
16          facts would be seen as a refusal to meet.

17 423 Q.     CHAIRMAN: Indeed, and you were conscious --

18          A.     And I wanted to clarify that with him, and I was  
19          feeling pretty low on that occasion, Mr. Chairman, and  
20          I --   14:20

21 424 Q.     CHAIRMAN: First things first. Did he ring you back?

22          A.     No, I contacted him.

23 425 Q.     CHAIRMAN: He says you contacted him and he rang you  
24          back. Am I understanding that?

25          MR. MÍCHEÁL O' HIGGINS: Yes.                                 14:20

26          A.     Well --

27 426 Q.     CHAIRMAN: Is that your recollection?

28          A.     My recollection is I rang his office and I was put  
29          through to him.

1 427 Q. CHAIRMAN: And spoke to him?  
2 A. Yes.

3 428 Q. CHAIRMAN: Okay. So you don't remember -- not that it  
4 is important whether he rang you back or whatever --  
5 A. Yes. 14:20

6 429 Q. CHAIRMAN: So there it is. What is the conversation?  
7 who said what?  
8 A. I introduced myself to him and I just told him that I  
9 had difficulty in attending. It is not that I was  
10 refusing to attend, it was just that I was feeling, you 14:20  
11 know, awful about the situation and that I was feeling  
12 very low, and I felt that the disciplinary  
13 investigation was targeting me.

14 430 Q. CHAIRMAN: Hold on a second. Your recollection?  
15 A. That's my recollection, yes. 14:21

16 431 Q. CHAIRMAN: So you phoned and you said it's not that you  
17 were refusing to attend --  
18 A. Yes.

19 432 Q. CHAIRMAN: -- it's that you were, in effect, unable to  
20 attend, you were feeling absolutely rotten? 14:21  
21 A. Absolutely.

22 433 Q. CHAIRMAN: Is that right?  
23 A. Yes, I was feeling very low that day.

24 434 Q. CHAIRMAN: Okay. Now, proceed. You said at that  
25 stage... Tell me more. I don't want to tell you what I 14:21  
26 think you said.  
27 A. I told him I was on sick leave, extended sick leave,  
28 you know, due to the work related stress, and at that  
29 point then I think he introduced the topic then of

1           contacting the CMO to see if I would be fit for  
2           interview.

3 435 Q.   CHAIRMAN:  Yes.  And you said I'm on extended sick  
4           leave due to the work related stress?

5           A.   Yes. 14:22

6 436 Q.   CHAIRMAN:  And where did, where did targeting come into  
7           the conversation?

8           A.   Well I told him that I had fierce problems with the  
9           disciplinary inquiry because I felt my work was being  
10          targeted through the disciplinary process. 14:22

11 437 Q.   CHAIRMAN:  Just as best you can, just tell us the  
12          conversation that took place.

13          A.   Well I felt --

14 438 Q.   CHAIRMAN:  You ring him, you tell him, look, it's not  
15          that I am resisting or refusing to attend -- 14:22

16          A.   Yes.

17 439 Q.   CHAIRMAN:  -- but I am just feeling awful?

18          A.   I am feeling awful.  And I felt --

19 440 Q.   CHAIRMAN:  So that explains --

20          A.   Yes. 14:22

21 441 Q.   CHAIRMAN:  -- why you are putting off the meeting,  
22          okay?

23          A.   Yes.  And I was conscious he was ringing me in relation  
24          to attending a meeting in relation to the disciplinary  
25          process, so I said to him that I felt that the 14:22  
26          disciplinary process was targeting my work and, you  
27          know, that I felt terrible about that, you know.  And  
28          forgive me if I cannot recollect the actual --

29 442 Q.   CHAIRMAN:  No, no, I understand -- sorry, this is the

1 best you can do.

2 A. Yes.

3 443 Q. CHAIRMAN: That's not -- So, did he mention the CMO  
4 before or after you said the disciplinary process was  
5 targeting you? 14:23

6 A. Well, obviously I told him --

7 444 Q. CHAIRMAN: Or targeting your work.

8 A. Sorry, I told him I was on extended sick leave, and  
9 then he mentioned the CMO.

10 445 Q. CHAIRMAN: Okay. 14:23

11 A. And that he would contact the CMO to see if I was fit  
12 for duty. And he sounded very fair about it in that  
13 respect, you know.

14 446 Q. CHAIRMAN: Yes. And?

15 A. He sounded very fair and the conversation ended then, 14:23

16 you know.

17 447 Q. CHAIRMAN: Yes...

18 A. He said he'd get back in touch with me in relation to  
19 it.

20 448 Q. CHAIRMAN: Okay. And how did he respond when you said 14:23  
21 about the targeting and the disciplinary, how did he  
22 respond to that?

23 A. I can't recollect if he made a response to it,  
24 Chairman.

25 CHAIRMAN: Okay. Thank you. Now, sorry if you want to 14:24  
26 ask anything out of that, Mr. O'Higgins, please feel  
27 free. I just wanted to clear up Sergeant Hughes's  
28 recollection of the conversation that we're going to  
29 hear from Chief Superintendent Feehan about.

1 449 Q. MR. O' HIGGINS: So, just the last question there from  
2 the Chairman, you made the assertion of targeting and  
3 you gave him -- as you say, you also asserted why you  
4 were being targeted, and is it your evidence --  
5 CHAIRMAN: I am sorry to be picky, but I thought 14:24  
6 Sergeant -- I am sorry to be picky, I thought he said,  
7 "I said I thought the disciplinary process was  
8 targeting my work." That's what I thought you said, am  
9 I right or wrong about that?  
10 A. Yes, that's correct, Mr. Chairman, yes, targeting my 14:24  
11 work.  
12 CHAIRMAN: That is being picky but, I am sorry, we  
13 might as well try to be accurate.  
14 MR. MÍCHEÁL O' HIGGINS: Thank you.  
15 450 Q. Well it was targeting your work? 14:25  
16 A. Yes. Because I was very conscious at the time that  
17 several other serious matters relating to Baiba Saulite  
18 remained unresolved and there was no focus in on what I  
19 saw to be clear failures with those investigations.  
20 451 Q. No, but when you brought up targeting, you know, it's 14:25  
21 quite a stand-out --  
22 A. Yes.  
23 452 Q. -- moment. You're making an allegation of targeting to  
24 a chief superintendent.  
25 A. Yes. 14:25  
26 453 Q. Just tell us precisely what he said just on foot of you  
27 saying that. He must have responded obviously?  
28 A. Well I would -- I don't recollect the actual chronology  
29 of the conversation, you know.

1 454 Q. No, but the gist of it. What was his -- how did he  
2 receive that information?

3 A. Well I felt I was being targeted and just that I am on  
4 extended sick leave at the moment and, you know, I  
5 had -- 14:25

6 455 Q. No, no, what did he say?

7 A. Yeah, that's what I'm saying. In response to that he  
8 said he'd get in touch with the CMO and he'd be back in  
9 touch with me. He said he was going to get in touch  
10 with the CMO to see if I was fit to be interviewed and 14:26  
11 he'd be back in touch with me, as he said, in early  
12 course.

13 456 Q. Right. So when you heard him say that, did that not  
14 prompt a thought in your head: this fella is not  
15 listening to me -- 14:26

16 A. No.

17 457 Q. -- his answer hasn't flown from what I've just said?

18 A. No. I wasn't -- the conversation wasn't an official  
19 complaint about targeting. I just said it to him by  
20 way of saying how I felt, feeling very low, I feel I am 14:26  
21 being targeted, my work is being targeted, and that I  
22 am on extended sick leave at present. That was the  
23 substance of my conversation, my side of the  
24 conversation with him.

25 458 Q. So it wasn't an official complaint of targeting? 14:26

26 A. No. It was just bringing to his attention how I felt  
27 in relation to the disciplinary inquiry.

28 459 Q. Just that this seems to have a chime with a later  
29 conversation, or with a different conversation, sorry,

1 with Superintendent Curran, where he too has failed to  
2 pick up on things you claim you said.

3 A. Yes. And most of these matters I raised, as I said, in  
4 the confidential recipient investigation file and I was  
5 never asked to clarify back then these matters in 14:27  
6 relation to conversations, et cetera. So, that's just  
7 a point I just wish to make. It's difficult this far  
8 ahead to actually recollect the train of the  
9 conversation, the actual verbiage used in the  
10 interactions. 14:27

11 460 Q. You see, on your case, sergeant, you've summoned up the  
12 courage in this conversation with the chief  
13 superintendent in November, you've also summoned up the  
14 courage to say you what you claim you said to Mark  
15 Curran in April '07, but it isn't until September 2008 14:27  
16 that you make your full-blown allegation of targeting  
17 and harassment on foot of your raising criticisms. Do  
18 you see that doesn't seem to make any sense?

19 A. It does make perfect sense. As I said this morning, a  
20 charter was introduced by the Tanaiste and Minister for 14:28  
21 Justice in 2007 to protect people stepping forward  
22 making allegations of internal abuse within the  
23 organisation, and it's well set out there in the  
24 charter there that it was introduced to protect people  
25 and to make them feel safe and confident in moving 14:28  
26 forward. The confidential recipient report, and  
27 obviously the disciplinary report, were submitted  
28 following my engagement with that process and I felt at  
29 liberty then to make actually make full disclosures in

1 relation to the matters that I was concerned of.

2 461 Q. Can we go back to the meeting which you have been  
3 discussing with Superintendent Curran on the 3rd April  
4 2007. If we look, once again, at the note he sent up  
5 following that meeting, the following day, the 24th 14:29  
6 April 2007 -- that's at page 1067. We might do this  
7 quickly because this document has been on screen  
8 previously.

9

10 We've dealt with point 1. Point 2, the second issue 14:29  
11 which you, according to the superintendent, relayed  
12 was:

13

14 "The investigation into certain matters - some of which  
15 relate to the first point above - by Chief 14:29  
16 Superintendent Feehan and Superintendent Mangan. No  
17 communication of status on outcome of investigation."

18

19 So he was, it's fair to say, he was recording your  
20 unhappiness about that and he was sending that forward 14:30  
21 to management, isn't that right?

22 A. I think so, yes.

23 462 Q. Number 3:

24

25 "Investigation into The Sun newspaper article 2006 14:30  
26 conducted by D/Inspector Denedy."

27

28 He records here:

29



1 "No communication of status on outcome of  
2 investigation." Isn't that right?  
3 A. I wasn't contacted on the outcome of that  
4 investigation, yes.  
5 463 Q. He's recording your unhappiness? 14:30  
6 A. That's correct, yes.  
7 464 Q. "4. He believes he may be the subject of discipline  
8 regarding allegations of Garda [blank] reported  
9 approximately two years ago."  
10 14:30  
11 This is the historical row you were having from times  
12 gone by, isn't that right?  
13 A. Well row, not -- I reported certain matters to the  
14 authorities in relation to what I perceived to be  
15 misbehaviour on behalf of certain members. 14:30  
16 465 Q. All right. And as far as you were concerned, it hadn't  
17 been fully resolved to your satisfaction so you were  
18 including it in your list of concerns to the  
19 superintendent.  
20 A. Well that's in his report there, yes. 14:31  
21 466 Q. Yes.  
22 "5. He believes that discipline proceedings may be  
23 contemplated against him but he is not aware of what  
24 they might be. He has suffered considerably from  
25 stress since the murder of Baiba Saulite. He is 14:31  
26 currently employed as sergeant in charge community  
27 police in Swords and believes he is fully able to  
28 perform these tasks. He is under the care of medical  
29 professional who certified his ability to perform

1 tasks. "

2

3 Again, that is a faithful recital of your complaint in

4 relation to that, isn't that it?

5 A. That's correct. 14:31

6 467 Q. And then at the top of the next page, the following

7 sentence appears:

8

9 "I read over this list of issues with Sergeant Hughes."

10 14:31

11 That's a true statement, isn't it?

12 A. That's what he's saying in his report. As I said, I

13 don't have a recollection of him ringing me and reading

14 out the contents of -- those contents to me.

15 468 Q. And he concludes: 14:31

16

17 "He requests some communication regarding each matter

18 raised."

19

20 This document is a pro Liam Hughes document, isn't that 14:32

21 right?

22 A. Except for it doesn't contain the allegation I made in

23 relation to a systems failure to him on that occasion.

24 469 Q. Yes. Can I ask you then to deal with a later meeting 14:32

25 about which there may or may not be dispute.

26 well, just before we do that, can I ask you: You

27 returned to work as staff sergeant in Coolock in

28 December 2009, isn't that right?

29 A. Yes. December 2009. Yes.

1 470 Q. Right. And you've no complaint in relation to the  
2 superintendent regarding that?

3 A. No, except for the fact that he hadn't still completed  
4 the investigation files as to my previous sickness  
5 absences. 14:33

6 471 Q. I see. We've been over already that in June of 2010,  
7 there was efforts made, at your request, for you to be  
8 provided with the additional weekend allowance?

9 A. Yes, indeed.

10 472 Q. You were happy about that, were you? 14:33

11 A. Em, I think he resolved that issue for me, yes, with  
12 the chief superintendent.

13 473 Q. Would you accept that Superintendent Curran, in  
14 conversations with you, endeavoured to explain that it  
15 was his view that the parameters of your work, of what 14:34  
16 you were able for, was really to be determined by your  
17 capability and was a medical question. And he also  
18 made it clear you were not obliged to perform duties  
19 outside your own personal limits.

20 A. Yes. In relation to it's a medical issue, I don't 14:34  
21 agree with that. The matters that were affecting me  
22 were of a non-medical nature and leading to the medical  
23 situation. He did not do investigations into the  
24 reasons for my absences from the workplace. If he had,  
25 the reports would have been with the ACHRM and the CMO 14:34  
26 to allow them make full decisions in relation to my  
27 situation going forward.

28 474 Q. Right. We will deal in the conclusion with the injury  
29 at work issues, so don't worry about that, I am not

1 going to -- you know, you'll be entitled to cover that.

2

3 In relation to the stress side of things and retraining  
4 opportunities so that you can get back to work and  
5 fully reintegrate, am I correct that you were afforded 14:35  
6 the opportunity to avail of CPD and in-service  
7 training, and you met with Sergeant Mebitarian?

8 A. I have a recollection that I was facilitated with a  
9 word processing course in late 2010.

10 475 Q. We might have a look at page 1186, please. Who is 14:35  
11 Gregory Mekitarian?

12 A. I think he was based at Santry there in the in-service  
13 training at the time. He's an inspector now in the  
14 organisation, if I am correct.

15 476 Q. It's an e-mail of the 9th September 2011, from 14:36  
16 Mr. Mekitarian to Superintendent Curran --  
17 Superintendent Coolock:

18

19 "Forwarded copy of e-mail I sent regarding the last IWS  
20 courses." 14:36

21

22 Is it?

23

24 "I had spoken to Liam and offered either of these  
25 courses to him. I also offered him a Microsoft Word 14:36  
26 course in order for him to improve his skills in this  
27 area. He started the Word course on the 29 November  
28 '10 and completed four of the five days. This course  
29 had to be terminated early due to the extreme weather

1 conditions at the time. I was also going to do a few  
2 Sundays with him in order to show him the Garda portal  
3 and any new legislation that may have come into force  
4 during the time he had been off work."

14:36

5  
6 Then it says:

7  
8 "Liam Hughes had no interest in attending the IIWS or  
9 any other course apart from the Microsoft Word course.

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14:37

Sergeant Greg Mekiarian."

A. Can you remind me what IWS is? I don't know. What is  
IIWS, does anybody know?

477 Q. What do you say to the statement that had you no  
interest in attending, whatever the IIWS course is, or  
any other course apart from Microsoft word?

A. That's not true. I actually jumped at the opportunity  
to do the Microsoft word course, and if any course was  
presented to me, I would have taken it. I don't know  
why he said I had no interest. It could have been a  
casual conversation with the gentleman to say what  
about this? and to give me a choice. But to say no  
interest, I don't know what that course is.

CHAIRMAN: I am guessing that the WS is welfare  
service, but I'm baffled as to the II. I am only  
guessing, and my irresistible urge would be to Google  
it but I don't have my phone, for good reasons.

14:38

MR. O'HIGGINS: Sorry, Chairman, would you mind bearing  
with me for one moment? It is one of many gaps in my

1 own knowledge.

2 CHAIRMAN: If somebody has a phone, they can Google it.

3 But, as I say, I am just guessing that it is welfare

4 service, something-something welfare service, but maybe

5 I'm wrong. 14:38

6 MR. O'HIGGINS: My understanding, from my instructions,

7 Chairman, is that it's stands for Investigative

8 Interviewing of Witnesses and Suspects.

9 CHAIRMAN: Ah! There you are. There you are. Totally

10 wrong. Yes. So now you know. So now you know. Now, 14:38

11 there's something to add to your knowledge, sergeant.

12 478 Q. MR. O'HIGGINS: Whatever it was, you weren't partial to

13 it, were you, sergeant?

14 CHAIRMAN: It's investigating of witnesses -- a course

15 in interviewing witnesses in the course of an 14:39

16 investigation.

17 A. Yes. I think back --

18 479 Q. CHAIRMAN: Which, it is understandable he might say you

19 might be interested in this court?

20 A. And I could have said not really, I'd prefer the word 14:39

21 processing course.

22 480 Q. CHAIRMAN: I understand, yeah.

23 A. I just think "no interest" I don't think he should have

24 put down, it just doesn't --

25 481 Q. CHAIRMAN: I don't think he is being critical. 14:39

26 A. Yes, yes.

27 482 Q. CHAIRMAN: No, I don't want, you know, I've no interest

28 in going to the pictures, you know that kind of thing

29 --

1 A. Yeah.

2 483 Q. CHAIRMAN: I am not interested in that film.

3 A. Yeah.

4 CHAIRMAN: Okay. Anyway. That was the interviewing of  
5 witnesses. Thank you, Mr. O'Higgins. 14:39

6 484 Q. MR. O'HIGGINS: Your role, sergeant, we discussed  
7 yesterday, and my understanding of matters is that it's  
8 involved with the maintenance of the district station  
9 and equipment and other administrative tasks within the  
10 station itself and liaising with colleagues? 14:40

11 A. Yes. There was a guard already present in the office  
12 looking after most of that anyway.

13 485 Q. And though you describe it as a storeroom, it was  
14 actually a fully furnished operational office with  
15 telephones, computers, internet connection and 14:40  
16 printers, isn't that so?

17 A. And a storeroom, yes, a storeroom beside it, yes.

18 486 Q. So I just wonder... I mean if you forgive me for  
19 commenting, you appear to be running it down in your  
20 portrayal of it to the medics? 14:40

21 A. Yeah, I accept I may have been a bit critical of it at  
22 the time but I felt that, you know, it wasn't -- it  
23 wasn't what I was trained to do, even though I couldn't  
24 return to the full workplace occupation.

25 487 Q. Well is that another example of damned if they do, 14:40  
26 damned if they don't Garda management?

27 A. No, not really.

28 488 Q. You didn't want to return.

29 A. My demeanour at that stage in 20 -- this is 2011, is

1 it? Yes. That I just was so -- getting so worn out by  
2 the procedures that had proceeded in the previous three  
3 years, and this is just a reflection, possibly, on my  
4 outlook of the organisation.

5 489 Q. Didn't you tell Mr. Justice Cross in the High Court 14:41  
6 proceedings of your colleague, that your role was  
7 lighter work and it was far better than frontline  
8 policing?

9 A. Oh at the time, yes, it was far better, yes, than  
10 frontline policing, yes. 14:41

11 490 Q. Do you accept that Superintendent Curran had no  
12 knowledge of you being a person who had made, or was  
13 claiming to have made, a protected disclosure with the  
14 confidential recipient until May 2012?

15 A. That may be the case because it is a confidential 14:42  
16 reporting process.

17 491 Q. Can I ask you then to, if we could go on and deal with  
18 a meeting you've mentioned already, the welfare meeting  
19 of -- well I am terming it that -- there was a meeting  
20 on the 17th December 2008, isn't that right? 14:42

21 A. That's correct.

22 492 Q. This was held at the superintendent's request for the  
23 purposes of your ongoing welfare, isn't that right?

24 A. Yes.

25 493 Q. Inspector Hanrahan and Sergeant Gormley of Coolock 14:43  
26 District were also present, were they?

27 A. That's correct, yes. And sergeant Dave McCormack I  
28 think from Malahide Station.

29 494 Q. Superintendent Curran does not have a specific



1 recollection of this meeting but he expects that, as  
2 with the other occasions on which he had dealings with  
3 you, he encouraged you to return to the workplace where  
4 you would receive his full support. Is that a fair  
5 statement? 14:44

6 A. That's a fair statement, yes.

7 495 Q. And the various topics that were raised during the  
8 meeting were raised by you and not by the  
9 superintendent?

10 A. Yes. I handed him a pre-prepared report for the 14:44  
11 meeting.

12 496 Q. And I think that upon entering the meeting for the  
13 first time, you provided him with a copy of the report  
14 that you had with you?

15 A. For that meeting, yes. 14:44

16 497 Q. So you didn't flag to him in advance: Listen Mark, I  
17 am going to be sending you a report; here it is. Or  
18 even flag to him that you were going to be coming with  
19 a pre-prepared report?

20 A. Superintendent Curran made it clear that the meeting 14:44  
21 was in relation to welfare issues, so I prepared a  
22 report to cover that aspect of my situation.

23 498 Q. But did you press Superintendent Curran on the issues  
24 you wanted to discuss? Were you pressing issues with  
25 him? 14:45

26 A. Yes, I drew up notes of that meeting there, I think  
27 they're in the papers, in relation to what was  
28 discussed, from my perspective what was discussed and  
29 what was decided at that meeting, and I think it sets

1 out very well my interactions at that meeting with  
2 Superintendent Curran.

3 499 Q. I think in the letter that you subsequently sent to  
4 Mr. Costello, your solicitor --

5 A. Yes. 14:46

6 500 Q. -- you indicate and you assert that you pressed  
7 Superintendent Curran, you continually pressed him  
8 about particular matters that were on your mind?

9 A. Yes. I wonder can we see that on the screen? Sorry  
10 just -- 14:46

11 501 Q. Yes. I don't have the page reference.

12 A. Yes.

13 502 Q. We might come to that in a moment, it will come to me.

14 A. Yes.

15 503 Q. Assuming that that's correct -- and I am going from 14:46  
16 jotter notes, do you accept that those -- if that  
17 occurred, that would tend to indicate you weren't  
18 treating the meeting as a welfare meeting, but rather  
19 as a meeting where you wanted to confront the  
20 superintendent about certain issues in your mind? 14:46

21 A. I was never confrontational with any member of  
22 authority, and it shouldn't be suggested that way. I  
23 handed him the report. He read through it and we  
24 discussed the contents of the report, and based on that  
25 then, I submitted my notes to Mr. Costello. 14:46

26 504 Q. Just as an obvious matter, I mean isn't it correct that  
27 the incidents which you referred to during this 2008  
28 meeting are alleged to have occurred prior to the  
29 superintendent becoming superintendent, isn't that

1 right?

2 A. Sorry, if we can see the document there, please?

3 505 Q. Yes. Page 506, thank you. Ms. Horan has located it  
4 for me. So this is your note to your own solicitor of  
5 the 18th December 2008 -- your letter:

14:47

6

7 "Dear Séan,

8 Please refer to the enclosed report which I furnished  
9 to Superintendent Curran on the 17th December. I wish  
10 to provide you with the responses given by

14:47

11 Superintendent Curran to various matters arising.

12

13 My refusal to attend meetings:

14 Superintendent Curran stated that he was sure that I  
15 had informed him that I insisted that all communication  
16 with him should be by telephone although he did not  
17 produce any notes or documents to support his belief."

18

19 So the superintendent indicated his understanding that  
20 you had asked that communication be by telephone?

14:48

21 A. That's what he says, yes, at the meeting.

22 506 Q. Then: "My reports of serious concerns:

23 On several occasions throughout the meeting  
24 Superintendent Curran emphasised that an investigation  
25 is now underway by the Garda whistleblower into aspects  
26 of the conduct of various investigations surrounding  
27 the death of Baiba Saulite and that investigation  
28 should deal with the serious concerns I have been  
29 raising in the past.

14:48

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I pressed him on why my concerns were not addressed by Garda management prior to the intervention of the Garda whistleblower but I could not elicit an adequate response from him other than he had reported my concerns to authorities. The matters referred to now were the subject of enquiry by the whistleblower."

14:48

I continually pressed him --"

14:49

That's what I was getting at.

"I continually pressed him as to why Garda authorities failed to investigate reports of serious concerns expressed by a member of sergeant rank."

14:49

Just, it seems to have the ring of you're logging this now in a document to your solicitor --

A. Yes...

507 Q. -- in a meeting that was intended to have been about your welfare?

14:49

A. Yes.

508 Q. CHAIRMAN: Sorry, who said it was a welfare meeting?

A. Superintendent Curran, in advance.

CHAIRMAN: Thank you.

14:49

509 Q. MR. O'HIGGINS: That's what it was intended to have been; that's what he understood it was going to be, isn't that right?

A. That's correct. But these matters I was raising

1 directly affected my welfare.

2 510 Q. So you blind-sided him?

3 A. Excuse me?

4 511 Q. You blind-sided him.

5 A. Oh, not at all. 14:50

6 512 Q. "I continually pressed him ..."

7 A. Pressed, asked, yeah, continually asked him why the

8 matters I was raising in the previous -- at previous --

9 on previous occasions were not being addressed by local

10 management, and Superintendent Curran continued to 14:50

11 defer to the confidential recipient process that was

12 underway at the moment and that would actually

13 determine the matter.

14 513 Q. So you are just locating it in the timeline, September

15 2008, you have pressed the button on the CRO? 14:50

16 A. That's correct.

17 514 Q. So you're piling in here now with your, I suggest,

18 retrospective thesis?

19 A. I wouldn't say piling in. I attended a meeting with

20 Superintendent Curran and just produced the 14:50

21 pre-prepared report which pertained to my welfare, and

22 that was the purpose of the meeting, with respect.

23 515 Q. Just dealing with one or two matters arising out of

24 this, sergeant.

25 A. Okay, no problem. 14:51

26 516 Q. The superintendent has indicated in his statement that:

27

28 "In Sergeant Hughes' s statement to the Disclosures

29 Tribunal he states that I said at the meeting that I

1 believed all communication with him should be by  
2 telephone. I reject this statement as being incorrect.  
3 In itself his appearance in my office on my request was  
4 contrary to this notion."

14:51

5  
6 Do you see the point being made?

7 A. Sorry, I don't understand it. If we could have it up  
8 on the screen maybe?

9 517 Q. He has just organised that you attend his office for a  
10 face-to-face meeting. That's inconsistent with the  
11 suggestion that it was his position all communications  
12 should be by telephone.

14:51

13 A. Well, it was the -- HRM had that on record from local  
14 management in the months prior, and I had raised it  
15 with Inspector Hanrahan prior to this meeting, this  
16 welfare meeting, and I raised it again there with him  
17 in relation to that assertion, and my purpose in  
18 raising it then was to have the record corrected that  
19 in no way would I ever insist that local management  
20 contact me only by telephone and refuse face-to-face  
21 meetings.

14:52

14:52

22 518 Q. The superintendent says that he never received a  
23 complaint from you in respect of the bullying and  
24 harassment policy in place at the time.

25 A. He says that?

14:52

26 519 Q. Yes.

27 A. The matters that I refer to there in relation to -- the  
28 bullying and harassment, the historic stuff, possibly  
29 no, but the more recent stuff, more recent allegations

1 in relation to the imposition of the disciplinary  
2 process, et cetera, were well documented in the reports  
3 I sent to the whistleblower's office and to the  
4 disciplinary investigation.

5 520 Q. His understanding was that the references to bullying 14:53  
6 were in connection with the garda -- and I am not going  
7 to name the person -- but a complaint relating to  
8 somebody formerly of Coolock district and that person  
9 had departed before Superintendent Curran's arrival  
10 into the division? 14:53

11 A. Sorry, I didn't get the gist of that there.

12 521 Q. That the bullying related to somebody and of a time  
13 that was prior to his arrival altogether in Coolock?

14 A. Yes, that's the historic matters, yes.

15 522 Q. Right. It was his understanding that those allegations 14:53  
16 had been withdrawn in that particular case and the  
17 matter discontinued.

18 A. Yes. But that wasn't my position.

19 523 Q. And that no disciplinary proceedings ever commenced.

20 A. That wasn't my position. Again that's historic. 14:54

21 524 Q. And I do appreciate we're not --

22 A. Yes.

23 525 Q. -- dealing with them here. And it was his belief that  
24 the matter had been treated from a management  
25 perspective in accordance with the prevailing processes 14:54  
26 at the time. That was his understanding. But I want  
27 to ask you this: He says that you never named any  
28 individuals to him that he wanted to complain about, is  
29 that so?

1 A. At that meeting?

2 526 Q. Yes.

3 A. That's -- that is so, yes.

4 527 Q. Even though you've already committed to paper a few  
5 months back your whistleblower allegations in September 14:54  
6 '08?

7 A. Yes. That's correct, yes. And I -- I was hopeful that  
8 the metres would be resolved through that process.

9 528 Q. The reference, and we see it there on the note on  
10 screen, to the salary reduction, his belief is that 14:55  
11 this is ultimately a HRM issue but obviously primarily  
12 flowing from the classification of injury at work  
13 issue?

14 A. I disagree. The only way, as far as I am concerned,  
15 that a decision can be rightly made in relation to my 14:55  
16 absences from the workplace was through the medical  
17 reports, and also reports as to the non-medical issues  
18 which fell within the remit of Superintendent Curran to  
19 actually forward investigative reports to HRM in that  
20 regard. 14:55

21 529 Q. Can you not see that the decision relating to a  
22 reduction in salary which, under the Code, appears to  
23 be somewhat automatic after a number of days, is not  
24 something he was involved with?

25 A. I disagree with that. 14:55

26 530 Q. All right. The discipline process that you complained  
27 of here, would you accept that was a matter completely  
28 outside of his direction and control?

29 A. I don't accept that.



1 531 Q. And in terms of items 1 and 4, which we've looked at,  
2 the work related stress issue, his position on that is  
3 that it is an issue primarily for determination by a  
4 medical professional, and you disagree with that?  
5 A. That work related stress issue? 14:56

6 532 Q. Yes.  
7 A. Yes, I disagree on that.

8 533 Q. In relation to the work situation, he's quite clear  
9 that he strongly encouraged you to return to work, is  
10 that a fair statement? 14:57

11 A. Oh yes, he did.

12 534 Q. Do you see there under the heading of "Unsafe  
13 Workplace", the last sentence within that paragraph,  
14 the penultimate sentence:  
15 14:57

16 "He invited me to return to work even on a phased basis  
17 and would even arrange for a clerical position for me  
18 if I preferred not to take up operational duties. He  
19 sounded very sincere in his offer."

20 A. They were my notes to Séan Costello, yes. 14:57

21 535 Q. His position in relation to what he anticipated from  
22 the meeting was that the purpose of the meeting, as far  
23 as he was concerned, was to make a genuine enquiry of a  
24 colleague who the superintendent had worked with  
25 intermittently throughout his career, as you approached 14:58  
26 the Christmas 2008 period?

27 A. Yes, I read that. Yes.

28 536 Q. And it's fair, isn't it?  
29 A. That's what he said, yes, in his report. But I think

1 he'd be better served by actually forwarding the  
2 investigative files to HRM as required.

3 537 Q. CHAIRMAN: Just which investigative files are you  
4 talking about, sergeant?

5 A. At that point I think, Mr. Chairman, there were several 14:58  
6 requests from HRM for the investigative files into my  
7 sick --

8 538 Q. CHAIRMAN: And which files were you talking about?  
9 A. Sorry?

10 539 Q. CHAIRMAN: You said by forwarding the investigative 14:58  
11 files.  
12 A. Yes.

13 540 Q. CHAIRMAN: And I am just wondering which investigative  
14 files?  
15 A. Well the investigation files into my absences from the 14:59  
16 workplace were required by HRM, but they weren't  
17 forthcoming from him.

18 541 Q. CHAIRMAN: And where were they?  
19 A. They weren't carried out, Mr. Chairman.

20 542 Q. CHAIRMAN: So there weren't any investigative files? 14:59  
21 A. Precisely, Mr. Chairman.

22 543 Q. CHAIRMAN: Okay. So we're back to the same thing: he  
23 should have investigated the reason for your absence?  
24 A. Precisely, Mr. Chairman.

25 544 Q. CHAIRMAN: And the reason for your absence, i.e. the 14:59  
26 non-medical reasons for your absence --  
27 A. Yes, Mr. Chairman.

28 545 Q. CHAIRMAN: -- i.e. the systems failure?  
29 A. And the imposition of the disciplinary process which I

1           regarded as a targeting of me in the workplace and  
2           mostly unfair and --

3 546 Q.   CHAIRMAN:  Okay.  So just to be clear, he should  
4           have -- the reason for your absence was, number one,  
5           the systems failure non-investigation and; number two, 14:59  
6           the unfair disciplinary process?

7           A.   Yes, I had huge concerns in relation to the --

8 547 Q.   CHAIRMAN:  Okay --

9           A.   -- as we said, the systems failure, we'll call it the  
10          systems failure, and the fact that then I felt that I 15:00  
11          was being targeted in the workplace through the  
12          disciplinary process.

13 548 Q.   CHAIRMAN:  Just to keep it simple, sergeant, because I  
14          want to be sure I understand this and I don't need  
15          to -- I am sorry, I am being impatient, I am sorry, and 15:00  
16          intolerant, I am sorry.  
17          where he fell down, on your criticism, was that he  
18          should have forwarded investigation files in relation  
19          to the reasons for your absences?

20          A.   Yes, Mr. Chairman. 15:00

21 549 Q.   CHAIRMAN:  And that means that he should have had  
22          investigation files into the reasons for your absences?

23          A.   Correct.

24 550 Q.   CHAIRMAN:  If we take it just a step at a time.  And  
25          those files should have related to (a) the systems 15:00  
26          failure that you had spoken about in the period before  
27          the murder of Baiba Saulite on the 19th November 2006,  
28          that's the first thing it should have included, is that  
29          right?

1 A. Yes, Mr. Chairman.

2 551 Q. CHAIRMAN: Correct me if that is wrong.

3 A. Yes. The systems failure in relation to Baiba Saulite  
4 prior to the murder, and also, what I perceived to be a  
5 systems failure after her murder in relation to the 15:01  
6 non-investigation of the --

7 552 Q. CHAIRMAN: I am going to get to this in a second.

8 A. Yes.

9 553 Q. CHAIRMAN: The first systems failure that you had in  
10 mind and that you say was a cause of your absence was 15:01  
11 the systems failure of policing, a failure of policing  
12 protection prior to the murder?

13 A. Yes, Mr. Chairman.

14 554 Q. CHAIRMAN: Okay. The second thing you say is, and I  
15 have in relation to the, what you say was the unfair 15:01  
16 disciplinary process, that was another feature that was  
17 keeping you out of work?

18 A. Yes, on the -- piggy-backed on the fact-find process  
19 which I found unfair to --

20 555 Q. CHAIRMAN: well we won't worry about anything else, 15:02  
21 we'll keep it simple. You say the disciplinary process  
22 was unfair, and you say that Superintendent Curran fell  
23 down by not having a file detailing your unhappiness  
24 with that process?

25 A. Yes. 15:02

26 556 Q. CHAIRMAN: And the third thing you say he should have  
27 had a file about, which was another cause of your  
28 absence, was system failure in the investigation or in  
29 the period after the murder insofar as it failed to

1 deal with the system failure prior to the murder?

2 A. Yes, Mr. Chairman.

3 557 Q. CHAIRMAN: Is that about it?

4 A. And, no, there's also the pay issues; in other words my  
5 pay was being reduced and it was well reduced by the 15:02  
6 time I met Superintendent Curran.

7 558 Q. CHAIRMAN: But the reason -- sorry to interrupt you --  
8 the context we're talking about is injury on duty.

9 A. Yes.

10 559 Q. CHAIRMAN: And the relevance of the pay to injury on 15:02  
11 duty is the reason for your absence.

12 A. Yes.

13 560 Q. CHAIRMAN: And you're complaining specifically now, not  
14 about the reduction of your pay, we know that that's a  
15 consequence -- 15:03

16 A. Yes.

17 561 Q. CHAIRMAN: -- of time --

18 A. Yes indeed.

19 562 Q. CHAIRMAN: -- but what could stop it and prevent it was  
20 a definition, a declaration of injury on duty, this 15:03  
21 much we know?

22 A. Yes, Mr. Chairman.

23 563 Q. CHAIRMAN: And you say you're criticising  
24 Superintendent Curran for failing to make  
25 investigations into three items that represent the 15:03  
26 reasons for your absences?

27 A. Yes, indeed.

28 564 Q. CHAIRMAN: Is that correct?

29 A. And ancillary to that then would be my feelings of

1 isolation, workplace isolation, and bullying and  
2 harassment, et cetera.

3 565 Q. CHAIRMAN: which also, you say, were part of the  
4 reasons for your absence?

5 A. Yes. 15:03

6 566 Q. CHAIRMAN: So the fourth one then is feelings of  
7 isolation, et cetera, if I can put it that way?

8 A. Singling out, targeting.

9 567 Q. CHAIRMAN: Okay. And what wouldn't be sufficient, if I  
10 am understanding where you are coming from, what 15:04  
11 wouldn't be sufficient was for Superintendent Curran to  
12 say: Look, I have medical reports from Dr. Reilly and  
13 from his partner and from Dr. Fernandez and so on, and  
14 they explain why he's out of work. That wouldn't be  
15 sufficient in your view? 15:04

16 A. It wouldn't be, Mr. Chairman, because I don't think  
17 Superintendent Curran would have access to those  
18 reports anyhow.

19 568 Q. CHAIRMAN: I see. I see. Very good. Thank you very  
20 much. 15:04

21 A. Thank you, Mr. Chairman.

22 569 Q. MR. O'HIGGINS: Could you get them for him?

23 A. The medical reports?

24 570 Q. Yes.

25 A. If he requested them, I'd look into it, okay. 15:04

26 571 Q. Did it occur to you that's something you might do?

27 A. No, not at the time.

28 572 Q. Can we just widen the lens a little bit and look at  
29 perspectives from two inspectors that covered this

1 period? And I am going back a bit in time now, but  
2 just to give it that perspective. We mentioned already  
3 D/Inspector Hanrahan who arrived in Coolock in November  
4 of 2007?

5 A. Yes. 15:05

6 573 Q. And I think left in May 2009?

7 A. Yes.

8 574 Q. He was requested by Chief Superintendent Gerry Phillips  
9 to meet with you and to provide support to you?

10 A. Em, sorry can -- do we have that instruction on screen? 15:05

11 575 Q. So, page 1293. So, four lines down, this is his  
12 statement:  
13  
14 "Detective Inspector William Hanrahan, Special  
15 Detective Unit Harcourt Square. 15:06  
16  
17 In November '07 stationed in Coolock I was inspector,  
18 arrived at Coolock on around 28th November 2007. My  
19 first awareness of Sergeant Liam Hughes was on the 14th  
20 December. I became aware of a High Court application 15:06  
21 made by the legal representatives of Sergeant Hughes.  
22 The High Court application was secured at the  
23 superintendent's office in Coolock."  
24  
25 what was that about? 15:06

26 A. I think it was to tackle the pay issue, the reduction  
27 in pay.

28 576 Q. All right.  
29

1 "I was requested by Chief Superintendent Gerry Phillips  
2 at this time to meet with Sergeant Hughes. I was  
3 requested to address any of the issues he had and to  
4 try and make pathway for his return to work. I  
5 examined the High Court affidavit, from the documents 15:06  
6 viewed I immediately carried out an evaluation  
7 concerning the possible threat to the life of Sergeant  
8 Hughes and Garda Nyhan. On the 26th December 2007 on  
9 my own initiative having concerns for the personal  
10 safety for Sergeant Hughes and Garda Nyhan I went to 15:07  
11 Swords Garda Station where I was given access to the  
12 investigation file concerning the murder of Baiba  
13 Saulite."

14  
15 He says he had full access to the material, examined 15:07  
16 all aspects of the investigation, particularly  
17 interested in any aspect where there was information or  
18 intelligence surrounding a threat to either Sergeant  
19 Hughes or Garda Nyhan. The examination lasted a number  
20 of hours. 15:07

21 "Later that night I returned to Coolock where I  
22 examined the Garda file for the DPP. Also examined the  
23 Pulse intelligence surrounding Mr. A the person that  
24 Sergeant Hughes and Garda Nyhan believed the threat to  
25 life was coming from. At this time I was also aware 15:07  
26 that Sergeant Hughes had a meeting surrounding his  
27 personal safety. I was aware that Superintendent Kelly  
28 from Balbriggan had put members of Sergeant Hughes's  
29 local station on notice of this apparent threat.



1 During this period of time I contacted the National  
2 Criminal Intelligence Unit along with Crime and  
3 Security to enquire as to any information or  
4 intelligence they may have had concerning the threat as  
5 reported. From enquiries I was aware that following a 15:08  
6 court case in August of '05 Sergeant Hughes received a  
7 threat from [somebody else]. This report was made in  
8 the Garda Pulse system by Sergeant Hughes."

9

10 I think that is Mr. A, is it? 15:08

11 A. Sorry, I think?

12 577 Q. The blank there is Mr. A, is it?

13 A. Yes, perhaps, yes.

14 578 Q. "From my investigations I could not find any definitive  
15 threat to the life of Sergeant Hughes or Garda Nyhan." 15:08

16

17 So were you aware that all these work was going on in  
18 the background --

19 A. I wasn't, no.

20 579 Q. -- to try and help you? 15:08

21 A. I wasn't, no.

22 580 Q. But sorry, didn't he meet you subsequently in the  
23 Carnegie Hotel?

24 A. My recollection of meeting Inspector Hanrahan was on  
25 foot of receiving the pay reduction notices or the 15:09  
26 attendances to meet the various medical personnel.  
27 They were casual meetings. He didn't say that he was  
28 there to obtain reports from me in relation to my  
29 sickness absence. That's my recollection, anyway, of

1           those meeting.

2 581 Q.   well did you advise him not to get involved?

3           A.   No, I would never say that to an inspector.

4 582 Q.   You see, he indicates his first communication with you

5           was on the 26th December, where he asked you that he

6           call to your residence. You requested that he was not

7           to attend at your home and instead requested that you

8           meet at the Carnegie Court Hotel?

9           A.   I think that was decision that we both reached that was

10          convenient to both.

11 583 Q.   well no, no, his statement indicates that his request

12          that he go to your home?

13          A.   Yes. And if that was the case and I would have

14          suggested well why not halfway? and we meet the

15          Carnegie Hotel, and he would have agreed, and there was

16          no issue about that.

17 584 Q.   well except that it indicates you weren't in agreement

18          with going to your home?

19          A.   well I'd prefer to meet him off-site; that would be my

20          preference at the time.

21 585 Q.   He says:

22

23          "At the meeting in the Carnegie Court Hotel he stated

24          at the time that all materials in the possession

25          surrounding the murder of Bai ba Saulite were already in

26          the hands of legal advisers. All matters were now the

27          subject of High Court proceedings. He advised me not

28          to get involved for my own sake."

29          A.   No. I don't recollect that at all. I don't think I

1 would have said that. I know I wouldn't have said that  
2 to an inspector. And I don't know what context he is  
3 saying that.

4 586 Q. Do you see the next sentence:

5  
6 "I informed him of the actions I had taken regarding  
7 his personal safety and the possible threat to his  
8 life." 15:10

9 A. And this is in December 2007. I think the matters that  
10 were raised there following the murder in relation to 15:10  
11 press releases, or The Sun articles, I think that had  
12 dissipated well at that stage.

13 587 Q. Are you forgetting this conversation?

14 A. I don't recollect the conversation in the context that  
15 he has it here. 15:11

16 588 Q. Well he goes on. He says -- first of all, he says:

17  
18 "I informed him of the actions I had taken regarding  
19 his personal safety and possible threat to his life.  
20 While he appreciated what I had done he was not in 15:11  
21 agreement with my assessment."

22  
23 Do you recall that? Did you push back on his  
24 assessment that there was no threat to your life?  
25 A. No. I don't remember any lengthy conversations with 15:11  
26 Inspector Hanrahan in that regard. If he -- that he  
27 introduced the topics for discussion as being a threat  
28 to my life, I would have actually responded to him  
29 probably and remembered the responses I gave. So I

1 don't know whether it was just a general conversation  
2 we were having surrounding some delivery of a document  
3 from headquarters or... But I don't recollect the  
4 train of conversation in that context.

5 589 Q. All right. He treats of something that did cause you 15:12  
6 irritation, and I want to, in fairness, bring it up.  
7 The last paragraph there -- the next paragraph:

8  
9 "Sergeant William Hughes alleges on page 20 of his  
10 statement that he received notice that he was declining 15:12  
11 to meet with local management and that all  
12 communications would be conducted by way of telephone."  
13

14 He says:

15 15:12  
16 "I can confirm that I met with Sergeant Hughes on the  
17 8th October 2008. Following the meeting I reported to  
18 senior management that Sergeant Hughes had serious  
19 concerns from a letter he received addressed from HRM  
20 to state he had refused to meet with local management. 15:12  
21 I conveyed to management on the 13th October that  
22 Sergeant Hughes had not refused to meet with local  
23 management at any time or occasion. He had made  
24 himself available to both Superintendent Curran and I  
25 since my arrival at Coolock Garda Station." 15:12  
26

27 So the record is being corrected on your behalf.

28 A. Yes. With respect to Inspector Hanrahan, I didn't  
29 receive any feedback from that report.

1 590 Q. He says that you informed him that you'd attend any  
2 appointments with Superintendent Curran. And he said:  
3  
4 "I also notified management that he was not avoiding  
5 any correspondence or communications received through 15:13  
6 Superintendent Curran or me. In my report dated 13th  
7 October 2008 I requested that a copy of the report be  
8 furnished to Sergeant Hughes. I don't recall any reply  
9 to this correspondence."  
10 A. And that's the position. I didn't receive a response. 15:13  
11 591 Q. We might just look briefly at page 3965, please. And  
12 this is a communication of the 12th January 2008. If  
13 we scroll down a little bit. It's a report that you  
14 have met with the Sergeant Trevor Shields Community  
15 Relations, and this is from, as I understand it, it's 15:14  
16 from Inspector Hanrahan to the Superintendent R  
17 District, and he refers to meeting you:  
18  
19 "I also met with Sergeant Hughes about security  
20 matters, having served in the Special Detective Unit 15:14  
21 for 15 years, I have experience concerning this issue."  
22  
23 He makes reference to his reading the Book of Evidence.  
24  
25 "From these interviews I can find no reference being 15:14  
26 made regarding a threat to Sergeant Hughes."  
27  
28 If we just scroll down there.  
29

1 "I have conveyed this to him and he seems to accept  
2 what I have said. He has also informed me that the  
3 local detective unit from Balbriggan have called to him  
4 and are aware of his address. He has also spoken to  
5 Superintendent Kelly Balbriggan who is aware of his 15:14  
6 situation. I have also examined the Pulse system  
7 concerning Mr. A and again can find no reference of a  
8 threat to Sergeant Hughes. I found however a threat  
9 recorded by Sergeant Hughes on the 25th August '05  
10 after Mr. A was charged with abduction and remanded in 15:15  
11 custody. I also forward a report from D/Inspector  
12 Walter O'Sullivan and the threat to Sergeant Hughes and  
13 Garda Nyhan. He states in his report the dangers of  
14 Mr. A but has no intelligence of a threat to either  
15 member." 15:15

16 And the Pulse is referred to.

17 "As members of An Garda Síochána and persons we come  
18 into contact with on a day-to-day basis we should  
19 accept that there is always a need concerning matters  
20 of personal safety." 15:15

21  
22 So he reported up the line the assurance that he sought  
23 to give you at his meeting with you, isn't that right?

24 A. Yes, I see that here.

25 592 Q. So the authorities were taking your personal safety 15:15  
26 very seriously and drilled into that issue and sent  
27 appropriate officers to check that out to ensure that  
28 there was no intel of a threat to you?

29 A. Yes. That would appear to be the case by that report,

1  
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29

yes.  
593 Q. The inspector says that in your statement on page 22, sergeant, you claim that as local management had not visited -- you complain that local management had not visited you as per the code. And he points out that he called to see you on the 26th December '07 in order to call to your residence in accordance with the Code, and you asked him not to. So he says you're just incorrect about that.

A. I was correct about that?

594 Q. Incorrect about that.

A. Oh, sorry, no, we agreed to meet in the Carnegie Hotel. It wasn't an issue at the time. He didn't say I must meet you at your house as per Code regulations; he never said that. So it was just an agreement between the two of us to facilitate him and myself there that I'd benefit from a meeting off-site and he would benefit from having to travel less.

595 Q. All right. If we might return to the inspector's statement at page 1295, please. If we scroll down a little bit, paragraph commencing on page 22 of the statement, it says:

"On page 22 of the statement Sergeant Hughes claims --"

Sorry, you have it there:

"On page 26 of the statement Sergeant Li am Hughes states that he made a protected disclosure on the 17th

15:16

15:16

15:17

15:17

15:17

1 December 2006. He states that he 'have discussed these  
2 matters with the individuals'. I am named as one of  
3 the individuals."

4  
5 The inspector says. 15:18

6  
7 "'I can state that I have never discussed a protected  
8 disclosure with Sergeant Hughes'."

9  
10 Do you see that, sergeant? 15:18

11 A. I do.

12 596 Q. what do you say to that?

13 A. I don't know the context of what he's saying there. He  
14 states that he never discussed matters of protected  
15 disclosure with me, I think that's what he's saying? 15:18

16 597 Q. He says he wasn't stationed in Coolock until late  
17 November '07.

18 A. Yes.

19 598 Q. He didn't become aware of any PD made by you whilst  
20 stationed in the R District. And he says if, as stated 15:18  
21 by you, he was told of a protected disclosure, he would  
22 have made a note of it, and he didn't.

23 A. Yes. But my recollection of meetings, as I said, with  
24 Inspector Hanrahan were to the effect of either he had  
25 notices to serve on me in relation to attendances at 15:19  
26 medicals or reductions in pay or to that effect. I do  
27 recall the meeting in the Carnegie where I discussed  
28 with him in relation to my alleged failures to meet  
29 with management, and he obviously took action in



1 relation to that. I don't recall, with Inspector  
2 Hanrahan, sitting down with him and talking about  
3 systems failures and such -- those matters.

4 599 Q. You see, sergeant, there's a pattern here because if  
5 you scroll down he makes reference to a similar claim 15:19  
6 you made concerning what you were asserting was the  
7 second protected disclosure. He says:

8  
9 "On page 27 of the statement of Sergeant Liam Hughes he  
10 states that he made a second protected disclosure on 15:19  
11 the 16th December 2008. On page 28 he states that he  
12 spoke to me about a second protected disclosure. I can  
13 state..."

14  
15 The inspector says -- 15:19

16  
17 "... I had no conversation with Sergeant Hughes that  
18 was the subject of a protected disclosure."

19 A. Yes. If he has noted that I am talking about the 16th  
20 September 2008, that is the date that I made the 15:20  
21 confidential recipient report, and perhaps I told him  
22 that I had made that report, I am not sure.

23 600 Q. He says that on page 29 of your statement you state  
24 that you made a third protected disclosure on the 29th  
25 October 2008. And on page 30, you state that he would 15:20  
26 have discussed the protected disclosure with him, the  
27 inspector. He says he did not have any conversation or  
28 discussion with you surrounding a protected disclosure.

29 A. I don't recall in my statement saying that I discussed

1           these protected disclosures with Inspector Hanrahan.

2 601 Q.    You see, there seems to be a pattern of quite a few  
3           people to whom you say you are making protected  
4           disclosures to don't tumble, don't under -- don't  
5           realise that you are. It's possible, isn't it, that       15:21  
6           you are mistaken therefore?

7           A.    Of course the term 'protected disclosure' is something  
8           that's used in, may I say with respect, Tribunal  
9           language. It wouldn't be a term I would have used back  
10           in 2007, '08 and '09.                                       15:21

11 602 Q.    Well even 'whistleblowing'?

12           A.    Reports.

13 603 Q.    He concludes his statement on page 1299, and he says  
14           that he wishes to state that at all times from his  
15           arrival -- it's the next page on -- at all times from       15:21  
16           his arrival in the R District to his return to the  
17           Special Detective Unit, all interactions he had with  
18           you were on your part -- on his part conducted with the  
19           strictest of confidence and in good faith. Do you  
20           accept that?   15:22

21           A.    We were -- yes, he was -- very affable meetings, I have  
22           to say, a very affable person, you know.

23 604 Q.    And he says that he's not aware of any targeting of you  
24           by senior management or any other persons involved  
25           during his interactions with you?                       15:22

26           A.    Yes, he says that.

27 605 Q.    And he left the picture on the 9th April '09 and he  
28           transferred to the Special Detective Unit in Harcourt  
29           Square, isn't that so?

1 A. I think so.

2 606 Q. When we mention perspective, we might ask you to deal  
3 with the perspective of Inspector Lacey who was  
4 assigned to Swords Garda Station on promotion in April  
5 of 2009. 15:22

6 A. Yes.

7 607 Q. So a later period. I don't have the page reference but  
8 I'll get it for you perhaps later on. Superintendent  
9 Curran was his direct supervisor, isn't that right?

10 A. That's correct. 15:23

11 608 Q. He says that as part of his induction on his arrival,  
12 Superintendent Curran outlined the position regarding  
13 Garda members on sick leave, including yourself --

14 A. That's correct.

15 609 Q. -- and Garda Declan Nyhan, who were both out on 15:23  
16 long-term sick leave. He says Superintendent Curran  
17 informed him briefly about the reasons as to why you  
18 were out on sick leave and told him that it was related  
19 to the murder of Baiba Saulite in 2006. Also, that you  
20 felt there was a threat on your life, and also, that 15:23  
21 you'd felt had you been treated badly by the Garda  
22 organisation, and that you felt there was a subsequent  
23 cover-up. All right? That was the gist of what was  
24 said to him by Superintendent Curran, he says?

25 A. Okay. 15:24

26 610 Q. He indicates that Superintendent Curran instructed him  
27 that he should make contact with you and Garda Nyhan  
28 and that the inspector should deal with you from a  
29 welfare perspective and do so in a sensitive manner.

1 A. Yes, indeed.

2 611 Q. And he says that Superintendent Curran was very strong  
3 on this.

4 A. Yes.

5 612 Q. That was the instruction he gave to the inspector: 15:24  
6 deal with these men respectfully and sensitively.

7 A. I understand, yes.

8 613 Q. Because it was his aim to have them return to work at  
9 the earliest opportunity?

10 A. Yes, indeed. 15:24

11 614 Q. He said that he subsequently made contact with you by  
12 telephone and introduced himself to you as the new  
13 inspector at Swords?

14 A. Yes.

15 615 Q. He knew you professionally, having worked alongside you 15:24  
16 in the North Central Division, particularly at Croke  
17 Park?

18 A. Correct.

19 616 Q. Where you had been a sergeant in the events office?

20 A. I was traffic sergeant there in Fitzgibbon Street, yes. 15:25

21 617 Q. Right. And would have been one of the principal  
22 organisers of Garda duties at Croke Park events?

23 A. Correct.

24 618 Q. He believes that he had a relationship with you that  
25 was cordial? 15:25

26 A. Absolutely.

27 619 Q. And he doesn't recall having any negative dealings with  
28 you?

29 A. Any?

1 620 Q. Negative.

2 A. Not at all.

3 621 Q. And he recalls telling you that he'd assist you in any  
4 way he could and that -- his expression -- "we're  
5 working from a clean slate". 15:25

6 A. Yes.

7 622 Q. And he meant by that, that he -- that's Inspector  
8 Lacey -- had no involvement in whatever had happened  
9 previously, and as far as he was concerned he'd like to  
10 see you back at work at the earliest time. 15:26

11 A. Yes.

12 623 Q. And he says his dealings with you were then related  
13 mainly to keeping you informed of medical appointments  
14 and such matters, because obviously if you're not in  
15 the station, you needed -- somebody needed to phone you 15:26  
16 to keep you in the loop?

17 A. That's correct.

18 624 Q. He says, on the 26th September 2009, he informed you of  
19 a medical appointment with the CMO, and you said you'd  
20 attend. And then in November, he informed you, on the 15:26  
21 13th November, of another medical with the CMO that was  
22 due to happen on the 19th November. Do you recall the  
23 gist of these calls?

24 A. Not specifically, no, but that would be in line with  
25 his duties at that time. 15:26

26 625 Q. Right. You return to work on the 21st December, that's  
27 just before Christmas, of 2009, when you took up your  
28 position as the staff sergeant in Coolock?

29 A. Correct.

1 626 Q. He believed that he dropped into you informally on a  
2 regular basis and as far as he was concerned, you  
3 appeared to be doing well and you'd a good relationship  
4 with your colleagues?  
5 A. That's -- yes, that's what he said, yes. 15:27  
6 627 Q. He says that you continued in this position until  
7 January of 2011 when you reported unfit for duty, is  
8 that right?  
9 A. That's correct.  
10 628 Q. So again in February of 2011, he informed you -- he 15:27  
11 made contact with you and informed you of a medical  
12 appointment with the CMO that was due to happen on the  
13 24th February 2011?  
14 A. That would be in line with events, yes.  
15 629 Q. And then in April 2011, moving the matter on, he made 15:27  
16 arrangements to meet with you at Swords Garda Station  
17 for what was intended as a welfare meeting?  
18 A. Yes.  
19 630 Q. And at this meeting you presented him with a prepared  
20 typed report outlining a number of issues "regarding 15:28  
21 his absence on sick leave", is that right?  
22 A. That's correct.  
23 631 Q. And he forwarded that to the superintendent's office in  
24 Coolock Garda Station. And then later again in this  
25 ongoing contacts he was having, he met you in July, do 15:28  
26 you remember that, in the summer of 2011?  
27 A. I don't recollect that.  
28 632 Q. Well the purpose of the meeting, he recalls, was to  
29 inform you that his period of sickness had exceeded 183

1 days and to ensure that the medical certificates were  
2 to be in the correct format, otherwise your pay would  
3 not be sanctioned. Does that ring a bell?  
4 A. It would be in line with the occurrences in 2011, yes.  
5 633 Q. He says that he handed you a copy of the minute of A/C 15:28  
6 Fanning, and it's his recollection that you gave him a  
7 prepared typed report regarding sick leave and  
8 regarding your reduction in pay?  
9 A. That could be correct, yes.  
10 634 Q. And also, you provided him with an abstract of a letter 15:29  
11 from Dr. Quigley, the CMO, to what I think -- a  
12 document that had been sent to your solicitor?  
13 A. Yes, okay.  
14 635 Q. And Dr. Quigley -- this is the thing that Dr. Quigley 15:29  
15 subsequently clarified -- was in fact sent to your GP  
16 rather than the solicitor, but you handed him that at  
17 any rate?  
18 A. Okay, yes.  
19 636 Q. And again, he forwarded this correspondence to the 15:29  
20 superintendent's office. And then there was another  
21 meeting provisionally set for the 18th July, and the  
22 purpose of which was to enable you submit an outline of  
23 what you contended were the failures of An Garda  
24 Síochána in relation to your illness?  
25 A. Yes. 15:30  
26 637 Q. You were to get back to him about this meeting but you  
27 never did, is his recollection. And then in August he  
28 had to speak with you regarding the matter, and you  
29 said to him that An Garda Síochána were fully aware of

1 the circumstances that led to the illness and you  
2 didn't intend to outline them again.

3 A. No, that wouldn't be my form. If he wanted  
4 information, I would have provided it for him.

5 638 Q. So this now is a meeting of the 11th August 2011. He's 15:30  
6 asked you -- he's called a meeting. He's looking for  
7 details from you and he's saying you're saying  
8 "management are fully aware of the circumstances that  
9 led to my illness, I don't intend to outline them  
10 again". 15:30

11 A. I don't recollect saying that to him.

12 639 Q. All right. He says he reports this to the  
13 superintendent Coolock on the same day. And then in  
14 January of 2012, he spoke to you by telephone and he  
15 brought to your attention the contents of a minute from 15:31  
16 HRM, Assistant Commissioner's Office HRM, he can't  
17 recall the specifics of the minute, and you requested  
18 that he forward a copy of the minute to his home  
19 address by ordinary post, which he did.

20 A. Okay. 15:31

21 640 Q. Does that ring a bell?

22 A. No, it doesn't at this stage.

23 641 Q. All right. In July he contacted you again, and  
24 informed you of an upcoming appointment with the Chief  
25 Medical Officer on the 26th July 2012. Again, you 15:31  
26 indicated you'd attend, and he relayed this to the  
27 superintendent's office. And then on the 12th February  
28 2013, moving matters along, he met with you where you  
29 completed official documentation relating to your



1 retirement?

2 A. I recall that, I think, yes.

3 642 Q. He also -- you also gave back your identification card  
4 and other items?

5 A. That's correct. 15:32

6 643 Q. And the inspector himself left the Coolock district  
7 himself in June 2013. It's his recollection that you  
8 may have changed your number a few times because there  
9 was a few times he couldn't get you. During this  
10 period did you change your number? 15:32

11 A. My telephone number? No.

12 644 Q. Your mobile, is it?

13 A. My mobile, yes.

14 645 Q. Did you change your mobile number?

15 A. Not during that time, no. 15:32

16 646 Q. It's also his recollection that he didn't at any point  
17 get an e-mail from you during this period. You didn't  
18 seem to be proactively looking to keep in contact  
19 yourself; the contact that was happening was management  
20 or inspectors contacting you, would that be fair? 15:32

21 A. In his case he was contacting me mostly in relation to  
22 notifications from HRM and such, and pay reductions and  
23 such, and obviously I was furnishing him with reports  
24 that went up the channels. So...

25 647 Q. All right. It's quite clear, I am suggesting to you, 15:33  
26 that the series of contacts that were had with you were  
27 respectful and were inclusive and were caring, do you  
28 accept that?

29 A. Oh yes. The people -- like, the -- no question of

1 any -- it was cordial and, you know, there was no, no  
2 question of bad manners or anything like that.

3 648 Q. And they were contacts that were directed by and had  
4 the backing of Garda management, including  
5 Superintendent Curran?

15:33

6 A. They were, but I was also aware there were  
7 correspondences from Assistant Commissioner Fanning  
8 during that time specifically requesting investigation  
9 files to be forwarded, and these were not brought to my  
10 attention by local management.

15:34

11 649 Q. But I suppose my -- I don't act for Assistant  
12 Commissioner Fanning but I do act for Superintendent  
13 Mark Curran and Garda management and these inspectors  
14 whose statements I have been reading out to you, and,  
15 really, I just want to get your view on this and I'll  
16 move on. They make it clear that, at the instigation  
17 of Superintendent Curran, they were having these fair  
18 and reasonable and inclusive and caring contacts with  
19 you. And I am just suggesting to you if that is so,  
20 that is not consistent with any suggestion that Mark  
21 Curran had an animus against you or was targeting you?

15:34

22 A. Well the visits by the inspectors, as appreciated as  
23 they were, and I mean that in all honesty, didn't  
24 extend to actually resolving the problem of taking full  
25 details off me in relation to my absences from the  
26 workplace.

15:35

27 650 Q. Superintendent Curran, in his conclusion remarks to his  
28 statement, states that the allegations that you have  
29 made against him of targeting and discrediting are

1 entirely without foundation.

2 A. Yes, I think I read that.

3 651 Q. In his interactions with you he always treated you with  
4 respect and due courtesy. His interactions and his  
5 intentions were genuine? 15:35

6 A. I think I read that, yes.

7 652 Q. Do you accept that?

8 A. I think I read that, but I -- the targeting --

9 653 Q. Do you accept that?

10 A. The targeting, discrediting I am speaking about is the 15:36  
11 fact that there was no investigation into my workplace  
12 absences conducted by Superintendent Curran.

13 654 Q. Do you accept his intentions towards were genuine?

14 A. If they were, he would have carried out the  
15 investigations which would have gone some way to 15:36  
16 resolving my difficulties in the workplace.

17 655 Q. I thought we might be able to finish with an agreement  
18 on this --

19 A. Excuse me?

20 656 Q. I thought we might be able to finish with an agreement 15:36  
21 on this: his intentions towards you were well meaning  
22 and were genuine, would you agree with that?

23 A. He was always cordial towards me.

24 657 Q. would you at least accept that -- Mark Curran had  
25 genuine intentions towards you? 15:36

26 A. Em, apart from the matter of not interviewing me, Mark  
27 was always cordial and respectful.

28 658 Q. And well intentioned?

29 A. I can't really answer that. I am sorry.

1 659 Q. Can I move on then to Assistant Commissioner Catherine  
2 Clancy. I don't really want to involve her in  
3 something if you are not, but at one point you seemed  
4 to, certainly in your written materials, include her in  
5 the crossfire. When did she leave the Guards, do you 15:37  
6 know?  
7 A. I am not sure.

8 660 Q. Well in the list of issues, Issue 2 is:  
9  
10 "Did Assistant Commissioner HRM or Chief Superintendent 15:38  
11 Phillips or Superintendent Mark Curran target or  
12 discredit Sergeant Hughes because he made a protected  
13 disclosure by (a) failing to carry out an investigation  
14 into his condition of work related stress (b) failing  
15 to establish whether the work related stress was injury 15:38  
16 on duty (c) treating his absences as due to ordinary  
17 illness so that his pay was subjected to reduction?"  
18  
19 So, Assistant Commissioner Catherine Clancy is, perhaps  
20 like some of her colleagues, really quite unclear as to 15:38  
21 why she's been drawn into this.  
22 A. I see that, yes.

23 661 Q. She has no animus against you. Never has. Would you  
24 accept that?  
25 A. It's, em -- she was in charge of a department that I 15:38  
26 feel should have looked into matters pertaining to me  
27 with a view to resolving those matters as soon as  
28 possible.

29 662 Q. All right. Would you just, would you just recount,

1 specifically now with respect to her, what do you say  
2 she did to target you? Her now.

3 A. The issues in relation to my sickness absences were --

4 663 Q. No, her, what did she do to target you?

5 A. Well she was in charge of HRM I think during a period 15:39  
6 when my sickness absences weren't investigated properly  
7 and it was her responsibility to procure those files,  
8 to assist the CMO and themselves in determining my  
9 situation in relation to my absences on duty.

10 664 Q. It is her belief that during her time in HRM she didn't 15:39  
11 know you, she didn't ever meet you, she didn't interact  
12 with you. Do you accept that?

13 A. I accept that, yes.

14 665 Q. And yet, you visit her with improper motivation of 15:40  
15 being involved in an organised cover-up to do you down  
16 and target you. Do you understand that that doesn't  
17 seem to make sense?

18 A. Yes. From the perspective of my pay reduction, my  
19 absences on duty not being investigated, these are  
20 matters that fall within Assistant Commissioner 15:40  
21 Clancy's remit. I understand in her statement she says  
22 that most of the time she wasn't at HRM, that's  
23 perfectly understandable, she didn't know me  
24 personally. But from my perspective I didn't know what  
25 was going on behind the scenes, I didn't know who was 15:40  
26 pulling strings in relation to getting things done or  
27 not done, and from my perspective HRM were cutting my  
28 pay without having the -- and not resolving the issues  
29 of the investigation files going forward at my expense.

1 666 Q. Does it provide you with any consolation or assurance  
2 that one of the people, and I am taking just this  
3 example, this A/C, Assistant Commissioner, she had no  
4 knowledge or acquaintance or desire to do you down; she  
5 simply didn't know you. 15:41

6 A. With respect, I think she, in her statement I think  
7 she's taken -- although she doesn't know me and she  
8 doesn't deal directly with these matters, she was  
9 taking responsibility for her department's performance  
10 in that regard. 15:41

11 667 Q. She retired from An Garda Síochána on the 1st October  
12 2008?

13 A. Yes.

14 668 Q. As I understand it, your primary grievance in relation  
15 to her, perhaps because she was the titular head of the 15:42  
16 responsible unit as you see it, your primary grievance  
17 relates to the reduction in your pay?

18 A. And the non-procurement of the investigation files.

19 669 Q. The non-procurement of the investigation files?

20 A. The sickness absences investigation files, which I 15:42  
21 think she requested on a couple of occasions with local  
22 management.

23 670 Q. I see. So just dealing with the pay issue for a moment  
24 and, to an extent, we have been over this but, ordinary  
25 illness and injury on duty, you'll be aware, because 15:43  
26 presumably you would have received professional legal  
27 advice on this issue, it is an issue that is capable of  
28 being complex; it's a complex issue.

29 A. I understand that.

1 671 Q. Yeah. So you can have the bog standard situation,  
2 which is not complex, of a garda being injured, a  
3 member being injured involved in a -- being hit by a  
4 getaway car mid robbery. Physical injury,  
5 straightforward injury on duty. 15:43

6 A. Correct.

7 672 Q. That's one end of the spectrum?

8 A. That's correct.

9 673 Q. The other end of the spectrum perhaps is your situation  
10 of a psychological injury that does or doesn't arise 15:43  
11 from an injury on duty. It's a more grey area, just to  
12 use neutral terms; it's less clear cut.

13 A. I understand that.

14 674 Q. It is an issue which has troubled policing authorities  
15 not just in Ireland but in neighbouring jurisdictions? 15:44

16 A. I accept possibly, I don't know.

17 675 Q. Right. Without going into the law on the issue,  
18 there's quite complex case law around the issue, you  
19 are aware of that?

20 A. I am. 15:44

21 CHAIRMAN: You are?

22 A. Well --

23 CHAIRMAN: Good man if you are. I'm sorry --

24 A. I should say I accept that. I don't have any argument  
25 with that. 15:44

26 CHAIRMAN: There are complications, Mr. O'Higgins, you  
27 are quite right.

28 MR. O'HIGGINS: All right.

29 CHAIRMAN: And then there is the case of a garda

1 tripping on the stairs. Anyway, that didn't happen in  
2 this case.

3 676 Q. MR. O'HIGGINS: A big component of the investigation  
4 that needs to be done is, of course, the medical  
5 element?

15:45

6 A. Yes, indeed.

7 677 Q. And the CMO, based upon the reports he had got, and  
8 looking at the matter carefully, determined that your  
9 difficulties arose from -- I am paraphrasing here --  
10 but ordinary policing duties?

15:45

11 A. I think he said that, yes.

12 678 Q. That may not have been music to your ears but it was a  
13 bona fide decision reached by him, would you agree with  
14 that?

15 A. I agree. But just to use your analogy there in  
16 relation to a garda that unfortunately had been hit by  
17 a car, and in my case a PTSD case, you can be assured  
18 that the CMO, in relation to the garda suffering  
19 physical injuries, will have received the full  
20 investigation file up at HRM for him to rely on in  
21 relation to that member of the Garda, for instance,  
22 that, did he walkout in front of the car or what caused  
23 injury? He would have to have a full investigation  
24 file up there. In my case there was no investigation  
25 file as to the circumstances of my absences made  
26 available to HRM to make any determination on the  
27 non-medical issues.

15:45

15:46

15:46

28 679 Q. Are you aware, sergeant -- presumably you are from the  
29 Tribunal documentation -- that assistant commissioner



1 in HRM directed local management to interview you in  
2 accordance with the Code?

3 A. I learned that after 2012.

4 680 Q. So do you not therefore accept that A/C Clancy was not  
5 targeting you at least in that regard? 15:46

6 A. In that regard, I think she made two -- I think she  
7 sent two reports down to local management requesting  
8 the investigation of my absences.

9 681 Q. Well if that is so, is it not therefore -- would it not  
10 have been reasonable to withdraw any criticism of her 15:47  
11 under that heading? She had asked if that would be  
12 done, so it'd be wrong, or perhaps worthy of  
13 withdrawing any criticism that accused her of targeting  
14 for failing to do that?

15 A. Well, in my view, one of the worst forms of sanction 15:47  
16 probably in respect of a member of An Garda Síochána is  
17 a 50% reduction in pay. And I think, with the greatest  
18 respect to Assistant Commissioner Clancy, that should  
19 have been forefront in their minds at the time, that  
20 before this major impactful process begins, let's make 15:47  
21 sure we have all the information here in front of us  
22 that will justify such a procedure. And unfortunately  
23 that didn't happen. It seemed to be left to an  
24 automatic system whereby a number of days were counted  
25 up and the pay is automatically reduced, which I find 15:48  
26 unsatisfactory, particularly being a victim of that  
27 process I believe that there should have been more of  
28 an input from Assistant Commissioner Clancy in that  
29 regard.

1 682 Q. There's just a few things there. You've mentioned the  
2 automated system?

3 A. Seems to be. I'm not sure.

4 683 Q. No, no, I think that's the word you used. You're aware  
5 that under the system it's automatic that after X 15:48  
6 number of days, unless something else happens, it's  
7 automatic that there is a reduction of the pay. So  
8 Catherine Clancy didn't make a decision to dock your  
9 salary.

10 A. It's automatic unless there is an intervention from 15:49  
11 HRM.

12 684 Q. But under the process, if that's not done -- and it'll  
13 for the Mr. Chairman to decide the combination of the  
14 circumstances that brought that about and whether that  
15 was targeting or not. Parking that, because those 15:49  
16 various required things didn't happen, it meant  
17 automatically, without Catherine Clancy making a  
18 positive step to do you down, it meant, automatically,  
19 that your pay was docked?

20 A. But again it's just -- and respect to Assistant 15:49  
21 Commissioner Clancy, that's the position, that's the  
22 system over which she presided and, you know, the  
23 reduction of a member's pay is a very serious matter  
24 and it shouldn't be left to automation and that she  
25 should have been involved in that process from the 15:49  
26 outset.

27 685 Q. Well just in relation, say, to the medical  
28 complexities, which I think we have seen were  
29 considerable, it was reasonable, wasn't it, that from a

1 medical point of view it was preferable that you could  
2 discuss matters with your own doctors rather than  
3 management discussing it on your behalf?  
4 A. I could always discuss matters with my own doctor but  
5 it wouldn't further the investigative process that our 15:50  
6 local management were obliged to undertake.  
7 686 Q. But you see, in order -- when an effort is being made  
8 to move this on by Dr. Quigley, you seem to take  
9 umbrage at you being referred to a psychiatrist?  
10 A. As, sorry? 15:50  
11 CHAIRMAN: As what?  
12 MR. O'HIGGINS: Being referred to a psychiatrist.  
13 CHAIRMAN: Oh yes.  
14 687 Q. MR. O'HIGGINS: You were taking umbrage at the various  
15 steps towards progressing the matter? 15:50  
16 A. Yes, I was recognising that I was being sent repeatedly  
17 to psychiatrists when Dr. Quigley knew at the time that  
18 there was input, and a serious amount of input required  
19 from HRM which was not forthcoming, and I don't think  
20 it was possible to make a decision, a proper decision 15:51  
21 in relation to my pay -- we're talking about pay  
22 here -- unless those matters were dealt with properly  
23 and I think in the circumstances, and I see there  
24 through papers there, there was confusion between HRM  
25 and the CMO as to who should determine the injury, and 15:51  
26 in that case then, if there was confusion, I think they  
27 should have opted and deferred to leaving the pay on  
28 full tap until they make their decision. Now, if there  
29 was any monies owing as a result of arriving at a

1 decision that would be against me, well then we can  
2 come to an arrangement to recoup that for the State.

3 688 Q. Just staying with the interconnection with the medical  
4 appraisal, you objected to being referred to a  
5 psychiatrist, but what I am wondering is: did you not 15:52  
6 want to get to the bottom of the medical position so  
7 that you'd get better?

8 A. But I knew perfectly well what the problems were. The  
9 problems were of a non-medical nature which were not  
10 being investigated by my local management. 15:52

11 689 Q. But your medics were prescribing particular medical  
12 remedies and some medication and psychotherapy and  
13 counselling, and you were spurning each of them?

14 A. Well I didn't avail of those psychotropic decisions or  
15 recommendations, and I felt that -- my own opinion was 15:52  
16 to stay away from work was the best remedy until  
17 matters were resolved in the workplace.

18 690 Q. On one occasion, amn't I correct, Dr. Quigley wanted to  
19 send to you a psychiatrist but you refused and you  
20 stated you had no choice but to admit yourself to St. 15:53  
21 Patrick's?

22 A. To admit myself to St. Patrick's?

23 691 Q. Isn't that what you said?

24 A. No. That was the first meeting with Dr. Quigley when  
25 he had no information from Garda authorities as to my 15:53  
26 workplace absence and when he -- I was reporting sick  
27 with work related stress and in my -- I am not a  
28 medical person, but in my estimation work related  
29 stress is not a psychiatric illness, and when he

1 mentioned going to a psychiatrist, I thought at the  
2 time it was unnecessary, that if I am reporting with  
3 work related stress, that the stressor should be  
4 removed from the workplace, and the only way to do that  
5 is to have the matter investigated on-the-ground. 15:53

6 692 Q. But it seems to be a situation, sergeant, where you're  
7 bristling at being referred to a psychiatrist, even  
8 though you seem to have sought it yourself, and then  
9 when that is pointed out, you take umbrage of the  
10 mention, and you particularly take umbrage at the 15:53  
11 referral to another psychiatrist?

12 A. Well the matter of a psychiatrist was a recommendation  
13 by my -- by Séan Costello, solicitor. So I followed  
14 his advice on that.

15 693 Q. I thought you -- 15:54

16 A. That was Dr. Corry.

17 CHAIRMAN: That was Dr. Corry. But I think he's  
18 talking about Dr. Fernandez, who is Dr. Reilly's  
19 referee.

20 A. Yes. And I didn't comment on this. With Dr. 15:54  
21 Fernandez, I quickly saw that, you know, despite Dr.  
22 Fernandez's qualifications, but I knew from my meetings  
23 with him that it wouldn't resolve the issues in the  
24 workplace.

25 694 Q. MR. O'HIGGINS: Your own GP referred you to Dr. 15:54  
26 Fernandez, isn't that right?

27 A. He did.

28 695 Q. Not your solicitor?

29 A. Not my solicitor, no. This was in the earliest days of

1 the debacle.

2 696 Q. And referred you because you asked to be referred?

3 A. To? By -- to Dr. Reilly, is it?

4 697 Q. To Dr. Fernandez.

5 A. Dr. Reilly was -- he suggested that I go, yes. 15:54

6 CHAIRMAN: I'm sorry, he suggested you go to Dr.

7 Fernandez.

8 MR. O' HIGGINS: Yes.

9 A. Yes.

10 CHAIRMAN: And the solicitor suggested you go to 15:55

11 Dr. Corry.

12 A. Exactly.

13 CHAIRMAN: Okay.

14 698 Q. MR. O' HIGGINS: Was this done against your wishes?

15 A. No, no. Initially when Dr. Reilly suggested that I 15:55

16 went to see Dr. Fernandez, it wasn't anything my will,

17 I just went to see, but I quickly saw that -- I think I

18 had two meetings with Dr. Fernandez -- it wasn't going

19 to -- from my perspective, it wasn't going to resolve

20 the matters in the workplace. 15:55

21 699 Q. Do you not agree that these were difficult issues that

22 required input from a number, particularly in your

23 case, a number of specialists and obviously,

24 regrettable from your point of view, required more than

25 one consultation? 15:55

26 A. This is with Dr. Fernandez, is it?

27 700 Q. With the range of issues which you reported to your

28 various medics over the period?

29 A. Yes. And the issues that I was reporting throughout,

1           they were work related and the resolution of my  
2           problems to a large extent lay in the workplace.

3   701   Q.    You see, in fairness to a general practitioner, they  
4           can only, first of all, rely on what you report and,  
5           second of all, psychiatric disorders aren't their           15:56  
6           specialty, they have to send it on to a specialist?

7           A.    Yes.  And when I turned up to see, say, for instance,  
8           Dr. Devitt, if I was able to report to him, yes,  
9           management have sat me down, I was totally wrong in my  
10          assertions, they pointed out where I was wrong and I           15:56  
11          accept fully now I was mistaken and I feel a lot better  
12          about it now, but management never called me in to  
13          actually discuss the problems that I had, and as a  
14          result of that then the situation deteriorated.

15   702   Q.    Doubtless you were advised by your own lawyers that           15:57  
16          this is a difficult grey area, injury on duty  
17          classification?

18          A.    Sorry, I beg your pardon?

19   703   Q.    The injury on duty classification, you would have  
20          learned, and I am not inviting you to talk about your           15:57  
21          legal advice, but you would have understood it is a  
22          problematic, difficult area?

23          A.    Yes, indeed.

24   704   Q.    Yeah.  So you didn't take a court case over this issue  
25          until much later on?   15:57  
26          A.    2010 I think it was.

27   705   Q.    Yes.

28          A.    Yes.

29   706   Q.    And I am suggesting to you that on an overall reading

1 of the materials, and I know there's a lot of them, and  
2 the correspondence, the enquiries that were needed  
3 stalled in large measure because you didn't cooperate?  
4 A. Excuse me?  
5 707 Q. You didn't cooperate and your medical position changed? 15:58  
6 A. I didn't cooperate with - sorry - who?  
7 708 Q. You didn't cooperate with your own treating doctors in  
8 terms of your treatment?  
9 A. Yes, because I strongly believed that the resolution of  
10 the matters lay in the workplace, to the greatest 15:58  
11 extent.  
12 709 Q. You had a staff association and Employee Assistance  
13 Service?  
14 A. Yes. AGSI and the Employee Assistance Service, yes.  
15 710 Q. Inspector Lucy [sic], we now know, met you in July of 15:58  
16 '11 specifically to tell you had gone over the 183 days  
17 and to make sure your medical certs were in the correct  
18 format?  
19 A. Yes.  
20 711 Q. Management were looking to keep you on side on this, 15:58  
21 were trying to help you?  
22 A. Again they were not investigating my reasons for my  
23 absences on duty and also, the reports I furnished to  
24 Inspector Lacey, I think you mentioned three of them  
25 there, went unanswered. 15:59  
26 712 Q. Thank you.  
27  
28 Chairman, I have a little bit more to go.  
29 CHAIRMAN: Yes, that is no problem. On this topic?



1 MR. O' HIGGINS: On this topic.

2 CHAIRMAN: That is fine.

3 MR. O' HIGGINS: And I don't anticipate actually that  
4 I'll be too much longer tomorrow, Chairman. I actually  
5 think -- 15:59

6 CHAIRMAN: whatever happens, whatever happens, I am  
7 sure -- and Mr. Lynn is ready I am sure to take up the  
8 situation and I have no problem with any of that. And  
9 whether you're long or short, again, sorry -- whether  
10 you are long or short doesn't matter either, do you 15:59  
11 know what I mean. We've set it out, and for reasons of  
12 convenience to be able to tell other witnesses, look,  
13 for definite when they were, it seemed sensible to  
14 block out the week, which doesn't mean we have to take  
15 the week. And be assured that if we finish early, we 16:00  
16 in the Tribunal have plenty to keep us occupied, just  
17 as I am sure that you have plenty to keep you occupied,  
18 other than perhaps this case. So don't be under any  
19 difficulties about that.

20 16:00

21 Can I just clarify one point before we go,  
22 Mr. O'Higgins? When you say that Sergeant Hughes  
23 didn't cooperate with his own medical professionals,  
24 you're talking about getting counselling, taking the  
25 antidepressants, et cetera, et cetera, is that what you 16:00  
26 are talking about?

27 MR. O' HIGGINS: Yes, that is what I am referring to,  
28 Chairman.

29 CHAIRMAN: And Sergeant Hughes agreed with that and he

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explained why he didn't want to do that. Okay. Well we will continue on this topic for some time tomorrow and then you will proceed with any other subjects. Thank you very much.

MR. O' HIGGINS: Thank you.

16:01

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