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

<u>HEARING HELD IN DUBLIN CASTLE</u> <u>ON TUESDAY, 15TH FEBRUARY 2022 - DAY 166</u>

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

GWEN MALONE STENOGRAPHY SERVICES

APPEARANCES

SOLE MEMBER:	MR. Fori Appi	JUSTICE SEAN RYAN, MER PRESIDENT OF THE COURT OF EAL
REGI STRAR:	MR.	PETER KAVANAGH
FOR THE TRIBUNAL:	MR.	DI ARMAI D McGUI NNESS SC PATRI CK MARRI NAN SC SI NÉAD McGRATH BL
SOLICITOR TO THE TRIBUNA	L:	MS. CIARA WALSH
FOR SERGEANT WILLIAM HUG	HES:	MR. MICHAEL LYNN SC MR. COLM O'DWYER SC MS. NÓRA NÍ LOINSIGH BL MR. FINN KEYES BL
INSTRUCTED BY:		MR. DARA ROBINSON MS. AOIFE KAVANAGH SHEEHAN & PARTNERS 130 CUNNINGHAM HOUSE FRANCIS STREET THE LIBERTIES DUBLIN 8
FOR THE COMMISSIONER OF AN GARDA SÍOCHÁNA:	MR. MR. MR.	

MS. KATE EGAN BL

INSTRUCTED BY: MR. CORMAC FORRISTAL MS. MAIREAD BURKE CHIEF STATE SOLICITOR'S OFFICE OSMOND HOUSE LITTLE SHIP STREET DUBLIN 8

FOR ASSISTANT COMMISSIONER FINTAN FANNING: MR. PAUL MCGARRY SC MR. JOHN FERRY BL

INSTRUCTED BY: MR. ANDREW FREEMAN SEAN COSTELLO & COMPANY SOLICITORS HALIDAY HOUSE 32 ARRAN QUAY SMITHFIELD DUBLIN 7 FOR GARDA NYHAN: INSTRUCTED BY: MR. JAMES KANE BL

MS. ELIZABETH HUGHES MS. ÉABHALL NÍ CHEALLACHÁI HUGHES MURPHY SOLICITORS 13 WELLINGTON QUAY TEMPLE BAR DUBLIN 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.

DETECTIVE SUPERINTENDENT MICHAEL CRYAN

DIRECTLY EXAMINED BY MR. MCGUINNESS	6
CROSS-EXAMINED BY MR. O'DWYER	53
CROSS-EXAMINED BY MR. O'HIGGINS	93
RE-EXAMINED BY MR. MCGUINNESS	100

CHIEF SUPERINTENDENT KEVIN DONOHOE

DIRECTLY EXAMINED BY MR. MCGUINNESS	107
CROSS-EXAMINED BY MS. O LOINSIGH	136
CROSS-EXAMINED BY MS. HORAN	162
RE-EXAMINED BY MR. MCGUINNESS	175

PAGE

1 THE HEARING RESUMED, AS FOLLOWS, ON TUESDAY, 15TH 2 FEBRUARY 2022: 3 Good morning everybody. 4 CHAI RMAN: 5 MR. McGUI NNESS: Good morning Chairman. 10:31 6 CHAI RMAN: Good morning, thank you. Chairman, it is envisaged that we 7 MR. McGUI NNESS: 8 would have two witnesses today: Detective 9 Superintendent Cryan, who will be here in a moment, and Retired Superintendent Donohue. 10 10.31 11 CHAI RMAN: Yes. 12 MR. McGUI NNESS: If you just bear with us for a moment. 13 Of course, yes. That is no problem. CHAI RMAN: It's 14 not worth my heading back, we don't exactly have an 15 ante room. So there is no point in my leaving unless 10:32 16 we have ten minutes or so. Okav. 17 [SHORT PAUSE]. Our first witness is here, Chairman. 18 MR. McGUI NNESS: 19 20 DETECTIVE SUPERINTENDENT MICHAEL CRYAN, HAVING BEEN 10:32 21 SWORN, WAS DIRECTLY EXAMINED BY MR. McGUINNESS, AS 22 FOLLOWS: 23 24 Thanks very much, Detective Superintendent, CHAI RMAN: 25 thank vou. 10.33 Just for the information of the 26 MR. McGUI NNESS: 27 parties, Chairman, the Detective Superintendent's statement is at page 716 onwards of our documents. 28 29 CHAIRMAN: Yes, thank you much.

6

2superintendent based in Harcourt Street, is that right?3Could you repeat that, please?4A.I am attached to the Garda National Economic Crime5Bureau in Harcourt Square.622Q.Thanks. And I think at the time that the Tribunal is7concerned with you had been originally assigned to8concerned with you had been originally assigned to8colock I think, in January of 2005?9A.9A.10coolock: 15th February 2005.11312A.4Yes. And that was as an inspector?12A.4Q.4were assigned to be transferred to Swords as an15inspector, is that correct?16A.17518way until July of that year, is that right?19A.19A.11B.10co June perhaps?111012A.134141515916A.175181019A.19Em1061010111012A.131014marceret, yes.15101610175181019101910 <th>1</th> <th>1</th> <th>Q.</th> <th>MR. McGUINNESS: I think are you currently a detective</th> <th></th>	1	1	Q.	MR. McGUINNESS: I think are you currently a detective	
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	26			you were transferred to Pearse Street?	
	27		Α.	That's correct, yes.	
28 8 Q. And at the time we're talking about now, how well did	28	8	Q.	And at the time we're talking about now, how well did	
29 you know Sergeant Hughes?	29			you know Sergeant Hughes?	

Gwer, Malone Stenography Services Ltc.

1 Not well. I would have served -- I served in Store Α. 2 Street for ten years, from approximately 1990 to 2000; he was leaving Fitzgibbon Street, so I did know him 3 before I came out there -- not terribly well. '05 and 4 5 '06, again I would have had interactions with him, not 10:35 a lot, but I would have had interactions with him, 6 7 I wouldn't have known him terribly well. I was veah. 8 in a different unit. He was community policing. Inspecor Waters was his supervisor, shall we say, and 9 Inspector Melvin was the inspector in charge of Swords. 10 10.35 11 But I would have been in Swords and I would have come 12 across him and I would have come across him, yeah. 13 And I think at the time of the murder, can I ask you. 9 Q. 14 had you been familiar with the events relating to the abduction of Ms. Saulite's children and/or the attack 15 10:35 16 on Mr. Hennessy's house and/or the attack on her car? 17 Yeah, I was aware of all three, yeah. Α. 18 10 Yes. At the time immediately prior to the murder, had Q. 19 you become aware of a threat to Mr. Hennessy? 20 I was aware of the criminal damage. How long after it Α. 10:36 happened, I don't know, but I was aware of the murder 21 22 and I was aware of the threat to him as well, yes. 23 And I think you received a phone call on the 11 Yes. Q. 24 night of the murder informing you of that? 25 We had -- or Superintendent McLoughlin had been Α. Yes. 10.36 the superintendent and there had been four inspectors 26 27 in a short period it went from superintendent and four 28 inspectors to two inspectors, which was myself and Inspector Waters. To the best of recollection and 29

8

1			memory is that Inspector Waters was away that weekend	
2			and I was rang twice on the night, I was rang by	
3			Sergeant Kavanagh and Sergeant Ambrose.	
4	12	Q.	Yes. And I think you made a statement outlining your	
5			involvement it commences at page 760 of our	10:37
6			documentation and this was a statement made in	
7			October of 2007?	
8		Α.	Yeah, that was before I left, yeah, yeah.	
9	13	Q.	Just to be clear, was that statement made in connection	
10			with any particular investigation or fact-finding or	10:37
11			inquiry?	
12		Α.	My recollection is, just because I was leaving, I knew	
13			I was leaving and I just left the statement for the	
14			investigation. I don't believe it was part it	
15			certainly wasn't part of the fact-finding and I made	10:37
16			two statements to Inspector Dwyer, two very short	
17			statements.	
18	14	Q.	Yes	
19		Α.	But that was a year later.	
20	15	Q.	Yes.	10:37
21		Α.	Yeah.	
22	16	Q.	And that was in connection with a confidential	
23			recipient investigation, is that right?	
24		Α.	I thought it was the discipline, but I could be wrong.	
25	17	Q.	You think it was discipline?	10:38
26		Α.	Yeah, I could be wrong now. I just	
27	18	Q.	we'll come back to that.	
28		Α.	Yeah, I probably made that because I was leaving and it	
29			was just my recollection of what I did, yeah.	

1	19	Q.	Okay. And you had notes I think?	
2		Α.	Yeah.	
3	20	Q.	And were you in the practice of keeping of notes?	
4		Α.	I am, yeah. Still am, yeah.	
5	21	Q.	All right. Perhaps we'd look at the notes first, and	10:38
6			there's a typed copy, I think, commencing on page 738.	
7		Α.	I have the originals.	
8	22	Q.	You have the original there?	
9		Α.	I have the originals.	
10	23	Q.	And about a third of the way down the page there's	10:38
11			the page commences by you receiving information about	
12			the fatal shooting. And then at 10:22, have you a note	
13			there. Could you talk us through that note?	
14		Α.	Yeah. 10:22pm I remember it, I was on my way to the	
15			scene. I rang Liam Hughes. I was aware of his	10:39
16			involvement. I was aware that he had led the abduction	
17			case. I was aware that there had been a plea of	
18			guilty. I was aware who at this stage I was aware	
19			of who the injured party was because I had been told in	
20			the phone call.	10:39
21	24	Q.	Yes	
22		Α.	My note I have is he was shocked, he expressed some	
23			concerns for his own safety and that of Garda Nyhan as	
24			Mr. A had also made vague threats against them. I told	
25			him to ring Swords and get the SHO, which was the	10:39
26			sergeant on duty, to contact his local station and that	
27			of Garda Nyhan's and seek attention. And then he made	
28			no mention of specific, he used the word 'vague'.	
29	25	Q.	Yes. And you noted that at the time?	

1		Α.	Yes. Later, that was what? that was 10:20, I went to	
2			the scene, I went back to Swords, I would say, probably	
3			one or two o'clock in the morning and I took out a page	
4			and I wrote it down, and I took the times from my	
5			phone, my mobile my then mobile.	10:39
6	26	Q.	You checked the time of the call, as it were?	
7		Α.	Yes.	
8	27	Q.	When you were making your notes?	
9		Α.	When I made my notes, I just looked at the phone: rang	
10			X at this, Y at this, yeah, incoming and outgoing, and	10:40
11			that is why I am so specific with the calls.	
12	28	Q.	Yes. The next day then you were in Swords Garda	
13			Station, is that right?	
14		Α.	That's the Monday, yes.	
15	29	Q.	Yes. And that was the 20th then?	10:40
16		Α.	Yeah.	
17	30	Q.	And by reference to your notes, or if you can rely on	
18			your memory, would you just tell the Chairman then what	
19			happened? You arrived at Swords Garda Station, were	
20			you going there for a conference as such?	10:40
21		Α.	Yeah. Yeah, conference, yeah. As far as I remember, I	
22			went to the scene first of all on the way there just to	
23			make sure, just to look at what guards were there and	
24			everything was okay.	
25	31	Q.	Yes	10:40
26		Α.	I then went to Swords because there was a conference,	
27			yeah.	
28	32	Q.	And how had you learnt of the conference, or how would	
29			you expect to learn of it?	

2one?333Q.4A.For this one, it was probably arranged the night5before. We had we sat in the DDU office in Swords6and it was probably agreed that we'd have a there'd7be a conference in the morning. There's always a8conference.934Q.7Yeah. And you have noted in your diary: "Attended10conference 11: 00am"?11A.7Yeah, that's what I have here, yeah.12359.And you've got Assistant Commissioner McHugh, and he13was in charge of the Dublin Metropolitan Region?14A.15369.At that time. Detective Chief White?16A.17Investigation, he's retired long yeah.1837Q.37Q.34Q.35Q.36Q.36Q.37Q.37Q.36Q.37Q.36Q.37Q.36Q.37Q.37Q.37Q.37Q.37Q.37Q.37Q.36Q.37Q.37Q.37Q.38Q.39Q.39Q.39Q.39Q. <t< th=""><th>41</th></t<>	41
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18 37 Q. Chief Superintendent Phillips?	
19 A. Yeah.	
20 38 Q. Detective Superintendent Fitzpatrick and Byrne?	41
A. Yeah, Fitzpatrick he was in the National Bureau of	
22 Criminal Investigation as well, and again long retired.	
23 39 Q. Yes. And Detective Superintendent Michael Byrne from	
24 Coolock?	
25 A. Santry. 10:	41
26 40 Q. Santry.	
A. Santry. He was the detective super for the DMR North	
28 Division.	
29 41 Q. Yourself and Inspector O'Sullivan and Inspector Waters?	

1		Α.	And me, yeah. I didn't record after that, yeah.	
2			There's an attendance sheet kept.	
3	42	Q.	That's what I was going to ask you. I mean was there a	
4			much more extensive attendance	
5		Α.	Oh yeah.	10:42
6	43	Q.	of guards, detectives	
7		Α.	Sergeants, there was, yeah.	
8	44	Q.	And who was presiding over that?	
9		Α.	Walter O'Sullivan would have been the appointed SIO -	
10			Senior Investigating Officer he chaired the	10:42
11			conference.	
12	45	Q.	Right. And was that a decision that would have been	
13			made by the assistant commissioner at the time, or	
14			would that be the chief super's call, as it were?	
15		Α.	It's the the procedure is the chief superintendent,	10:42
16			detective superintendent and the district	
17			superintendent, which in this case was Inspector Waters	
18			acting, they appoint the SIO.	
19	46	Q.	Okay. And did you notice whether or not Sergeant	
20			Hughes was there or Garda Nyhan was there, or did you	10:42
21			know anything about their whereabouts at that time?	
22		Α.	No, I don't remember were they there or not. I know	
23			from listening here, I have heard, but I don't	
24			personally remember, no.	
25	47	Q.	And do I understand that you've obviously then no	10:43
26			recollection of seeing either of them or speaking to	
27			them?	
28		Α.	Not on the Monday, no, no.	
29	48	Q.	Right, okay. You do record there that the level of	

1			protection in relation to Mr. Hennessy was discussed?	
2		Α.	That was at a different meeting.	
-	49	Q.	That was a at a different	
4		<u>А.</u>	There was a different meeting, I call it a conference,	
5			there was a mostion in the shiefly chief	0:43
6			Superintendent Phillip's office and it was about	
7			CHAIRMAN: Peter, could you scroll down so that we	
8			could see the relevant notes at the time?	
9			MR. McGUINNESS: Sorry, this is at the top of page 739.	
10				0:43
11			MR. McGUINNESS: That's my fault.	
12	50	Q.	And what was the purpose of this second meeting?	
13		Α.	It was to decide what level of protection, how it was	
14			escalated in relation to Mr. Hennessy.	
15	51	Q.	Yes. Mr. Hennessy had, I think, already been visited 🔒	0:43
16			on the 11th October and there were a number of	
17			different protection issues put in place for him, but	
18			this was a higher level, is that correct?	
19		Α.	Yeah, yeah. What was to be decided here was did he	
20			need full time 24 hour protection.	0:44
21	52	Q.	Yes. And I think an order was made, is that correct?	
22		Α.	A decision was made to provide it initially, I think it	
23			was for a short period, and I was tasked with doing up	
24			a protection order, yeah.	
25	53	Q.	We needn't go into the ins and outs of it, but there is ${}_1$	0:44
26			a necessity for you to make an order, and you made the	
27			order?	
28		Α.	Yeah. The purpose behind it really was so that the	
29			people doing it knew what their function was.	

1	54	Q.	Yeah	
2		Α.	What their task was, what their roles were, yeah.	
3	55	Q.	Yeah. Okay. And later, on the 21st then, you have a	
4			note at 1:15, if we scroll down the page, further down	
5			on the typed	10:45
6		Α.	That's Tuesday, that's the next day.	
7	56	Q.	Yes. And you have these on individual handwritten	
8			notes?	
9		Α.	Yeah.	
10	57	Q.	It's not all on the one page?	10:45
11		Α.	Oh no.	
12	58	Q.	Such as we have it?	
13		Α.	Yeah.	
14	59	Q.	And you have a note there that you called him?	
15		Α.	That was the next day.	10:45
16	60	Q.	Yeah, on the next day?	
17		Α.	That was the 22nd.	
18	61	Q.	On his mobile from his office. Had you gone to his	
19			office?	
20		Α.	Yeah, I went into his office for privacy, I went into	10:45
21			his office, I rang him from there, yeah. I can't I	
22			probably rang him from the landline as against ringing	
23			from my mobile, I just don't remember.	
24	62	Q.	Yes. And you record there you rang for two reasons.	
25			And what was the first reason, was it just to check on	10:45
26			his, sort of, well being?	
27		Α.	Yeah. Because I knew, I knew of his involvement, and	
28			when I rang him on the night he was certainly shocked	
29			by the news, and that was one just to see how he was,	

1			to make sure he was okay. And the second one was,	
2			Detective Sergeant McEneaney had asked me to get a copy	
3			of the file on the abduction.	
4	63	Q.	You're recording here why you were ringing him, and	
5			then you record the conversation, as it were?	10:46
6		Α.	Yeah.	
7	64	Q.	So obviously this was a note made slightly later in the	
8			day?	
9		Α.	Yes. Some of the times my notes, I do it straightaway.	
10			Sometimes half an hour. Really, the purpose of the	10:46
11			notes is to aid my memory afterwards and	
12			decision-making process and all of that, yeah.	
13	65	Q.	And I suppose it can be important to record when you	
14			became aware of something or when you did something.	
15		Α.	Yes. I find it very important to note specifically	10:46
16			what I heard and at a particular time, who told me as	
17			well. Because later in a day in a fast-moving	
18			investigation you can get information from lots of	
19			different sources and your decision-making process	
20			could change. So that's why I note things.	10:47
21	66	Q.	Yeah. But are you confident you made this note that	
22			day?	
23		Α.	Absolutely, yeah. Yeah, yeah, yeah, yeah.	
24	67	Q.	Okay. The second reason there related to I think	
25			it's Sergeant McEneaney we may have that misspelt?	10:47
26		Α.	Yeah, yeah. Ciaran McEneaney, yeah.	
27	68	Q.	And he had made a request of you to get the file?	
28		Α.	Yes.	
29	69	Q.	And you seem to have been aware of a report, which we	

1			have seen in our papers from Sergeant Kavanagh, about	
2			the threats issue we don't need to look at that	
3			but they were getting passing attention in their house?	
4		Α.	Yes. That arose, and again I know that now	
5	70	Q.	Yes	10:47
6		Α.	because Sergeant Hughes had rang Swords and spoke to	
7			Bob Kavanagh, and Bob Kavanagh had made calls, yeah. I	
8			hadn't arranged it or anything, yeah.	
9	71	Q.	Yes	
10		Α.	I had made the suggestion to him though.	10:47
11	72	Q.	You had?	
12		Α.	To Sergeant Hughes on the night.	
13	73	Q.	Yes. And then you record something else you were aware	
14			of, that he had been advised of the services of peer	
15			support and welfare officer by those two sergeants?	10:48
16		Α.	Yeah.	
17	74	Q.	And who had reported that to you?	
18		Α.	My recollection is it was Bob Kavanagh, yeah; I would	
19			have known Bob Kavanagh quite well.	
20	75	Q.	You then record Sergeant Hughes there. And could you	10:48
21			just give us your own account there?	
22		Α.	Yeah. He was still very shocked. In his own words, he	
23			couldn't believe that it had come to this her	
24			murder. He told me he kept racking his brain to see if	
25			there was something else he could have done to prevent	10:48
26			it by that I mean the murder. He expressed anger	
27			that more than had not been done to prevent it. To	
28			him, I expressed my belief that from what I knew he had	
29			done all he could in the investigation and I wasn't	

1			aware of any specific threats to her or sorry,	
2			specific threats, when I say 'he', I mean Mr. A, and	
2			that any information I had was or I knew of was that	
4			the threats were against the solicitor only.	
4 5	70	0		
	/0	Q.		10:48
6			stage about whether the fact that there were threats to	
7			him, the solicitor, might be relevant to or be extended	
8			to a threat to her?	
9		Α.	Sorry?	
10	77	Q.		10:49
11			about threats to Mr. Hennessy being relevant to threats	
12			to her?	
13		Α.	I wasn't aware of any threats to her. I, more than	
14			likely, had discussions with people about the threats	
15			to him, yes.	10:49
16	78	Q.	Yes	
17		Α.	Part of would have been passing attention to his home	
18			and his work.	
19	79	Q.	Yes	
20		Α.	And I would have been just, on nights, making sure that 🛛	10:49
21			this would have been done by the regular units, yeah.	
22	80	Q.	Sergeant Hughes, you record there as saying that he had	
23			made threats against him and Garda Nyhan also?	
24		Α.	Yes.	
25	81	Q.	" and expressed anger that no one in authority had 1	10:49
26		•	rang to see how he was."	
27		Α.	Yeah. Again, I record that as one of the things and I	
28		, . .	pointed out to him: well, I am ringing you now to see	
29			how you are.	
23			now you are.	

1 I see. You seem to have countered, as it were, by 82 Q. 2 pointing out he hadn't referred to specific threat? 3 Α. Yeah. Did he go into any detail then? 4 83 0. 5 What I have there: basically, he agreed that he hadn't 10:50 Α. 6 told me on the night that there was specific threats, 7 but what he said was that the significance of the 8 threat only became obvious after the murder. 9 84 Okay. Q. He then talked about being angry and annoyed that 10 Α. 10.50 11 somebody in the DDU would try and blame him for not 12 doing his job properly. 13 85 well was the anger and annoyance, was it forward Q. Okav. 14 looking as to what he thought somebody in the DDU might 15 do, or was he expressing anger for any other reason? 10:50 16 He -- It's hard to know looking back. He certainly --Α. I know now that he had a poor relationship with 17 18 Detective Sergeant McEneaney. He was trying to say at 19 some stage that nobody had helped him, from the DDU, in 20 the investigation of the abduction and I pointed out to 10:51 him that a Garda Campbell had helped him, had been 21 22 involved in the abduction, and Garda Campbell had been 23 part of the detective unit. He was venting, and I was 24 taking it and listening and... Yeah. 25 86 He was also saying that he didn't want the Q. 10.51D/Superintendent ringing him? 26 27 Α. Yeah, he made a comment he didn't want anyone in the 28 DDU, especially the D/Sergeant or the D/Super to ring him, and he wanted to talk to somebody in uniform. And 29

19

1 again, I know now that his relationship with both those 2 men was poor, I didn't know that at the time --3 87 Q. Okay. -- and I volunteered to be there if need be. 4 Α. 5 88 And is that the D/Superintendent in Santry? Q. 10:51 6 Yeah, Byrne, yeah, Mick Byrne, yeah, yeah. Α. 7 89 You record there: Q. 8 "He asked someone in uniform be appointed to deal with 9 him." 10 10.5111 Did he use those words or does it have that sort of --12 13 I have -- it sounds very formal there. Α. 14 90 Ο. Yes. 15 It does. Whether -- it's what I've recorded appointed, 10:52 Α. 16 I don't know whether he meant it to be that formal or 17 not, but he wanted to talk to somebody in uniform, to 18 deal with somebody in uniform. 19 91 Q. You then go on to record him making some comments about his own investigation, and could you just describe that 10:52 20 to the Chairman there? 21 22 Yeah, he stated that no one in the DDU had assisted in Α. 23 the investigation of the child abduction case and he 24 felt that he and Garda Nyhan were being left out to 25 I pointed out that Garda Alan Campbell, who was drv. 10.5226 then in the DDU, had assisted and done the covering 27 report, and that the DDU had investigated the criminal 28 damage to the solicitor's house. He explained that --29 he said -- I use the word 'explained', but he said this

20

1 was not investigated properly -- that was his view 2 obviously -- and neither was the criminal damage to her 3 car by the gardaí in Malahide. I pointed out to him that I was actually aware of that case because on the 4 5 15/11, I had actually met Sergeant Ambrose. Sergeant 10:53 6 Ambrose was -- I was inspector in charge of unit B, 7 Sergeant Ambrose was the sergeant in charge of unit B 8 in Malahide, and I had actually discussed it with Sergeant Ambrose because the original investigating 9 guard had moved and I had instructed Sergeant Ambrose 10 10.53 11 to appoint a new investigating guard to make sure that 12 it didn't -- that it was still being dealt with, that 13 there was a new garda appointed. So I was aware of it. 14 15 Sergeant Hughes said the whole three should have been 10:53 16 investigated by the same persons. He then asked me to 17 ring Sergeant Nyhan and I said I would in the 18 afternoon. I asked for a copy of the file on the 19 abduction and he said it was locked in his office and 20 he would come in and leave it for me later on in the 10:53 21 dav. 22 The garda who had been involved in that investigation, 92 Q. 23 was that Garda Kelly? 24 Yeah, Janine Kelly, she was the first one I think, Α. 25 veah. 10:53 She had taken the statement from Ms. Saulite at that 26 93 0. 27 stage? 28 She -- yeah, she had been at the scene on the night, Α. 29 yeah.

21

1	94	Q.	And that had all been put on Pulse as well?	
2		Α.	Yeah, it was, yeah. Well the incident was put on	
3			Pulse, yeah.	
4	95	Q.	Obviously the investigation into the abduction started	
5			at the end of 2004, in the early part of 2005, isn't	10:54
6			that right?	
7		Α.	It had started before I came there, yeah. I started on	
8			the 15th February '05, so it had started at that stage,	
9			yeah.	
10	96	Q.	And do you know whether the investigation into that had	10:54
11			been completed, as opposed to the prosecution now, the	
12			investigation had been completed?	
13		Α.	The vast majority	
14	97	Q.	before the two other incidents?	
15		Α.	Oh absolutely. The vast majority of that investigation	10:54
16			was done before the, I would say done before the file	
17			went into the DPP. I know Mr. Hennessy made reference	
18			yesterday the file was at the DPP for ten months, so he	
19			was charged, I believe, in the summer 2005, I think.	
20	98	Q.	'05.	10:55
21		Α.	'05. So possibly, yeah. So it was that was done.	
22			We were at trial process at this stage; the trial was	
23			up and coming, yeah.	
24	99	Q.	Anyway, you yourself were in the position, were you,	
25			you had some familiarity with it because you were	10:55
26			supervising Sergeant Ambrose who was under you?	
27		Α.	Yes Unit B was my unit. So I had a system going where	
28			I would meet on nights, on the week of nights we did	
29			a week of nights at that stage I'd meet the three	

1 sergeants from the three units and we'd go through the 2 various investigations that the unit members had just 3 to make sure that -- the units were very junior, there was a lack of supervisory sergeants at the time as 4 5 well. 10:55 6 100 Okay. Anyway, he said he would come and leave it for Q. 7 you with the SHO in Swords on that day? 8 Yes. Α. Is that right? And I think he did come in? 9 101 Q. 10 He did come in. I actually met him when he came in, Α. 10.55 11 yeah. 12 Do you know had he come in off sick leave at that stage 102 0. 13 or do you know -- did you know anything about his 14 position? 15 Em, I think he had gone sick at that stage, but I am Α. 10:56 16 not sure I was aware. I was aware on the Wednesday, 17 when I spoke to him, that he had gone sick. 18 103 Okay. Q. 19 But whether I knew at that stage or not, I don't know. Α. I haven't recorded it so I probably didn't. 20 10:56 Can I just go back to a comment there: 21 104 Ο. 22 "He also stated that no one in DDU had assisted in the 23 investigation of the abduction case". 24 Were you taking that as a complaint or just a statement of fact? 25 10:56 Well it wasn't correct, because Alan Campbell had 26 Α. 27 assisted and was involved in the investigation, and Alan Campbell was part of the detective unit. 28 I took 29 all of this was he was venting, he was angry, somebody

23

1 he knew, who he had got to know guite well had been 2 murdered and --3 105 Q. Yes, of course. You then record: 4 5 "He felt that he and Garda Nyhan were being left out to 10:56 dry." 6 7 8 was that the phrase he used? Yeah, yeah. 9 Α. And did he explain what he meant or did you have any 10 106 Q. 10.57 11 understanding of what he was saying there or why he 12 was --13 I didn't. As I said, he was venting and I was just Α. 14 taking -- you know, I just wrote down afterwards what 15 he had said, yeah. 10:57 16 Okay. I mean, were you aware of any step that had been 107 Q. 17 taken in relation to Sergeant Hughes that might have 18 caused him to say that or...? 19 No, I wasn't, no. Like, my understanding then, and Α. since, is they had done a very good job on the 20 10:57 abduction case. 21 22 108 Okay. Q. 23 So I don't know what he made by that. I never asked Α. 24 him what he meant by that. Okay. And this was -- we'll hear later about a press 25 109 Q. 10.57 release having been issued on the 22nd, but this is the 26 27 21st now, you're describing here? 28 This is the Tuesday, yeah, yeah. Α. 29 Okay. You then record that you met him in Swords. 110 Ο. Не

24

1			came in, in accordance with what he said he would do?	
2		Α.	Yeah.	
3	111	Q.	And he came in to meet you at about 5:00, is that	
4			right?	
5		Α.	Yeah, yeah. And he gave me a copy of the it says	10:58
6			here"forwarded to the DDU", that should read "DPP".	
7	112	Q.	DPP?	
8		Α.	Yeah.	
9	113	Q.	You have "DPP" written down in your notes?	
10		Α.	Yeah, it's "DPP" yeah. Because the file wouldn't be	10:58
11			forwarded to the DDU, it's the DPP. And he gave me a	
12			copy of the disclosure file as well.	
13	114	Q.	Just to avoid any ambiguity about it, the copy of the	
14			file, that wouldn't be the original investigation file	
15			with all of the investigation statements in it,	10:58
16			handwritten or originals, is that right?	
17		Α.	No, no, it would be it was a copy of the file which	
18			was sent to the DPP, which was typed statements.	
19	115	Q.	Okay. And the disclosure file is something different	
20			obviously?	10:58
21		Α.	The disclosure file is generally photocopy of the	
22			handwritten statements so that barristers can compare	
23			both to make sure they are typed properly.	
24	116	Q.	Yeah. You record yourself as speaking to Garda Nyhan	
25			on the stairs there talking to Detective Garda Nolan.	10:59
26			You then had another conversation about the criminal	
27			damage to Ms. Saulite's car there?	
28		Α.	Yeah. I just briefed him as to what had been done	
29			because I wasn't sure was he aware of what had been	

1			done.	
2	117	Q.	Okay. He then made some remarks about Mr. A, I think,	
3			and the use of phones, towards the end of that	
4			paragraph, is that right?	
5		Α.	He did, yeah, yeah.	10:59
6	118	Q.	You do record then that you phoned him at about 6:30 on	
7			the request of D/Inspector O'Sullivan and request the	
8			victim impact report he had taken on the 14/11.	
9			Obviously, Sergeant Hughes had probably gone home then	
10			or he had gone off out of the station, had he?	10:59
11		Α.	He was gone, yeah, yeah.	
12	119	Q.	And presumably this is accurate, that you had been	
13			requested by Detective Inspector O'Sullivan?	
14		Α.	Yeah. Sorry, if you scroll up please?	
15	120	Q.	Yes, if we scroll down.	11:00
16		Α.	Or down.	
17	121	Q.	Yes.	
18		Α.	Yeah, Walter O'Sullivan asked me to yeah.	
19	122	Q.	And do you recollect whether or what Inspector	
20			O'Sullivan said about the victim report?	11:00
21		Α.	NO.	
22	123	Q.	Or anything?	
23		Α.	Just asked me to get it, yeah. Like, I have recorded	
24			there that he had taken. I know now he hadn't taken	
25			it, it was a handwritten one that had been handed in.	11:00
26	124	Q.	Yes.	
27		Α.	At the time I just wrote down I assumed that he had	
28			taken it, but he hadn't taken it, it was handwritten,	
29			that had been handed in to him.	

1	125	Q.	Yes. And I think he explained there, as you've	
2			recorded, that he only had a copy?	
3		Α.	Yes. He told me he only had a copy, she still had the	
4			original and was in the process of completing it and	
5			keeping a log of all dealings she had with Mr. A. He	11:00
6			again asked me to ensure that all sorry, not	
7			again he asked me to ensure that all in authority	
8			were told that what was in the report was not a	
9			complaint but rather part of the victim impact report.	
10	126	Q.	Yes	11:01
11		Α.	And he did ask me he wondered could it be used as	
12			evidence, and my view was I doubted it, yeah.	
13	127	Q.	His comment there, did you understand that?	
14		Α.	About could it be used in evidence?	
15	128	Q.	No, about people in authority should be told that what	11:01
16			was in it was not a complaint.	
17		Α.	Em	
18	129	Q.	Did he explain why he was saying that?	
19		Α.	No, no. Again, I know from speaking to him afterwards	
20			that he hadn't actually read it, so he didn't know what	11:01
21			was actually in it.	
22	130	Q.	Yes. Okay. You're recorded there as yourself telling	
23			him that you doubted that it could be used as evidence.	
24			And what had led you to say that or?	
25		Α.	well, from what he had told me it was an unfinished	11:01
26			handwritten that she had handed in.	
27	131	Q.	Yes	
28		Α.	I obviously hadn't seen it, but I doubt it would have	
29			been used as evidence, but it was still looking	

1			back, it was critical that it was got as soon as	
2			possible, yeah.	
3	132	Q.	But was he contemplating, or wondering, whether it	
4			could be used in evidence at the sentencing hearing or	
5			for a different purpose?	11:02
6		Α.	My understanding was for the murder investigation.	
7	133	Q.	For the murder investigation?	
8		Α.	As part of the murder investigation, yeah. And that's	
9			what I meant I may have taken it wrong, he may have	
10			meant the sentence could it still be used as a victim	11:02
11			impact report, perhaps that what he meant, yeah, I may	
12			have taken him up wrong.	
13	134	Q.	All right. Anyway, he undertook to call to Swords the	
14			next day and leave his copy with you?	
15		Α.	Yeah.	11:02
16	135	Q.	And then he enquired about the original and you said	
17			you didn't know?	
18		Α.	Yeah.	
19	136	Q.	On the next day then, if we go over to the next page,	
20			741, you seem to have been requested by Inspector	11:02
21			Waters to do the same job there, to get the copy of it,	
22			is that right?	
23		Α.	Yeah. My understanding now is that Chief	
24			Superintendent Phillips had rang Inspector Waters to	
25			make sure that this was got.	11:03
26	137	Q.	Chief Superintendent Phillips?	
27		Α.	Yeah. That was my understanding. It wasn't said to me	
28			but that was my understanding, yeah.	
29	138	Q.	So it would seem that somebody had told Chief Phillips	

1			of the existence of it?	
2		Α.	Yes.	
3	139	Q.	At least. And you told Inspector Waters of the	
4			arrangement that was being made?	
5		Α.	I had made an arrangement, yeah.	11:03
6	140	Q.	And then you started to trying to contact him, and then	
7			you got a message from Garda O'Leary about the chief	
8			wanting to get a report from Garda Nyhan about the	
9			taking of the statement?	
10		Α.	Yes. There was an urgency being put on me at this	11:03
11			stage to get it as soon as possible.	
12	141	Q.	Yes.	
13		Α.	Yeah.	
14	142	Q.	And then the chief rang you directly. You got a text	
15			from Sergeant Hughes. You got another call from the	11:04
16			chief. And then you record there at 12:45:	
17				
18			"Said that A/C McHugh said report must be got now even	
19			if it means forcing open the locker."	
20				11:04
21			And he gave you those instructions and was telling you	
22			the basis on which it could be done essentially, is	
23			that right?	
24		Α.	Yes. I wasn't happy with that instruction.	
25	143	Q.	Yeah	11:04
26		Α.	But I	
27	144	Q.	You were querying whether it should be done, was it	
28			necessary?	
29		Α.	Absolutely, because he was coming into me with it.	

145 Yeah. 1 Q. 2 You know, okay, I can understand the urgency, but he Α. 3 was coming -- Liam was coming in to give it to me, there was no problem, I was going to get it. 4 5 146 Yeah. And you sent a text to him. He rang you back. Q. 11:04 6 If we just continue down there. You were able to 7 report back to the chief that he was coming in, and he 8 came in then at 1:15 or so, is that right? Yeah. Like, in fairness, he came in immediately. 9 Α. Не said he'd be in in half an hour. If I look at my 10 11:05 11 notes, he was in in 25 minutes, he came in 12 straightaway. 13 I mean it would be fair to say you never thought he 147 Q. 14 wasn't going to give you the copy, and you knew where 15 it was, everyone knew where it was, and he was coming 11:05 16 to facilitate the requests? 17 I'm quite sure if I had said at 6:30 the evening before Α. 18 had I said "Liam, can you come in now and give it to 19 me," he'd have come in and given it to me. 20 148 Anyway, you met him and you record: **Q**. 11:05 21 22 "He gave me a copy of the report and a copy of his file 23 not sent to the DPP." 24 25 So would that be the original investigation file as 11.05such? 26 27 Yeah, sometimes the statements taken that's not in the Α. file that goes to the DPP as well, and they would be in 28 29 the disclosure file. More than likely -- I didn't look

30

1			at it. I handed it over. I handed that over, yeah.	
2	149	Q.	Okay. You record there:	
3			"He didn't look well."	
4		Α.	NO.	
5	150	Q.	But just previous to that it says:	11:06
6				
7			"He told me what happened on the 14/11 and asked me to	
8			write down his account."	
9				
10			Which you did?	11:06
11		Α.	Yeah.	
12	151	Q.	I think he has referred to that as making his report to	
13			you, is that right?	
14		Α.	I think he did.	
15	152	Q.	Did he regard this as a report to you about what	11:06
16			happened?	
17		Α.	Му	
18	153	Q.	Did you regard it as that?	
19		Α.	No, I didn't. What I regard this was, he wasn't able	
20			to sit down and concentrate and write down what	11:06
21			happened and he asked me to do it for him.	
22	154	Q.	Okay. All right. And then what you've recorded next	
23			all relates then, does it, to the 14th, his account of	
24			the 14th November?	
25		Α.	Yeah. What he told me, yeah, yeah.	11:06
26	155	Q.	Okay. Perhaps we will just read that verbatim there?	
27		Α.	Yeah.	
28			"4:30pm" so 4:30 is the time she called in at as	
29			against it's not I'm writing this down around one	

o'clock, quarter past one.

1

2

29

grand.

3 "4: 30pm she called in on appointment to see Sergeant Hughes and Garda Nyhan regarding the victim impact 4 5 She produced a 12-page handwritten document on 11:07 report. 6 Dublin Airport Great Southern Hotel paper unsigned and 7 undated. Sergeant Hughes told me he skimmed through it, he could see a lot of it was inadmissible as a 8 victim impact report. We" -- that's him and Garda 9 10 Nyhan -- "informed her of this. Advised her to see a 11.07 11 doctor regarding the psychological condition. Sergeant 12 Hughes was to make a second appointment for this week 13 for her to come in. " He said he discussed Mr. A with 14 her and how he was after a plea of guilty and demeanour 15 She told him she stopped bringing the kids to see 11:07 was. 16 him and changed the SIM card in her phone. He told me 17 she was positive and upbeat and had great confidence in 18 herself. He told me he asked how she was, and she said 19 he [as in Mr. A] never stopped talking about John 20 Hennessy and Liam Hughes, that they were responsible 11:08 for putting him in prison. Sergeant Hughes asked what 21 22 did she mean. She said she feared for her own safety, 23 Declan's safety, John's safety and Liam's safety. 24 25 11.08 26 27 28 She said she was feeling

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She was informed that the victim impact report

1			would have to be edited and put on a proper form	
2			there was a proper form for impact reports and he	
3			would contact her next week. He told me he photocopied	
4			what she produced and gave her the original and put a	
5			copy in the file. He told me she was there about three	11.08
6			quarters of an hour. He told me he asked her did she	11.00
7			wish to make a complaint, and she did not. He told me	
, 8			he did not read the report until Monday morning; that	
9			was the morning after the murder.	
10	156	Q.	Yes. And the next bit?	11.00
11	100	Q. A.	Well I read that over to him.	11:09
12	157	д.	Yes.	
13	1)/	Q. A.	And he was happy with it, and I actually signed it.	
	1 - 0			
14	158	Q.	Yes. Obviously it's a slightly different note than the	
15			other ones in that it was written, was it, exactly at	11:09
16			the time he was saying it to you?	
17		Α.	Absolutely, yeah, I was sitting	
18	159	Q.	Not later obviously?	
19		Α.	Yeah, yeah. The other notes are for myself, for my own	
20			like, this was for him, so that's why I signed it,	11:09
21			yeah.	
22	160	Q.	You then record him as talking about the bail	
23			application?	
24		Α.	Yeah.	
25	161	Q.	Then you record:	11:09
26				
27			"Sergeant Hughes read the account I had written down	
28			and is happy with it."	
29				

1 Is that what happened? Is it the case that you didn't 2 read it over to him but that he was given it and he 3 read it? Yeah. He was -- actually, yeah, I have recorded here 4 Α. 5 that he read the account I had written down and was 11:09 happy with it, yeah. 6 7 162 Okay. I think in your own statement, we don't have to Q. 8 go to it, at page 20, but you broadly agree with his recollection of the conversations, text messages and 9 10 eventual handing over of the report, at page 11 of the 11.10 11 statement, except for one issue about the conversation 12 that he said he had with Detective Inspector O'Sullivan 13 about the victim impact statement. And I think you say 14 in your statement had he told but this, you would have 15 recorded it? 11:10 16 Yes. He did not tell me that he had shown it to Walter Α. 17 O'Sullivan. 18 All right. And did he say anything about what Walter 163 Q. 19 O'Sullivan had said to him? 20 About the threats to Baiba and the refusal of Α. 11:10 21 protection? 22 164 Yes. Q. 23 Never. I would most certainly have written that NO. Α. 24 down. 25 You do make a comment in your own statement about what 165 0. 11.10 26 he goes on to say at the bottom of page 11 of his 27 statement: 28 29 "Following on from that, I felt I was being isolated

34

and found immediately that supervisors did not want to
 talk to me."

3

Would you like to comment on that from your own 4 5 perspective of what you did or what you saw or heard? 11:11 6 Α. I always -- I never had any issues talking to Liam I was there for another year after that in the 7 Hughes. 8 R District. I had -- when he came back to work in 2007, I had numerous conversations with him. While he 9 10 was working, he rang me -- I have notes, he rang me 11:11 11 about various incidents that happened. 2007 was an 12 extremely busy year in Swords. There was two more 13 murders in the first six months in 2007, there was, I 14 think it was six shootings in 2007, there was a large 15 number of other serious investigations. He -- because 11:11 16 I was now inspector in charge of Swords, he was ringing me about incidents, I was ringing him. I never had any 17 18 issue talking to him and he never had any issue ringing me about it. 19

But were you aware of any of this sort of behaviour 20 166 Ο. 11:12 that he describes there, being isolated and that his 21 22 supervisors immediately didn't want to talk to him? 23 No. Well, I was certainly -- I was the inspector in Α. 24 charge of Swords, so I had no issue and he had no issue 25 ringing me or talking to me. Quite apart from him 11.12 ringing me loads of times about different things, I 26 27 would have met him in the station. In 2007, I spent a 28 lot of time in Swords, so I was there practically every 29 day, so I was crisscrossing units, I was meeting him, I

35

19

was meeting everybody.

2 All right. 167 Q. 3 Donal Waters was the other inspector. Donal Waters and Α. him, as far as I am concerned, had a very good working 4 5 relationship. Donal Waters was in charge of the 6 community policing, Liam Hughes was the community 7 police sergeant in Swords. There was no other 8 supervisors in -- we were the only supervisors in Swords until Superintendent Curran came in March I 9 think it was. 10 11 168 Is that because there was a superintendent there? Q. 12 Α.

A. There was no superintendent, yeah. Donal Waters was
 the acting superintendent from -- Noel McLoughlin
 retired, I would say, early November '06, and I think
 Mark Curran came around March '07, so there was nearly 11:13
 four or five months, yeah.

11:12

11:13

17 169 Q. Just to conclude your note on the observations there,18 you do record your own observations:

20 "Sergeant Hughes Looked very stressed, tired, his hands 11:13 21 are shaking. He is nervous, up and down on the seat. 22 He requested that I write all this down because he 23 wanted to do a report but said he couldn't concentrate 24 or write. I advised him to see a doctor as I had 25 concerns about his mental and physical health. He 11.13 26 asked me a couple of times to ensure I impressed upon 27 authorities that she did not make a complaint but it 28 was an unfinished victim impact report he had." 29 Yeah, and I distinctly remember he was -- I used the Α.

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term 'in bits'. He was very, very -- not able to 1 2 concentrate. He was up and down out of the seat, he 3 was walking around, he was very nervous, yeah, he was -- you could see he looked like a person that 4 5 hadn't slept really either, you know, he did not look 11:14 6 well. 7 170 It appears from the way you've recorded that, that he **Q**. 8 seemed to be relating it, at least in part, to how or what authorities might make of the report. Is that a 9 fair assessment or interpretation of what he was 10 11:14 11 saying? 12 Yes. My recollection is he was concerned he would be Α. 13 blamed for not looking at it and that had he looked at 14 it, she wouldn't have been shot. He was blaming 15 himself, yeah. 11:14 16 Okay. The next question is: did you look at it at 171 0. 17 that point in time? Did you read it? 18 I don't think I did. I think I brought it straight in Α. to -- I had an appointment to meet the chief at 2:00pm 19 and I would have brought it straight to him. 20 I don't 11:15 think I read it. no. 21 22 You do record that you brought the victim impact report 172 Q. 23 to chief -- and that is Chief Phillips? 24 Chief Phillips, into his office in Santry, yeah. Α. 25 And I just want to take this step-by-step. You say he 173 0. 11.15 26 faxed it to the A/C. But can I ask you this: Did he 27 read it? Did he read it before he faxed it? I can't remember whether he read it 28 I don't know. Α. before he faxed it or whether he read it afterwards. 29

37

1			He did read it though.
2	174	Q.	The question is: Did you stay there while he faxed it?
3		Α.	Yeah, yeah.
4	175	Q.	Now, it is quite a lengthy 12-page handwritten
5			document, which is not easy to read. Have you any
6			recollection of seeing the chief there reading it
7			before he faxed it off to the assistant commissioner?
8		Α.	I don't recall whether he read it before or after. I
9			don't. It's 16 years ago.
10	176	Q.	Sure. I understand that. You were there when he rang $_{11:15}$
11			the assistant commissioner, is that right?
12		Α.	Yeah, he rang him, yeah.
13	177	Q.	And we're talking about Assistant Commissioner McHugh?
14		Α.	McHugh, yeah.
15	178	Q.	And I suppose at the time you would have heard what he $_{11:16}$
16			said to Assistant Commissioner McHugh?
17		Α.	No, I wouldn't have listened to what a chief
18			superintendent was saying to the A/C, no.
19	179	Q.	You were in the room?
20		Α.	Yeah, but I didn't listen, no.
21	180	Q.	You also gave him another report. You then record:
22			
23			"The chief asked to meet Sergeant Hughes and to tell
24			him he was satisfied that there was nothing untoward in
25			the victim impact report and that it was unfinished and $_{11:16}$
26			needed editing."
27		Α.	That was the chief's views after reading it, yes.
28	181	Q.	That was an instruction to you, as it were?
29		Α.	Yes, to ring Liam Hughes.

And, on one interpretation, that seems to be directed 1 182 Q. 2 towards the issue of the fact that it wasn't ready for 3 court, it hadn't been finished and it needed editing and therefore it mightn't possibly be used for the 4 5 sentencing hearing. Did you construe it that way or 11:17 6 why did you record it this way? I construed it that he had no need to worry about a 7 Α. 8 discipline, or that he wasn't going to be blamed. That's the way --9 That's the way you took it? 10 183 Q. 11:17 11 Yeah. Nothing to do with the court. That he shouldn't Α. 12 be blaming himself basically. 13 He shouldn't be blaming himself? 184 Ο. 14 Α. Yeah, and that he had nothing to worry about from the 15 chief and from garda authorities, yeah. 11:17 16 Was it expressed that way to you by the Chief 185 Q. 17 Superintendent Phillips? 18 My recollection is yes, yeah. Α. 19 186 He had nothing to worry about on the discipline front? Q. Yeah, that he had nothing to worry about, that he 20 Α. 11:17 wasn't going to be blamed for not reading it and not 21 22 acting upon it, yeah. The word 'discipline' wasn't used, but --23 24 All right. But you've sort of elaborated on it a 187 Q. 25 little bit more than your note now, but is that your 11.18 26 sense of what Chief Phillips said to you, that he 27 wasn't going to be blamed for it and for not acting on 28 it? 29 Yeah, yeah that's my --Α.

39

1	188	Q.	Okay. All right. Is there any reason why you wouldn't	
2			have recorded that? It seems to be an important, sort	
3			of, part of	
4		Α.	Why I didn't?	
5	189	Q.	Yes.	11:18
6		Α.	Em, it's my opinion as against I don't know.	
7	190	Q.	I mean, in fairness now, at 3:15 you did ring him, you	
8			told him what the chief said, and Sergeant Hughes said	
9			he was now happy he wasn't being blamed.	
10		Α.	well there it is, yeah.	11:18
11	191	Q.	So you made it clear to him that that is how you took	
12			it, and you conveyed it that way?	
13		Α.	Exactly, yeah, it's there yeah. He also told me he	
14			felt better after that and he thanked me, yeah.	
15	192	Q.	You say then you undertook to talk to him on Thursday	11:18
16			re the bail application, and did you do that?	
17		Α.	No. I didn't, no. From my well I know now that	
18			Walter O'Sullivan went to the bail application with	
19			him, Walter took over at that point, so I actually	
20			didn't talk to him anymore.	11:19
21	193	Q.	Okay. Did he come to you with any concerns after the	
22			bail application had been heard?	
23		Α.	No, I think my next talk the next time I spoke to	
24			him was the 29th, I think. If you just scroll down.	
25	194	Q.	Yes	11:19
26		Α.	Yeah.	
27	195	Q.	The next note we have is a note of the 29th?	
28		Α.	Yeah, yeah.	
29	196	Q.	And could you explain the context, if we go sorry,	

1 if we go to -- this is a typed diary note -- it's 2 easier to read the typed version -- at 2072. And just 3 to be clear, the difference -- the earlier notes we looked at, are they recorded in a journal? 4 5 No, the earlier notes are on sheets of paper Α. 11:19 6 [INDICATING]. 7 Just loose sheets, as it were? 197 Q. 8 Basically there is a space in a page in a journal to Α. write it all in. 9 10 198 And these are extracted from your diary? Q. 11:20 11 Yes. Α. 12 And you have the originals of both, is that correct? 199 Q. Yeah, the diary, yeah, 2006, yeah. 29th: 13 There it is. Α. 14 200 Q. You've got a note there: 15 11:20 16 "29th November" - marked as MC3. 17 18 That is the marking for the purpose of your statement 19 to the Tribunal? 20 Yeah, I did that in what? two years ago, yeah. Α. 11:20 21 201 Fine. And you have got: Ο. 22 23 "2. Conference murder." 24 Yeah, 2pm there was a conference for the murder, I was Α. 25 at it, yeah. $11 \cdot 20$ 26 202 Then you met Liam Hughes. He wasn't at the conference, Q. 27 was he? 28 I don't recall, no, no. Α. 29 203 0. You say:

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1 2 "He is very annoyed at not receiving support from garda 3 authorities and has spoken to solicitor. He asked me to tell chief that he wanted to know why he was being 4 5 excluded from investigation and what was being done 11:20 6 with regard to Sun journalist who wrote story about hit 7 put on him." 8 9 The first issue: To your knowledge, was he being excluded? 10 11:21 11 Not that I'm aware of, no, no. Α. 12 Did he say who had excluded him or not? 204 Q. No, no. About two -- I would say by the Wednesday 13 Α. 14 after the murder, which was, what, the 22nd, I was 15 placed in charge of a different investigation so I 11:21 16 really didn't have much involvement -- I had no involvement with the murder investigation after 17 probably the 22nd. I did attend a few conferences, but 18 19 that was just to make sure that everything was -- I was 20 put in charge, there had been a very serious incident 11:21 the day before the murder. 21 22 205 Yes... Q. 23 And I had been -- nothing to do with the murder, but I Α. 24 had been placed in charge of that investigation. 25 Yes. Okay. You informed him that: 206 0. 11:21 26 27 "I was aware that they were spoken to and refused to divulge their sources." 28 29 was The Sun journalist, yeah. Α.

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207 Q. Now we've seen earlier a report from Detective 1 2 Inspector Dennedy on the 15th December, but you knew 3 this then as of the 29th November, or perhaps earlier? I don't remember. Yeah. 4 Α. 5 208 well perhaps we'd just look at page 1789, because he Q. 11:22 6 had referred here to speaking to a solicitor. That is 7 the 23rd November; it's from Sergeant Hughes. That was 8 received by -- that was complaining about this article, isn't that right? 9 10 I probably saw this before, but --Α. 11:23 11 209 Yes... Q. I don't remember whether --12 Α. Scroll back up. It is dated the 23rd. It was faxed in 13 210 0. 14 on the -- if you scroll up to the top of the letter. who is it addressed to? 15 Α. 11:23 16 It was faxed in on the 25th, if we see that. 211 0. 17 Yeah, it's sent to the Superintendent Balbriggan, Α. 18 though, is it? It's addressed to the Superintendent 19 Balbriggan. Yes. "Sun Newspaper, Sergeant Hughes concerned..." 20 212 **Q**. 11:23 and then if we look --21 22 Sorry, where does it say it was faxed in on CHAI RMAN: 23 the 25th, Mr. McGuinness? 24 MR. McGUI NNESS: Pardon? 25 where does it say it was faxed in on the CHAI RMAN: 11.23 26 25th? 27 MR. McGUI NNESS: Top left. 28 Top left. Α. 29 CHAI RMAN: Thank you very much. "13:10" yes, thank you

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1			very much.	
2	213	Q.	MR. McGUINNESS: If we then go to page 1794, this was	
3			given job 203, isn't that right?	
4		Α.	It appears so, yeah. That's what's on it yeah.	
5	214	Q.	And job 203 was allocated on the 25th to Sergeant	11:24
6			Brazel, isn't that correct?	
7		Α.	I can't see the bottom of it.	
8	215	Q.	Yes	
9		Α.	But if you say so, yeah.	
10	216	Q.	If we scroll down, we see the report there?	11:24
11		Α.	Yeah, Donal Brazel, he was the detective sergeant in	
12			Coolock at the time.	
13	217	Q.	If we go up to the next page, we see the job number	
14			itself.	
15		Α.	Yeah.	11:24
16	218	Q.	So that is job 203, 25th. On the same day it comes in,	
17			it's assigned to the sergeant and he meets one of the	
18			journalists the following Monday and reports back on	
19			it?	
20		Α.	He reports back on the 28th, yeah.	11:25
21	219	Q.	You had obviously been told of this at this stage, is	
22			that right?	
23		Α.	well I was at a conference at two o'clock that day so	
24			it was more than likely discussed there, that's	
25			probably how I knew. I don't remember seeing this. I	11:25
26			have obviously read it now, shall we say, in	
27			disclosure, but it, more than likely, was discussed at	
28			the conference. What happens at the conference is the	
29			jobs are discussed. So there's a report given in and	

1 the jobs are discussed -- the results. So that's 2 probably how I knew. 3 220 Q. If we go back then to 2702, you informed him that: "I was aware they were spoken to." 4 5 Yeah. Α. 11:25 6 221 0. 2702. I am sorry 2072. My mistake. 2072. The fourth line down: 7 8 "I informed him that I was aware they were spoken to 9 He wanted to 10 and refused to divulge their sources. 11.26 11 know why they weren't section 30ed for withholding 12 information on capital murder. I stated they were 13 claiming privilege and doubted they would be arrested. 14 He wants them arrested and prosecuted. I later rang 15 Chief and passed this on. Chief asked that I tell him 11:26 16 that Commissioner had sent report re him and Nyhan and 17 sent it to the chief louth Meath." 18 19 That related to the threats and protection, isn't that 20 right? 11:26 21 Yeah. Α. 22 "Rang him at 16:46 to pass this on, he's not happy." 222 Q. 23 24 What bit was he not happy with? Was it just the arrest of the journalists? 25 11.26Yeah, he wanted them arrested and detained under 26 Α. 27 section 30 for Offences Against the State Act for withholding information on what he called a capital 28 29 murder.

1	223	Q.	Yes	
2		Α.	It came up here earlier, there were journalists who	
3			wrote a story, that's	
4	224	Q.	And were you made aware of the outcome of Detective	
5			Inspector Dennedy's reports about the interviewing of	11:27
6			both of the journalists and what the newspaper had said	
7			about the basis upon which they published this article?	
8		Α.	No, it was Detective Sergeant Brazel who interviewed	
9			him.	
10	225	Q.	Pardon?	11:27
11		Α.	It was Detective Sergeant Brazel that interviewed them.	
12	226	Q.	Detective Inspector Dennedy wrote a report then?	
13		Α.	Sorry, I only became aware of that here. Sorry, here.	
14			No, I wasn't aware of that. He was the detective	
15			inspector in Santry at the time.	11:27
16	227	Q.	Apparently the journalists, in the presence of their	
17			lawyers, effectively said that it was written as mere	
18			speculation.	
19		Α.	I heard that, yeah, yeah, yeah. No, I would I	
20			obviously was aware of this from the conference earlier	11:27
21			on in the day, yeah.	
22	228	Q.	Now, in your statement, at page 720, you list a number	
23			of different interactions that you had with Sergeant	
24			Hughes?	
25		Α.	In 2007, yeah.	11:28
26	229	Q.	In 2007.	
27		Α.	Yeah, that was just to show that he was back working,	
28			he was talking to me, he was able to talk to me, he had	
29			no issue talking to me about various things. That's	

1			all.	
2	230	Q.	Yes	
3		Α.	None of these are	
4	231	Q.	If we just look at page 723, there's a sequential list	
5			of them there. 11	1:28
6		Α.	Yeah. It's down a bit further I think, yeah.	
7	232	Q.	Yes, it's page 722 I am looking at at this stage, I beg	
8			your pardon.	
9		Α.	Yeah, sorry, that's it, yeah.	
10	233	Q.	And you have you have all of these recorded in your	1:28
11			diary, and there's a typed version in the papers at	
12			2072, 2073, if people are interested in them. But I	
13			just want to pick out a couple. There's a meeting	
14			if we scroll down this page, down on to page 723, and	
15			there's one in the middle there, just to look at that. 11	1:29
16		Α.	Which one?	
17	234	Q.	1/11/07.	
18		Α.	Yeah. Yeah, I just recorded.	
19			"Met Liam Hughes, served documents on him."	
20	235	Q.	Yes. And were those, can you recollect what those	1 : 30
21			documents were in connection with?	
22		Α.	My recollection, the vast majority was to do with	
23			appointments with the CMO. I know there's one later	
24			one, it was to do with the 13/11 is different, but	
25			various appointments with the CMO.	1 : 30
26	236	Q.	Yes. Perhaps we'd look at the one for the 13/11	
27			it's at page 3938. This related it's headed	
28			"Discipline Inquiry", it relates to a different member?	
29		Α.	Yeah.	

1	237	Q.	It's a different issue. Somebody
2		Α.	Yeah, I think it was a matter from years before that,
3			from when he was a sergeant in Fitzgibbon Street, yeah,
4			he was a witness.
5	238	Q.	Yes. And you were contacting Sergeant Hughes about
6			this?
7		Α.	Yeah. There was a Chief Superintendent McGee, I
8			believe he was Dundalk or somewhere.
9	239	Q.	Yes
10		Α.	He was obviously the leading investigator, and he asked $_{11:31}$
11			me to serve documents on him, yeah.
12	240	Q.	Yes. And this is a report then in relation to that.
13			You had phoned Sergeant Hughes, is that correct?
14		Α.	Yeah.
15	241	Q.	And you record him then this was the purpose he
16			was required to attend, if obviously he was able, at a
17			disciplinary inquiry and to give evidence?
18		Α.	Yes.
19	242	Q.	This was a formal witness notification.
20		Α.	Yeah. I'm not sure whether it was a formal or 11:31
21			whatever, it was just asking him to turn up.
22	243	Q.	All right.
23		Α.	I just don't remember whether there was a
24			probably I don't remember whether I just asked him
25			to turn up. 11:32
26	244	Q.	You were asked to serve it. You informed him of what
27			you were doing. You spoke to him we see there at
28			the bottom of the page, if we go down
29		Α.	Sorry, there was a witness notification, yeah.

1			Apologies	
2	245	Q.	16:22.	
3		Α.	yeah, there was, yeah.	
4	246	Q.	He wasn't willing at that point to meet you and he was	
5			out sick, he said, and he couldn't you couldn't tell	11:32
6			him to attend work and you were simply pointing out	
7			that it was your instruction to serve it on him?	
8		Α.	Yeah.	
9	247	Q.	If we go over the page then, you record to-ing and	
10			fro-ing there, and in the middle paragraph you say:	11:32
11				
12			"He informed me he wouldn't meet me. If we went to his	
13			house he wouldn't open the door, accept the documents	
14			from me."	
15				11:32
16			You again informed him of the time and date. He said	
17			that he wouldn't attend and he asked that you speak to	
18			the district or divisional officer about that. And are	
19			then seeking advice as to how you should now approach	
20			this delicate situation.	11:33
21				
22			"I don't want to add to Sergeant Hughes's stress levels	
23			but I under instructing by Chief Superintendent McGee	
24			to serve the documents. I am aware that Sergeant	
25			Hughes has very little to add to this inquiry"	11:33
26				
27			Which is the other disciplinary inquiry.	
28		Α.	Yes.	
29	248	Q.	" other than evidence of one of the parties involved	

1 and dealt with monies he had once found and handed in." 2 3 You weren't involved in any attempt to arrange an interview on Chief Superintendent Feehan's behalf --4 5 Α. NO. 11:33 -- at this time? 6 249 **Q**. 7 Α. NO. 8 250 In all of the other dealings that you had with him in Ο. 9 2007 relating to other matters, how would you describe Sergeant Hughes at that point in time? 10 11:33 11 This was the only one where, I won't say Α. 12 confrontational, but wasn't as pleasant as the other 13 ones, shall we say. All of the others there was no 14 issues. If I had to serve something on him there was 15 no issues. That was the only one. It was the last 11:34 dealing I had with him before I left. He told me I was 16 17 adding to his stress. 18 I think Assistant Commissioner McHugh wrote a minute 251 Q. 19 which came down to you -- if we look at page 788. It 20 related to whether he was being visited at home under 11:34 Do you recall getting that? 21 11.39. 22 I've seen it. I can't -- yeah, yeah. Α. I'm not sure it 23 was -- I don't remember. I never visited him at home, 24 no. And I think you've got a note there at the bottom 11:34 25 252 Q. Yes. 26 there? 27 where? Α. 28 Is that your handwritten note? If we just scroll down. 253 Q. 29 To the right? Α.

50

1	254	Q.	Yes.	
2		Α.	No, no.	
3	255	Q.	Does it say does that relate to "Detective Inspector	
4			Cryan for reports on aspects of matter marked A	
5			relief"?	11:35
6		Α.	Well that's dated 30/12/08, so that's, what, a year	
7			after I left. Em, I think that's Mark Curran's	
8			writing. So, obviously he sent it in to me. I was in	
9			Pearse Street at that stage and he looked for a report	
10			off me.	11:35
11	256	Q.	Yes. And I think you gave him a report	
12		Α.	Yeah, yeah.	
13	257	Q.	later, isn't that correct?	
14		Α.	I did yeah, I did report, yeah.	
15	258	Q.	That's to be seen at page 4098.	11:35
16		Α.	As you can see, I wrote back saying I did not visit	
17			him.	
18	259	Q.	Yes. And just to be clear, this isn't a complaint	
19			about you visiting him, it's an enquiry from the	
20			assistant commissioner as to why he wasn't being	11:35
21			visited, isn't that correct?	
22		Α.	I think what it was, I had listed all the times I spoke	
23			to him, and it was yeah, grand you spoke to him but did	
24			you actually visit him? And I confirmed I didn't visit	
25			him, no.	11:36
26	260	Q.	And I think I am not sure whether you are aware of	
27			this but, Assistant Commissioner McHugh, it was	
28			reported back to him that Sergeant Hughes hadn't been	
29			visited in a particular period from the end of December	

1			to the beginning of March. Were you involved in	
2			confirming that report or	
3		Α.	No, but I didn't visit him, no. I had never been	
4			tasked with visiting him.	
5	261	Q.	Okay.	36
6		Α.	The only time I made reference to calling out was in	
7			this one, and he told me he wouldn't open the door for	
8			me.	
9	262	Q.	Yes.	
10		Α.	And that wasn't, sorry, a welfare check, that was to	36
11			serve documents on him.	
12	263	Q.	Yes. In terms of your position vis-à-vis Sergeant	
13			Hughes, did he ever express dissatisfaction to you	
14			about any of your dealings with him?	
15		Α.	About my dealings with him?	37
16	264	Q.	Yes.	
17		Α.	Only that last one where I was adding to his stress.	
18	265	Q.	Yes. In relation to what he said to you between the	
19			days of the 20th or 21st or 22nd, he's complained	
20			about, and communicated, his view of a systems failure	37
21			in relation to matters. Did you ever receive such a	
22			complaint at any time in relation to any of the	
23			investigations, either individually or together?	
24		Α.	All that he said to me I have it recorded. He did	
25			express that they were weren't being done properly. To $_{112}$	37
26			me, I didn't take them as a complaint. I took them	
27			this is a man venting, somebody he knew, who he got to	
28			know quite well had been murdered. And, to me, they	
29			weren't complaints, they were just him venting and I	

1			was just taking a note of it.	
2	266	Q.	Thank you very much, Detective Superintendent. Perhaps	
3			other people might like to ask you some questions?	
4			CHAIRMAN: Yes. Thanks, Mr. O'Dwyer, yes.	
5				11:38
6			THE WITNESS WAS CROSS-EXAMINED BY MR. O'DWYER AS	
7			FOLLOWS:	
8				
9	267	Q.	MR. O'DWYER: Detective superintendent, I just have a	
10			couple of questions for you.	11:38
11		Α.	Sorry, I can't hear you.	
12	268	Q.	I am sorry, I didn't have the microphone turned on.	
13		Α.	That is okay.	
14	269	Q.	If I can just go back to the night of the murder?	
15		Α.	Yeah.	11:38
16	270	Q.	You say you contacted Sergeant Hughes	
17		Α.	Yeah.	
18	271	Q.	about the murder. Sergeant Hughes has explained	
19			that's not his memory; I don't think anything turns on	
20			it.	11:39
21		Α.	I did ring him.	
22	272	Q.	Okay.	
23		Α.	I definitely most definitely rang him.	
24	273	Q.	And did you have you had a conversation of some	
25			sorts at that point?	11:39
26		Α.	Yeah, quite short, yeah.	
27	274	Q.	Quite short?	
28		Α.	Quite short, yeah. But I did ring him, yeah. And I	
29			have explained why I rang him.	

1	275	Q.	Pardon me?	
2		Α.	I explained why I rang him as well.	
3	276	Q.	Okay. I just as I say, nothing really turns on it	
4			but it is just his account is slightly he just	
5			doesn't remember that.	11:39
6		Α.	That's fine, but I did ring him.	
7	277	Q.	And then you, on the 21st, was that that was your	
8			next contact with him?	
9		Α.	Yes. I had seven interactions with him over two	
10			days over three days: one on the night, and six on	11:40
11			the Tuesday and Wednesday, which was the 21st and 22nd,	
12			yeah.	
13	278	Q.	So the murder occurred on a Sunday?	
14		Α.	Yeah.	
15	279	Q.	And then there was the Monday you weren't in?	11:40
16		Α.	On the Monday I had no dealings with him on the Monday,	
17			no.	
18	280	Q.	You had no dealings. And then we come to the 21st,	
19			which is the Tuesday?	
20		Α.	Yeah, that's right, yeah, the 21st, yeah.	11:40
21	281	Q.	And I think you've said that you decided to contact him	
22			again based on a report from Bob Kavanagh, is that	
23		Α.	No, no, there was two reasons: one was to see how he	
24			was; and the other was to ask him for a copy of the	
25			file.	11:40
26	282	Q.	Okay. And had you seen a note from Bob Kavanagh just	
27			about the safety of	
28		Α.	I think Bob had told me. I would have known Bob quite	
29			well, he'd have been a friend of mine for years, so I	

1 think he told me, as far as I remember. I may have 2 seen the report as well, very possible. I don't 3 remember. Yes. Again I don't think anything --4 283 0. 5 Yeah. Α. 11:41 6 284 It's just that -- but you were aware that there was --**Q**. 7 I mean the context of that was that there might have 8 been a threat to both Sergeant Hughes and Garda Nyhan? Yeah. He mentioned to me on the night that there was 9 Α. 10 vague threats had been made. 11:41 11 285 Okay. Q. 12 And then he rang -- I advised him to ring the SHO in Α. 13 Swords, which happened to be Bob Kavanagh that night, 14 and he obviously rang Bob and Bob did a report, yeah. And I would have talked -- I would have seen Bob that 15 11:41 16 Sunday night, I was in Swords after the murder -- I 17 went to the murder scene and then went to Swords. Bob 18 was the sergeant on. As I said, I knew Bob very well 19 for 20 years, I would have spoken to him on the night, 20 veah. 11:41 And also, I think you've said that Detective 21 286 Okay. Q. 22 Sergeant McEneaney had asked you to try and get the --23 well there was no try; he asked me to get it, yeah. Α. 24 Yeah? 287 Q. 25 Α. Yeah. 11:41 26 288 So it was those reasons you were calling him? 0. 27 Yeah, two reasons. Α. Just as something that I just found a little bit 28 289 **Q**. 29 difficult to understand. Why were you ringing him?

55

1			This is not a criticism in the slightest, but why was	
2			it you rather than somebody else?	
3		Α.	Ringing him to see how he was?	
4	290	Q.	No, both. Why was	
5		Α.	Well I was part of the management in Coolock. As I	11:42
6			said, there was only two of us. Myself and Donal	
7			Waters. So, when I was asked to ring him for the file	
8			I said I'd ask him how he was as well, because I had	
9			spoke to him on the night. I now know that himself and	
10			Ciaran McEneaney do not have a good relationship. I	11:42
11			did not know that at the time, so	
12	291	Q.	Okay. And you had a conversation, it seems I mean	
13			it must have been a conversation of a few minutes at	
14			least on the telephone, this is on the 21st when you	
15			called him about these matters?	11:43
16		Α.	Yeah.	
17	292	Q.	Okay. And if we look at page 761, and this is the	
18			statement. I just I didn't catch what you said	
19			earlier. This is this statement from, almost	
20			contemporaneous well not contemporaneous, but from	11:43
21			18th October 2007?	
22		Α.	Yeah, it's a year later, yeah.	
23	293	Q.	A year later, sorry, yeah.	
24		Α.	Yeah.	
25	294	Q.	But it's	11:43
26		Α.	It's based on my notes, yeah.	
27	295	Q.	Okay.	
28		Α.	Yeah.	
29	296	Q.	And in that you say that at page 761 you say	

1 that, and you mentioned it earlier, that Sergeant 2 Hughes expressed anger that more had not been done to 3 prevent the -- perhaps if we -- there we are --4 Α. Yes. 5 297 He expressed -- sorry if I could... Q. 11:44 6 Yeah. Α. 7 298 Thanks, Mr. Kavanagh, sorry. You see: **Q**. 8 "He expressed anger that more had not been done to 9 10 prevent it. I expressed belief that from what I knew 11 · 44 11 he had done all he could and I was not aware of any 12 specific threat. Sergeant Hughes stated that A had 13 made threats against him and Garda Nyhan also." 14 15 So he is not referring to Ms. Saulite there at all, 11:44 16 he's referring to Garda Nyhan and himself. 17 I think he spoke about when he charged him, I Α. Yeah. 18 think he used the word 'veiled threats' was it, the day 19 he charged him. 20 299 Yes, that's correct. "And Garda Nyhan also ... he **0**. 11:45 21 expressed anger that no one in authority had rang him 22 to see how he was." 23 24 I think you said in your evidence and, to be fair to 25 you, you were ringing him? 11:45 Yeah. There was only two of us in authority in 26 Α. 27 Coolock, myself and Donal Waters; there was nobody else to ring him in Coolock. 28 29 Okay. And then he went on to tell you that there 300 Q.

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1			should have been a coordinated that, in his view,	
2			there should have been a coordinated investigation into	
3			all of the incidents?	
4		Α.	Yeah.	
5	301	Q.	And that I think he said that the I'm sorry, I	11:45
6	501	۷.	can't he said that they should have been	11.45
7			investigated by the same people, is that correct?	
8		Α.	That's what he said, yeah.	
9	302	Q.	And I think in a later in your questionnaire for the	
10	502	Q.	confidential recipient, you said that that was you	11:46
11			summarise that by saying that:	11:46
12			Summar ise that by saying that.	
13			"Williams Hughes said to me that there should have been	
14			a coordinated investigation into all of the incidents."	
15			a cool diffated investigation into all of the incluents.	44.40
16			And you said:	11:46
17			And you satu.	
18			"This was the first time he had said that to me."	
19			This was the first time he had said that to me.	
			co this is on the 21st shuisuely you are referring to?	
20			So, this is on the 21st obviously you are referring to?	11:46
21	2.0.2	Α.	Yeah.	
22	303	Q.	You said in your Tribunal statement, and I think you	
23			phrased it slightly differently today, but you said in	
24			your Tribunal statement we don't have to open it,	
25			but at page 719 that you felt he was just letting	11:46
26			off steam.	
27		Α.	Venting, yeah.	
28	304	Q.	Yeah.	
29		Α.	Yeah.	

I think the words you used in the statement were 1 305 Q. 2 'letting off steam', but venting, it's -- yeah, okay. 3 And so you didn't, I suppose, take these as, and I think Mr. McGuinness has covered this, but you didn't 4 5 take this as forms of complaint, but that was just your 11:47 6 view? 7 Yeah, they weren't -- no, the coordination -- the Α. 8 abduction was, the investigation was finished at that stage. He had investigated. The person was charged. 9 well he -- I mean clearly he's referring to the 10 306 Q. 11.47 11 coordination of all of these matters involving A, Baiba 12 Saulite, John Hennessy. I mean that's -- but that 13 wasn't what you were thinking at the time? 14 Α. NO. I presume he's meaning the damage to her car and 15 the threats to Hennessy should have been the same 11:47 16 investigation team, yeah. 17 Yeah... 307 Q. I'm presuming that's what he meant. Because the 18 Α. 19 abduction was dealt with --20 308 **Q**. Yes. 11:47 -- so if it was to be coordinated with the abduction. 21 Α. 22 it would be him leading it because you'd start with the first one. 23 24 I think that's what he meant. He was talking about all 309 Q. 25 of the various strands that were happening. A better 11.47 way to put it might be involving A? 26 27 Yeah, but that's not logical either because Mr. A was Α. also involved in stealing cars, so you wouldn't 28 29 coordinate everything that a person -- a person could

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1			be committing crime in various parts and it's only	
2			if they are connected.	
3	310	Q.	But you might	
4		Α.	If they are connected.	
5	311	Q.	Yes, but I mean clearly these were connected, they're	11:48
6			connected	
7		Α.	Well hindsight is great, yeah, yeah.	
8	312	Q.	well	
9		Α.	Ah no, it is, hindsight is great.	
10	313	Q.	But there is no question but that John Hennessy, Baiba	11:48
11			Saulite and Sergeant Hughes himself at that point, I	
12			mean they're connected, and Mr. A are connected by the	
13			child abduction, I mean Mr. Hennessy said that	
14			yesterday, well the family law proceedings and the	
15			child abduction matters, that's all, I mean that's the	11:48
16			connection between those people?	
17		Α.	Yeah. Yes.	
18	314	Q.	Okay. And that's what he's referring to. So the I	
19			suppose, while the cars were clearly a very serious	
20			matter and seem to involve an international aspect,	11:48
21			that wouldn't have been connected with that as such,	
22			with the	
23		Α.	No, but	
24	315	Q.	these are all around the child abduction?	
25		Α.	But Mr. Hennessy's actions led to him, as he said	11:49
26			himself, receiving a bigger sentence because	
27			Mr. Hennessy went in and gave evidence in the	
28	316	Q.	Yes	
29		Α.	Yeah, so it was Mr. Hennessy	

1	317	Q.	Sorry, you are correct, yes that is But	
2			Mr. Hennessy's connection was	
3		Α.	Because of the abduction.	
4	318	Q.	Thank you. And this was pointing that out?	
5		Α.	Oh no, that was beforehand.	11:49
6	319	Q.	But, no, it was connected. Mr. Hennessy's only	
7			connection and he made this very I think you were	
8			here yesterday but	
9		Α.	I was here in the morning, yes.	
10	320	Q.	He made it very clear that his own difficulties	11:49
11		Α.	Absolutely.	
12	321	Q.	and threats that may have occurred to him were	
13			completely related to his relationship with Ms. Saulite	
14			in terms of his professional relationship and the child	
15			abduction.	11:49
16				
17			Sorry, if I could just, I suppose, proceed that I mean	
18			he was he told you these things. You thought he was	
19			venting, or letting off steam; that was your view. You	
20			didn't see these as complaints at all?	11:50
21		Α.	No. My view then, and view now, is that he was blaming	
22			himself for not doing enough, for not reading the	
23			victim impact report and his mistake was that had he	
24			read it, he could have prevented it.	
25	322	Q.	No, I understand that. But I mean what he is talking	11:50
26			about there is clearly not himself. You know, when he	
27			is talking about these investigations and these various	
28			different things that are happening and that they	
29			should have been coordinated, he's not talking about	

1 his own fault there. I mean that might be what was 2 generating it but certainly, and I mean I am not saying 3 it was, but I mean he's not talking about his own -that's clearly a wider issue he's talking about, a lack 4 5 of coordination? 11:51 6 Yeah, but I am not sure there was either though. Α. I know. That's -- I'm just making the point that you 7 323 **Q**. 8 didn't -- you simply saw that, you've recorded this yourself as venting? 9 Yeah, he's just -- he knew her very well and he was 10 Α. 11:51 11 very shocked, absolutely, this was a terrible murder, you know, he knew her -- all murders are terrible but 12 13 this is, I don't know how you'd describe it, but he 14 knew her well, and anybody who knows somebody who is 15 murdered, especially, you know, because of the matter 11:51 16 he had investigated. 17 Yes. 324 Q. 18 It doesn't surprise me that he was shocked. Α. 19 325 No, he was clearly shocked and concerned. So I mean in Q. 20 terms of getting this file, he agreed to give you the 11:51 file. is that --21 22 Α. Yes. In this conversation. That would have been later? 23 326 Q. 24 That was the Tuesday evening, Tuesday afternoon, yeah. Α. 25 I think you said five o'clock, would that be right? 327 Q. 11:52 26 Yeah, I rang him earlier and he came in, I met him Α. 27 around five o'clock, yeah. 28 So clearly he is cooperating? 328 Q. I have never said otherwise. 29 Yeah. Α.

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1	329 Q.	I understand that but he is not	
2		CHAIRMAN: He has actually said the opposite. He has	
3		actually said not only that he cooperated with that,	
4		but that implicitly the detective superintendent	
5		implicitly said there was no need for a fuss about the	11:52
6		victim statement because he had no doubt that Sergeant	
7		Hughes would provide it, on request.	
8		MR. O'DWYER: well that's the victim impact statement	
9		you're talking about, wasn't it, when you said that	
10		earlier?	11:52
11		CHAIRMAN: That's what he said.	
12		MR. O'DWYER: You are saying that if had you asked him	
13		for that, for the victim impact sorry, Chairman.	
14		CHAIRMAN: Say that again, Mr. O'Dwyer.	
15		MR. O'DWYER: My understanding of the Detective	11:53
16		Superintendent's evidence earlier, and I haven't got	
17		the benefit of a transcript obviously, was that he was	
18		saying that actually Sergeant Hughes would have given	
19		him the victim impact statement.	
20		CHAIRMAN: Absolutely.	11:53
21		MR. O'DWYER: Sorry, yes.	
22		CHAIRMAN: So he is double plus extra agreeing with	
23		you.	
24	Α.	The only thing I would have to add is that I shouldn't	
25		have had to ask him for it; he should have given it to	11:53
26		me.	
27		MR. O'DWYER: But you didn't ask him for it?	
28	Α.	No, I didn't know to ask him. He should have given it	
29		to me	

1	330	Q.	You didn't know about it at all at that point?	
2		Α.	He should have given it to me when he gave me the	
3			file on the Tuesday evening, he should have given it to	
4			me there and then, I shouldn't have had to ring him	
5			back for it.	11:53
6	331	Q.	Well, I mean you asked him for the file. I mean he was	
7			happy to meet you, he was going to give you that as you	
8			asked for?	
9		Α.	He gave me	
10	332	Q.	He may have had a different view about the victim	11:53
11			impact statement, is that fair?	
12		Α.	No, it's not fair. He should have given it to me.	
13	333	Q.	Okay	
14		Α.	He was the last guard to see her alive; he should have	
15			given it to me.	11:54
16	334	Q.	Okay.	
17		Α.	And he had read it, he knew what was in it, he should	
18			have given it to me.	
19	335	Q.	He had read it, that's right.	
20		Α.	There is absolutely no doubt about that.	11:54
21	336	Q.	So when you were contacted, I think, by you said you	
22			were contacted by Walter O'Sullivan?	
23		Α.	Yes.	
24	337	Q.	Later that afternoon?	
25		Α.	Yeah, only about an hour	11:54
26	338	Q.	It was obviously after five o'clock, was it?	
27		Α.	Yeah, it was only about an hour and a half later, yeah.	
28	339	Q.	He phoned but and a half eight?	
29		Α.	No, about half six I think.	

1	340	Q.	Sorry. And what did he say?	
2		Α.	No, he just no, he phoned Walter. I would safely	
3			say what happened was I went into the DDU office and	
4			said here's the investigation file and I was told, oh,	
5			what about the victim impact report? And then I was	11:54
6			asked to get that as well.	
7	341	Q.	Okay. It's just that you've said that you were that	
8			Walter O'Sullivan certainly asked you to get the victim	
9			impact?	
10		Α.	Yeah. I don't think he phoned me, I would say I	11:54
11			probably met him.	
12	342	Q.	where?	
13		Α.	In Swords. I would say	
14			CHAIRMAN: Hold on, sorry, Mr. O'Dwyer. Let the	
15			witness finish. You're speaking across each other.	11:55
16			Okay.	
17		Α.	I would safely say for those few days after that murder	
18			Walter probably lived in Swords Garda Station.	
19			Probably was there 17, 18 hours a day. I was there	
20			probably about 12, 14 hours. My recollection is I	11:55
21			met Walter was in the station, he was gone, he went	
22			to the PM, he went to the various things, but as an	
23			SIO, I was later SIO on murder investigations, that	
24			first couple of days are extremely busy, are you being	
25			pulled and dragged in all directions.	11:55
26			MR. O'DWYER: Sorry to have interrupted you. So,	
27			Walter O'Sullivan asked for the you to get this?	
28		Α.	Yeah.	
29	343	Q.	And that was the first you'd heard of it, is that?	

1		Α.	Yeah.	
2	344	Q.	Okay. And can you remember what Walter O'Sullivan	
3			said?	
4		Α.	Just get it. Ring him. Get it.	
5	345	Q.	He didn't describe anything about it or	11:56
6		Α.	I have no recollection, no, No.	
7	346	Q.	I mean something that becomes relevant I suppose, but	
8			was there any urgency in	
9		Α.	Not at that stage, no, no. Because, as I said, I am	
10			quite sure if when I rang Liam and I said can I get	11:56
11			it, had I said "I need it now," he'd have come in and	
12			given it to me, I'm quite sure he would have. But I	
13			didn't put the urgency on it that higher ranks did the	
14			next morning.	
15	347	Q.	Okay. You're sure he would have given it to you if	11:56
16			you'd asked for it?	
17		Α.	Had I asked specifically for it. But my view is he	
18			should have given it to me at five o'clock.	
19	348	Q.	Okay. And so you're talking to Walter O'Sullivan and	
20			he doesn't convey, from what you remember, any	11:56
21			particular urgency about collecting it?	
22		Α.	No .	
23	349	Q.	Okay.	
24		Α.	I have no	
25	350	Q.	And didn't provide you with any information about why	11:56
26			it might be relevant or important or anything like	
27			that?	
28		Α.	It's fairly obvious why it was relevant.	
29	351	Q.	Okay.	

1		Α.	It was	
2	352	Q.	No, but I am just saying, he didn't say to you?	
3		Α.	No, but he wouldn't have to. It was obviously	
4			relevant.	
5	353	Q.	Okay.	11:57
6		Α.	Hugely relevant.	
7	354	Q.	And did he indicate that he had at least seen it?	
8		Α.	No. I have no recollection of him saying that to me,	
9			no.	
10	355	Q.	Did he mention that he had met Sergeant Hughes the day	11:57
11			before?	
12		Α.	No. I have no recollection of him saying that to me,	
13			no.	
14	356	Q.	Okay. And so, you rang Sergeant Hughes again and he	
15			agreed to leave his copy for you for the following day,	11:57
16			is that right?	
17		Α.	Yeah. Whatever I have there, yeah, yeah.	
18	357	Q.	Okay. And he asked you I think you said this	
19			earlier, but he asked you did you think it could be	
20			used for evidence?	11:57
21		Α.	Yeah.	
22	358	Q.	And you said you didn't think so?	
23		Α.	Yeah, and, as I explained, I was thinking of evidence	
24			in the murder investigation. He may have meant could	
25			he still use it as a victim impact report.	11:57
26	359	Q.	Or could it have been used?	
27		Α.	Yeah. And when I said no, I meant as evidence in the	
28			murder investigation. But it could have been used for,	
29			to show motive, it certainly could have been used to	

1 help somebody form a reasonable suspicion to make an 2 arrest, shall we say, or do an action further down the 3 line. Thank you. You mention in the statement, I 4 360 0. Okav. 5 think it's at page 763, but again we don't have to open 11:58 6 it, it's just that you talked to Walter O'Sullivan, 7 Detective Superintendent Byrne and Inspector Waters 8 later in that evening. That was my understanding. "1 later spoke with ... " 9 10 11:58 11 Can you see that? 12 Yeah. Α. 13 Is that correct? 361 Q. 14 Α. Yeah, if it's there, it's correct, yeah. You must 15 remember we're in the station. 11:58 16 I understand, and you're all --362 Q. 17 Absolutely, absolutely, yeah. Α. 18 You are, shall we say, up to high doh because of what 363 Q. 19 happened or there is a lot of activity? 20 Certainly the detective inspector as the SIO would have 11:59 Α. 21 been, yeah. 22 And I just wonder, I mean you mention that in passing 364 Q. 23 but you don't say what the relevance of that was. Did 24 they discuss the victim impact statement or report with 25 vou? 11:59 I don't remember what we talked about. 26 Α. 27 365 Okay. So you don't know whether the victim impact Q. statement was discussed at all? 28 29 At that stage, no. The urgency came on the next Α.

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1			morning.	
2	366	Q.	Well let's speak about that. So, the next morning, I	
3			suppose one of the people who was present at that	
4			meeting we were just talking about, which is the night	
5			before, so this is the 21st, was Inspector Waters?	11:59
6		Α.	Yeah.	
7	367	Q.	And then the next morning Inspector Waters rings you	
8			completely separately, is that right?	
9		Α.	Yeah.	
10	368	Q.	Sorry, I keep saying "ring you", but I may be	12:00
11		Α.	Yeah, I think that was a phone call, yeah.	
12	369	Q.	Okay.	
13		Α.	My recollection is it was a phone call, yeah.	
14	370	Q.	And what does he say?	
15		Α.	To get the victim impact report.	12:00
16	371	Q.	And does he put it in any different terms than Walter	
17			O'Sullivan or?	
18		Α.	Em, my impression was there was a little bit more	
19			urgency; that I needed to ramp it up a little bit,	
20			yeah.	12:00
21	372	Q.	And obviously he hadn't well I shouldn't say	
22			obviously, but it appears that he didn't mention it the	
23			night before. So this was a new, from his point of	
24			view	
25		Α.	I would say so, yeah.	12:00
26	373	Q.	there appeared to be a new impetus to get this?	
27		Α.	The pressure was flowing downwards.	
28	374	Q.	Okay. The pressure was flowing downwards?	
29		Α.	The pressure was flowing downwards.	

375 From where? 1 Q. 2 Well, Assistant Commissioner McHugh and Garda Α. 3 management wanted -- obviously they were concerned what 4 was in it and they wanted to see what was in it. 5 376 But how did they find out? Q. 12:01 6 I would safely say the chief superintendent was being Α. 7 briefed all the time by the detective superintendent 8 and by the detective inspector as to what was happening. This is what happened: you are briefing 9 10 people as to where are you now, where are you now, 12.01 11 where are you now. 12 I have a little bit of a difficulty with the titles 377 Q. 13 sometimes connecting them to the actual people. So who 14 are you saying would have been telling? 15 Well I know from my own investigations when a murder Α. 12:01 16 happens like that, as an SIO, you are briefing the 17 chief superintendent all the time as to what is 18 happening and any progress and anything like that, 19 yeah. Okay. So that's Chief Superintendent Phillips? 20 378 **Q**. 12:01 21 Phillips, yeah, yeah. Α. 22 379 Okay. Q. 23 And more than likely Walter O'Sullivan. Α. 24 So you think Walter O'Sullivan may have been --380 Q. 25 Or it may have been Donal Waters, I don't know. Α. 12.01 And Donal Waters hadn't indicated to you how he 26 381 Okav. 0. 27 got to know about the victim impact statement, did he? He just said it needs to be got? 28 29 My recollection is that the chief rang him to tell me Α.

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1			to get it.	
2	382	Q.	Okay. And then what you said certainly seems to ring	
3			true by the rest of your note, that there was a real	
4			stepping up	
5		Α.	Yeah.	12:02
6	383	Q.	of the urgency. And I think Chief Superintendent	
7			Phillips rang you?	
8		Α.	I think he rang me twice.	
9	384	Q.	He rang you twice, that's right, yeah. And the first	
10			time what did he say?	12:02
11		Α.	I think the first time I told him I had an arrangement	
12			to get it.	
13	385	Q.	That had you arranged to meet Sergeant Hughes and that	
14			was going to happen later in the day?	
15		Α.	Yeah. And the second one was I was told well speed it	12:02
16			up a bit.	
17	386	Q.	Yeah. And can you just tell because I mean it is	
18			relevant, it is something that Sergeant Hughes has said	
19			had an affect on him was this description of what was	
20			reported to you as being the view of Assistant	12:02
21			Commissioner McHugh. What was that?	
22		Α.	I was told that if he didn't come in I was to force	
23			open his locker and get it.	
24	387	Q.	Okay. But that was conveyed as a message, wasn't it?	
25		Α.	Yeah.	12:03
26	388	Q.	From whom?	
27		Α.	Chief Superintendent Phillips told me.	
28	389	Q.	But he was telling you this, but that that was coming	
29			from?	

1		Α.	Assistant Commissioner McHugh, yeah.	
2	390	Q.	Exactly.	
3		Α.	Yeah, yeah.	
4	391	Q.	So this was a I mean bust open the locker may be a	
5			slight paraphrase, but certainly this idea of	12:03
6		Α.	Get the key and open it, yeah.	
7	392	Q.	Okay.	
8		Α.	But I'm not sure I relayed that Liam Hughes.	
9	393	Q.	You're not sure?	
10		Α.	NO.	12:03
11	394	Q.	Sergeant Hughes does remember that, and actually it	
12			seemed to have an effect on him, as it probably would	
13			anyone, to hear that?	
14		Α.	Yeah, I don't think I did, because I don't think I	
15			needed to. He was coming in anyway, so I didn't have	12:03
16			to say to him "sorry, if you don't come in I'm going to	
17			break open your locker." He was coming in.	
18	395	Q.	But you can't remember. You may have?	
19		Α.	I don't think I did, I think I would have recorded it	
20			if I did. But I am not saying	12:04
21	396	Q.	But you did record sorry to interrupt you.	
22		Α.	I recorded what I was told but I didn't record that I	
23			told him it.	
24	397	Q.	Okay.	
25		Α.	I don't think I did, because I don't think I needed to	12:04
26			because he was coming in. There was no issue, he was	
27			coming in.	
28	398	Q.	But you don't remember whether you did or didn't?	
29		Α.	I don't think I did.	

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1	399	Q.	Okay.	
2		Α.	But	
3	400	Q.	Just down to correction?	
4		Α.	Yeah, I just don't remember. I don't think I did	
5			because I don't think I needed to. And I think if I	12:04
6			did, I would have recorded it.	
7	401	Q.	All right.	
8		Α.	And that's the best I can put it.	
9	402	Q.	Okay. And you rang, you rang Sergeant Hughes, and this	
10			time you got him and	12:04
11		Α.	Yeah.	
12	403	Q.	And he again was	
13		Α.	He told me he said he was at parent-teacher meeting.	
14	404	Q.	That's correct.	
15		Α.	In fairness, he said he'd be in in half an hour, I	12:04
16			think he was in in 25 minutes.	
17	405	Q.	Okay. So obviously, you know, he changed his	
18			arrangements and came in quicker?	
19		Α.	The meeting was finished.	
20	406	Q.	The parent teacher meeting?	12:05
21		Α.	Yeah.	
22	407	Q.	But he came straight in?	
23		Α.	He came straight in, yeah, yeah. And, in fairness, he	
24			had actually gone sick at this stage as well.	
25	408	Q.	Yes. He was on sick leave that day, I think you said	12:05
26			that earlier?	
27		Α.	Well I knew at this stage he was gone sick, yeah.	
28	409	Q.	Okay. And then he came in and he gave you a copy of	
29			the again I am slightly confused myself as to what	

1			did he give you when he came in?	
2		Α.	Em, he gave me a copy of another copy of the child	
3			abduction file.	
4	410	Q.	Is that the same?	
5		Α.	What I have here is "another copy of it". I would	12:05
6			safely say it was the same. It may have been the	
7			original statements. There was also, as I said, there	
8			would be often times statements that would not have	
9			gone in the file to the DPP. There would be in the	
10			disclosure file, they would be obviously disclosed.	12:05
11	411	Q.	So that might have been different from what he had	
12			given you the night before?	
13		Α.	It may have been different, yeah.	
14	412	Q.	But you don't know?	
15		Α.	I don't know, no.	12:06
16	413	Q.	Okay. So he gave you both of those. So now he is	
17			giving you both of	
18		Α.	He ga∨e me	
19	414	Q.	everything I think would be a	
20		Α.	I would say by this stage I probably had everything,	12:06
21			yeah.	
22	415	Q.	Okay. And you had a conversation?	
23		Α.	Yeah.	
24	416	Q.	And that gave I mean he told you about the I	
25			mean, he told you himself about the victim impact	12:06
26			statement at that point, was that	
27		Α.	Yeah. He asked me to write it down. He wasn't able to	
28			write to down. It was his note of his recollection of	
29			what had happened on the 14th.	

2A.And I wrote it down.3418Q.And why do you think he well I think you have4indicated earlier why you thought he was asking you to5write it down, what was that?12:006A.First of all, he wasn't able to write to down, he7wasn't able to concentrate and sit down and write it8down himself, and he wanted garda management to know9what had happened.10419Q.11anything like that or12A.13420Q.14A.1542116think we have, I think what this is at page 765, if17Mr. Kavanagh would oblige me?18A.1942220.So, is this actually what you wrote down there and21A.22Yeah.23Q.2423Q.2423Q.2424Q.2424Q.25A.2642427A.28A.2942520Why did you sign it?	1	417	Q.	Okay.	
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 19 422 Q. So, is this actually what you wrote down there and then? 12:07 21 A. Yeah. 22 423 Q. And I mean again nothing may really turn on this, but Mr. Hughes or Sergeant Hughes's recollection is that he signed something? 25 A. No, he didn't, no. I signed it. 26 424 Q. Okay. So this is what you wrote down in front of him; this wasn't something you wrote later on? 28 A. No, that was written down in front of him, yeah. 	17			Mr. Kavanagh would oblige me?	
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	27			this wasn't something you wrote later on?	
29 425 Q. Why did you sign it?	28		Α.	No, that was written down in front of him, yeah.	
	29	425	Q.	Why did you sign it?	

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 2 426 Q. But why? A. To show when I wrote it down. 4 427 Q. But sure, I mean this is part of a obviously your bigger this is the same thing that was in your I 12:08 mean there is a much longer note that this was part of, but I mean it was clear when all of that was written down? A. Why did I sign it? Em, I signed it just to show that that's when I wrote it down, that's when it was taken. 12:08 428 Q. Yeah. Okay. And so, obviously this isn't something that he signed? A. No, he didn't sign it, no. 429 Q. Okay. A. I don't recall whether I asked him to sign it or not. 12:08 Ji just don't recall. A. I don't recall. Sergeant Hughes's recollection is that he signed something nothing may turn on that, but that he signed something? A. No. 431 Q. So you were the only person who signed it? A. I was the only one who signed it, yeah. 432 Q. And in that document it fairly much goes through I 	1		Α.	I signed it and dated it.	
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	23		Α.	I was the only one who signed it, yeah.	
25 man obviously we have already seen the typed	24	432	Q.	And in that document it fairly much goes through I	
25 mean obviously we have alleduy seen the typeu 12:09	25			mean obviously we have already seen the typed	12:09
26 statement. Sergeant Hughes's recollection, the part,	26			statement. Sergeant Hughes's recollection, the part,	
27 sort of, in the middle of the page, and I am sorry, it	27			sort of, in the middle of the page, and I am sorry, it	
28 is very difficult probably to look at on screen, but	28			is very difficult probably to look at on screen, but	
29 further down the page, where it says	29			further down the page, where it says	

1 I think, from listening to him, he agrees with probably Α. 2 99% of it. 3 433 Pardon me? Q. From listening to him giving evidence, he probably 4 Α. 5 agrees with 99% of it. 12:09 Oh sure, yes --6 434 Q. 7 CHAI RMAN: Sorry, you want to refer to something, 8 Mr. O'Dwyer? I am sorry, it begins with "asked how..." 9 MR. O' DWYER: 10 CHAI RMAN: Just tell us what the line says. 12.09 11 MR. O' DWYER: It says --12 How does the line begin? CHAI RMAN: 13 MR. O' DWYER: "Asked how..." it's about five lines up 14 from the bottom of the page. 15 CHAI RMAN: Five lines up from the bottom of the page. 12:10 16 Just a minute, let's get Mr. Kavanagh to go to the 17 relevant part. So, near the end of this. Can you 18 scroll down? 19 MR. McGUI NNESS: The cursor is on it, Chairman. 20 I'm sorry, thanks very much. CHAI RMAN: 12:10 21 MR. O'DWYER: I just wanted to refer to the original. 22 Hold on, we'll get there, we'll get there, CHAI RMAN: but I don't want to get there -- I want to be able to 23 24 see what we are talking about. 25 MR. O'DWYER: And I can read it from my version here, 12.1026 but it says. 27 CHAI RMAN: Okay, read what you say. 28 MR. O'DWYER: "Asked how she was and she said he never 29 stopped talking about John Hennessy and Liam Hughes."

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1 2 That's something that certainly exactly chimes with 3 what Sergeant Hughes was saying at the time. 4 5 "That they were responsible for putting him in prison." 12:10 I have it now, thank you. Yes. 6 CHAI RMAN: 7 Thanks, Judge. MR. O' DWYER: I know it's --8 CHAI RMAN: Go on. We have it now, Mr. O'Dwyer. What do you want to ask about this, Mr. O'Dwyer? 9 10 MR. O'DWYER: I was just going to say that the next 12.11 11 line: "She said she feared for her safety..." 12 CHAI RMAN: Yes. 13 MR. O'DWYER: "Declan's safety" -- meaning Declan 14 Nyhan. 15 CHAI RMAN: Yes. 12:11 16 MR. O'DWYER: "... and John's safety and Liam's 17 safety". 18 Liam's safety. Α. 19 CHAI RMAN: Yes. 20 MR. O'DWYER: Sergeant Hughes's recollection is that's 12:11 not exactly what he said. He didn't -- he didn't 21 22 mention her own fears for herself. This is what he said. That's what I wrote down. 23 That Α. 24 was read over. 25 Okay. I accept that, and the note, and that it is 435 Q. 12.11 26 contemporaneous. I am just -- I have to put it to you 27 that he didn't certainly use those exact words --28 CHAI RMAN: I mean, are you suggesting that this is 29 wrong? You're suggesting this is wrong. I mean the

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1			only fair way is to say what he did say.	
2	436	Q.	MR. O'DWYER: well that he mentioned all the rest but	
3			he didn't say sorry, Sergeant Hughes says that he	
4			didn't say that she, that she expressed fears for her	
5			own safety. That is not his memory of what he said to	12:12
6			you.	
7		Α.	That's what he said. She also said it in the it's	
8			in the victim impact report as well.	
9	437	Q.	Okay.	
10		Α.	He also then he makes reference that he asked her	12:12
11			did she want to make a complaint. If she hadn't said	
12			it, he wouldn't have been asking her.	
13	438	Q.	And in fairness	
14			CHAIRMAN: Say that again. Hold on, Mr. O'Dwyer. Say	
15			that again.	12:12
16		Α.	He said that he asked her did she want to make a	
17			complaint.	
18			CHAIRMAN: Yes.	
19		Α.	And she says no. If she hadn't said about her own	
20			safety, why would he be asking her to make a statement?	12:12
21			MR. O'DWYER: well, to be fair, I think what he was	
22			talking about I mean it is very difficult on the	
23			handwritten page what he was talking about is a	
24			and I am not going to go	
25			into any details.	12:13
26			CHAIRMAN: Yes.	
27			MR. O'DWYER: and I	
28			don't want to necessarily read on show it on the	
29			screen.	

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1		Α.	I know what you are referring to.	
2	439	Q.	You know what I am referring to?	
3		Α.	That is not	
4	440	Q.	But that seems	
5		Α.	No.	12:13
6	441	Q.	to be the it's after the discussion of that, that	
7			he refers to. And that's exactly what he said to	
8			Inspector Mangan.	
9			CHAIRMAN: I am not sure Mr. O'Dwyer, I am not sure	
10			what you are asking the witness. It's not a discussion	12:13
11			we're having, if I may respectfully say so. I need	
12			questions from you and answers from the witness. Not a	
13			discussion as to what might have been said. I need you	
14			to say, and, in fairness, you have said clearly that	
15			your instructions are that Sergeant Hughes did not say	12:14
16			that Ms. Saulite expressed a concern for her own	
17			safety.	
18			MR. O'DWYER: Yes.	
19			CHAIRMAN: And therefore you're implying you're	
20			suggesting that Detective Superintendent made a	12:14
21			mistake	
22			MR. O'DWYER: Yes.	
23			CHAIRMAN: in writing it down. That's what you are	
24			saying.	
25			MR. O'DWYER: Yes.	12:14
26			CHAIRMAN: He got that wrong.	
27			MR. O'DWYER: Yes.	
28			CHAIRMAN: And we all make mistakes, so that's what he	
29			is saying. He says no I didn't.	

MR. O'DWYER: Yes, Judge, that is simply the --1 2 Okay. And he says that it wouldn't have CHAI RMAN: made sense for Sergeant Hughes to record that she --3 that he had asked her did she want to make a complaint, 4 5 and he says that wouldn't have made sense if she had 12:14 not previously indicated concern for herself. That's 6 7 where we are at the moment. 8 MR. O'DWYER: Yes, Judge. And I was, I suppose, 9 responding to that by saying that he did go on in every statement, including the statement to Inspector Mangan, 12:15 10 11 which is probably the --12 CHAI RMAN: No, don't make a speech about it. Ask him a 13 question, Mr. O'Dwyer. MR. O' DWYER: 14 Yes. 15 CHAI RMAN: Ask him a question. 12:15 16 442 Q. 17 18 19 443 20 12:15 21 22 23 24 444 25 12:15 26 445 27 28 29

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1			CHAIRMAN: Where are we going? Mr. O'Dwyer, I need you	
2			to ask a question.	
3			MR. O'DWYER: Okay. I am sorry, I am just saying he is	
4			referring to the	
5			CHAIRMAN: Does everybody understand? Can I make it	12:16
6			clear?	
7			MR. O'DWYER: Yes, Judge.	
8			CHAIRMAN: I mean, I am listening to this evidence, I	
9			am interested in this evidence, it's no criticism of	
10			anybody, but I need counsel to ask a question, to give	12:16
11			the witness a chance to respond, and I am trying to	
12			write down where we are, and I am not interested in	
13			discussions or suggestions or speculations.	
14			MR. O'DWYER: Okay.	
15			CHAIRMAN: It is true that there is a reference later	12:16
16			to a third party and a reference to Sergeant Hughes	
17			asking could they speak to this third party, and	
18			That is	
19			true. So we have the statement. We can read the	
20			statement. I now have one zone, which I knew about	12:16
21			earlier, one zone of disagreement between Sergeant	
22			Hughes and the Detective Superintendent.	
23			MR. O'DWYER: Yes, Chair. Well perhaps I will move on.	
24	446 Q	•	So sorry, yes having received those documents,	
25			you relayed them to Chief Superintendent Phillips, I	12:17
26			think you have mentioned, three quarters of an hour	
27			later?	
28	А	•	Yeah, have I it in my diary that I was to meet him at	
29			two o'clock and I have it ticked that I turned up.	

1			Whether I was there for two o'clock or ten or fifteen	
2			minutes later, I don't remember, but I brought them in	
3			to him yeah.	
4	447	Q.	And you say you didn't, you didn't read it at all. Did	
5			you look at it or	12:17
6		Α.	No, I brought it straight into him.	
7	448	Q.	And you didn't get the opportunity to read it and	
8			didn't	
9		Α.	I read it afterwards, yeah.	
10	449	Q.	When you say afterwards?	12:18
11		Α.	I either read it in the chief's office or I read it	
12			afterwards.	
13	450	Q.	Okay. So you went to the chief's office, and you've	
14			already told Mr. McGuinness quite a bit about that, you	
15			seem to emphasise that certainly the chief, if I can	12:18
16			use that expression, indicated to you that Sergeant	
17			Hughes had nothing to worry about?	
18		Α.	Yeah.	
19	451	Q.	I think Mr. McGuinness even framed the question in	
20			respect of disciplinary, but it didn't certainly	12:18
21			seem	
22			CHAIRMAN: Discipline wasn't mentioned.	
23			MR. O'DWYER: Sorry, excuse me.	
24	452	Q.	CHAIRMAN: Isn't that right, discipline wasn't	
25			mentioned?	12:18
26		Α.	The word wasn't mentioned but that is what I took from	
27			it.	
28	453	Q.	CHAIRMAN: But the implication was that he was in the	
29			clear?	

1		Α.	Yeah.	
2			MR. O'DWYER: Excuse me, I thought I had heard the word	
3			'discipline'.	
4	454	Q.	But nonetheless that, shall we say, he was in the	
5			clear?	12:19
6		Α.	As far as he was concerned, yes.	
7	455	Q.	In respect of the victim impact statement?	
8		Α.	Yes. That he had done nothing wrong, the fact that he	
9			hadn't read it, and, you know, that he couldn't be	
10			blamed basically.	12:19
11	456	Q.	Yes	
12		Α.	That it wasn't his fault.	
13	457	Q.	Yes. And that was the impression given to you and, in	
14			fairness, you conveyed that?	
15		Α.	I passed it on, yeah.	12:19
16	458	Q.	In light of that, what was your view on the later	
17			disciplinary procedure that seemed to focus on that,	
18			that very issue?	
19		Α.	I have, perhaps with 16 years service, further service	
20			and a different rank, a different rank now than I had	12:19
21			then. My view is that 1000% there had to be an	
22			investigation into it.	
23	459	Q.	What was your view then?	
24		Α.	May not have been 1000%. But my view now is	
25			absolutely. And if that was to happen today, it would	12:20
26			be referred to GSOC, absolutely.	
27	460	Q.	It would be referred to GSOC?	
28		Α.	Absolutely, yeah. If I was the superintendent and that	
29			had happened, I would be referring it myself, yeah.	

1	461	Q.	But that's despite the fact that even the chief	
2			superintendent is telling you that he has nothing	
3			well	
4		Α.	That was based on what's written down. It wasn't based	
5			on what she may have told him in the 45-minute meeting,	12:20
6			and also there may have been more as well. She had a	
7			45-minute meeting with him on the 14th.	
8	462	Q.	Yes, they had a conversation after	
9		Α.	A 45-minute meeting is what he told me, yeah.	
10	463	Q.	And just to it seems that you are well, sorry,	12:20
11			just to return to something slightly earlier. You	
12			mentioned crime conferences. I think you said you were	
13			going to a crime conference on either the was it the	
14			21st you were going to a conference?	
15		Α.	What do you mean? Where? The 21st was the Tuesday	12:21
16			probably a murder conference, yeah. There would have	
17			been a murder conference every day.	
18	464	Q.	There would have been a murder conference every day?	
19		Α.	Possibly even twice a day. Possibly one in the morning	
20			and one in the evening.	12:21
21	465	Q.	Okay.	
22		Α.	I know I have done I have been SHO on investigations	
23			where we had, where I had a conference in the morning	
24			and again in the evening, yes.	
25	466	Q.	Okay. And is that your memory of this?	12:21
26		Α.	No, no. Definitely once a day.	
27	467	Q.	Once a day?	
28		Α.	Definitely at least once a day and possibly a second	
29			one as well.	

1	468	Q.	Okay. In relation to this investigation?
2		Α.	To a murder. To any murder, yeah, and this murder,
3			yes.
4	469	Q.	And when was the very first conference, to your
5			knowledge?
6		Α.	11:00 a.m. on the Monday.
7	470	Q.	On the Monday?
8		Α.	On the Monday morning yeah.
9	471	Q.	Okay. So the first crime conference took place at
10			eleven o'clock sorry, because this is important for $_{12:21}$
11			another reason at eleven o'clock on the Monday?
12		Α.	That's what I have recorded.
13	472	Q.	And then would there have been another one in the
14			afternoon?
15		Α.	Possibly, possibly. I'm sure there's notes of them and $_{12:22}$
16			I am sure you know, there's usually there always
17			is.
18	473	Q.	Okay. And then there was other ones on other days?
19		Α.	There would be one every day certainly for the first
20			week. And it depends on the investigation. 12:22
21	474	Q.	Okay. And did you I think you mentioned earlier
22			before I you didn't did you register, certainly
23			at the first one, that Sergeant Hughes wasn't present?
24		Α.	No, I don't I don't remember. I didn't register.
25	475	Q.	And did anyone ever comment to you about his absence or $_{12:22}$
26			say where is he or?
27		Α.	No, but I have a in my view, he should have been
28			there.
29	476	Q.	Okay.

1		Α.	100%.	
2	477	Q.	But you didn't notice that he wasn't there or had no	
3			information about him?	
4		Α.	No, but my view is that 1000% he should have been	
5			there.	12:23
6	478	Q.	1000%?	
7		Α.	Absolutely.	
8	479	Q.	Okay. And then so, certainly in your conversations	
9			with Sergeant Hughes after the 21st, when the first	
10			conferences had been on, you didn't raise the issue of	12:23
11			him not being there because you hadn't noticed he	
12			wasn't there?	
13		Α.	No, I didn't, I didn't raise it with him but he should	
14			have been there. In my view he should have been there.	
15			And he probably knows himself he should have been	12:23
16			there.	
17	480	Q.	well that is, I suppose, an interpretation question.	
18		Α.	Yeah.	
19	481	Q.	But you mentioned, and I mean it was in the statement	
20			we looked at earlier, but you continued to have I	12:23
21			mean your involvement lessened but you continued to	
22			have contact with Sergeant Hughes thereafter quite	
23			regularly?	
24		Α.	Yeah, through other things, yeah, yeah, through other	
25			matters, yeah.	12:24
26	482	Q.	And in your statement, at page 787 this was your	
27			statement to the disciplinary inquiry. Now I've	
28			these are the we've looked at these already, but I	
29			think it seems that you were in contact with him. Now,	

1 in fairness, I do understand you've said you were 2 having conversations with him as well, meeting him and 3 things like that, but you mention, I think there's about 12 contacts there, 12 or 13 contacts that you 4 5 would have had? 12:24 6 Yeah -- ah, at least, yeah, yeah. Α. 7 483 And then you say -- and in fairness you said it again Q. 8 this morning -- certainly the majority of these appear to have been about appointments, and I think the one 9 10 Mr. McGuinness opened may have been, you know, they're 12.24 11 about going to things, CMO, there was this --12 There was two different types. While he was working, Α. 13 they were work related. 14 484 Ο. Yeah. 15 While he was back from, I think it was March until Α. 12:25 16 about Julv. The ones after that was about 17 appointments. 18 Okay. So they were sort of official, I mean there was 485 Q. an official basis to be contacting? 19 20 The ones while he was sick, yes. Α. 12:25 21 486 Yeah. 0. 22 Yeah. Α. 23 But you never did, and I mean in fairness you 487 Okay. Q. 24 have indicated this earlier on, you never did the Code 25 11 interviews with him? 12:25 The back to work? 26 Α. 27 488 Yes. Q. 28 Α. NO. 29 And you never did anything as formal as that with him? 489 **Q**.

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- 1 A. No, not with him, no.
- 2 490 Okay. And you mention I think at the very end, I am Q. 3 not sure if it's that statement but you do mention -it's at page 775, which I think is the following 4 5 page -- that you were something of a -- I mean this is 12:25 6 your words now -- you were something of a go-between for a time. Now I realise you left the station after 7 8 this, but in December, was it you left? Yeah. I was in Templemore for three weeks, which was 9 Α. the end of November, and by mid December I left, yeah. 10 12.26 11 I went to Pearse Street, yeah. 12 But you mention that you became something of a 491 Q. go-between between Sergeant Hughes and the murder 13 14 investigation, is that right? 15 That was in the few days afterwards, getting the files Α. 12:26 16 and getting the -- yeah. 17 Okay. But you didn't ask him for a statement, or were 492 Q. 18 you asked to get an actual statement off him? 19 No, no. Again, if I can say again, he should have made Α. a statement. My view, again, is he shouldn't have to 20 12:26 21 be asked to make a statement. 22 But you didn't ask him and nobody asked you to 493 Yes. Q. 23 ask him for a statement? 24 It was only when I was here that I became aware NO. Α. 25 that he hadn't actually made a statement, and I am 12.26 amazed that he didn't make a statement. 26 27 494 And I mean you could -- I mean you were in contact with Q. 28 him regularly, though, and I mean if you were this 29 qo-between --

1		Α.	Ah yes.	
2	495	Q.	and for some of this time he was off work, obviously	
3			as you said, so you could have	
4		Α.	Ah I could have, absolutely, yeah. But I didn't know	
5			he didn't made a statement.	12:27
6	496	Q.	Okay.	
7		Α.	If I knew he hadn't made one, I'd have asked him for	
8			one.	
9	497	Q.	Okay.	
10		Α.	But I'm amazed he didn't make one.	12:27
11	498	Q.	And just finally, I suppose more for context than	
12			anything else, but if I could go to page 772, which is	
13			the because you refer to this earlier, which was	
14			your knowledge of the, you know, about Baiba Saulite	
15			and what was happening, and I have the quotes written	12:27
16			down this was from, you know, the questionnaire that	
17			the confidential recipient, or the investigators for	
18			the confidential recipient sent out, and I think you	
19			say you list Well, first of all, you refer you	
20			say, and I am sorry I can't, it's:	12:28
21				
22			"Before the murder I was not aware of the full facts."	
23		Α.	Where's that?	
24	499	Q.	I had it, it was in answer to one of the questions.	
25			CHAIRMAN: Get yourself sorted out, Mr. O'Dwyer.	12:28
26			MR. O'DWYER: I think it is page 775.	
27			CHAIRMAN: Okay.	
28			MR. O'DWYER: Sorry, just while we have that particular	
29			page open, you say there:	

Gwer, Malone Stenography Services Ltc.

1 2 "I have already stated I was aware of the abduction." 3 And that's what you have said this morning: 4 5 "I was aware of the abduction, the attempted arson on 12:29 6 John Hennessy's home --" 7 I don't see that. CHAI RMAN: 8 MR. O'DWYER: This is on the screen now, Judge. Answer to question 16. 9 "I have already stated I was aware of..." 10 CHAI RMAN: 12.29 11 I'm sorry thanks very much 12 MR. O'DWYER: And it says: 13 14 "Afterwards I became aware that there had [sic] been 15 conspiracy to kill John Hennessy and unnamed person." 12:29 16 CHAI RMAN: Sorry, that there may have been. 17 MR. O'DWYFR: Yes. And I think at an earlier point I 18 just -- I may have to direct the Tribunal to it later 19 on, but you said that before the murder, I think it's 20 before that but I can't -- it's page 772, and it's an 12:29 answer to number (iv), third paragraph. 21 22 Thank you. CHAI RMAN: 23 MR. O' DWYER: Yeah. 24 25 "Before the murder I was not aware of the full facts 12.30 26 and cannot comment whether it was then necessary to 27 provide protection to any persons." 28 29 I simply -- I am just trying to understand your

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1			knowledge about the whole matter before the murder.	
2		Α.	Yeah.	
3	500	Q.	So does that accurately did those different	
4			statements accurately reflect what you knew?	
5		Α.	Yeah. I was not aware of any threats to Baiba at	12:30
6			all	
7	501	Q.	Okay.	
8		Α.	before the murder.	
9	502	Q.	And then were you aware would you have been aware	
10			before the murder of the contents of statements that	12:30
11			she'd made in respect of the child abduction?	
12		Α.	That I made?	
13	503	Q.	No, sorry, statements that she had made, Baiba Saulite	
14			had made?	
15		Α.	No, I wasn't, no.	12:30
16	504	Q.	And didn't know about what the content	
17		Α.	No.	
18	505	Q.	These were early in 2005?	
19		Α.	No. 2004, was it? No.	
20	506	Q.	This was the end of 2004. It was actually January	12:31
21			2005.	
22		Α.	Yeah.	
23	507	Q.	4th January she made a series of statements.	
24		Α.	That was before I even came there.	
25	508	Q.	Okay.	12:31
26		Α.	I came on the 15th February 2005.	
27	509	Q.	Okay. And then you have mentioned you were transferred	
28			in December. Did you have any contact with Sergeant	
29			Hughes after that?	

1 No. The next time I seen him probably was in the civil Α. 2 case, and the first time I spoke to him since was in 3 the hallway there last week. So, in 15 years I never saw him or I never spoke to him. I saw him once or 4 5 twice maybe in the civil case, and I spoke to him 12:31 outside here. 6 7 Because it was, it was mentioned earlier, I mean you 510 **Q**. 8 seem to indicate that your involvement in that, in looking at The Sun article that appeared shortly after 9 the murder, that seemed to indicate that there was a 10 12.32 11 hit on Sergeant Hughes, or his life was at risk; that 12 you had minimal input to that? 13 All I knew about it was what he told me. I don't read Α. The Sun, so I hadn't seen it. All I know about it is 14 15 what Liam said to me about wanting them arrested. 12:32 16 Okay. Thank you very much. 511 0. 17 CHAI RMAN: Now, Mr. O'Higgins. 18 19 THE WITNESS WAS CROSS-EXAMINED BY MR. O'HIGGINS AS 20 FOLLOWS: 12:32 21 22 MR. O' HI GGI NS: Thank you, Chairman. 23 Detective Superintendent, can I start with just a 512 Q. 24 general matter before we get into any areas of dispute or clarification. 25 12.32 Firstly, just by way of context, can you give the 26 27 Chairman a sense of how busy matters were in the division in and around about 2006, and specifically 28 29 what was the position vis-à-vis management personnel

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1 availability to deal with the traffic of case load. 2 I have, I am now, what, 32, 33 years in the Yeah. Α. 3 Guards and they were probably the two busiest years of my life in the Guards. We went from a superintendent 4 5 and four inspectors, Noel McLoughlin was the 12:33 6 superintendent, there was four inspectors, one on each 7 unit, A, B, C, D. The other three inspectors, one was 8 in charge of Swords, one was in charge of Malahide and one was in charge of Coolock, while I was unit B. 9 SO in the space -- and there was a detective inspector as 10 12.33 11 well, Willy Redmond. He retired in mid summer. Не 12 retired mid summer. One of the inspectors went to the 13 Noel McLoughlin retired and Bob Melvin retired. UN. 14 So it went from one superintendent, four inspectors, to 15 two inspectors. And Donal Waters was the acting 12:34 16 superintendent, so I became the inspector for the four 17 units and the three stations, technically speaking. 18 19 My recollection is that Baiba was the seventh murder in 20 Coolock that year. 12:34 The seventh? 21 513 0. 22 The seventh murder in Coolock. She was the second poor Α. 23 female murdered in Coolock that year, that was shot 24 dead. The other five were men. 25 12:34 My recollection, 2005, there was probably over 30 26 27 shootings in. In 2006, there was eight to ten shootings as well as the seven murders. 28 In the first six months of 2007 there was two more murders in the 29

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1 Swords area. So that was three in six months. I don't 2 believe there probably ever was one before, certainly 3 those type of murders. And there was the day-to-day running of the district as well. 4 5 12:34 6 In 2007 then Superintendent Curran came, Inspector 7 Hanrahan came and Inspector Lacey I think replaced me. 8 And, sorry, there was another inspector came as well, I don't remember his name. There was another one came as 9 well in mid 2007. 10 12.35 11 12 So it was extremely busy. It was an extremely busy 13 time. 14 514 0. All right. Moving to the dealings you had with 15 Sergeant Hughes, you mentioned there were seven of them 12:35 16 across the period in the immediate aftermath of the 17 murder? 18 Yeah, there was one on the night and there was six Α. 19 interactions, shall we call them, between calls and 20 meetings on the Tuesday and Wednesday. I think it was 12:35 21 six, yeah. 22 515 Just in terms of the, as it were, bookends, the first Q. 23 encounter was a telephone call you have indicated on 24 the night of the murder? 25 On the night. I was driving to the scene and I rang Α. 12.35 him, yeah. 26 27 516 The last, the seventh one, was what? Q. 28 Me ringing him to say don't be worried, the chief says Α. not to be worried. 29

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1 517 Q. Right.

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2		Α.	And that was on the Tuesday, midday I would say on the	
3			Tuesday, three o'clock I would guess. I think it I	
4			have it there. It's three o'clock, is it? In or	
5			around that time, yeah.	12:36
6	518	Q.	Moving to your record of your conversations and	
7			specifically your record on the separate sheet of what	
8			Sergeant Hughes relayed to you concerning the 45-minute	
9			meeting on the 14th November at Swords Garda Station.	
10			Are you in a position to be clear or certain in	12:36
11			relation to whether Sergeant Hughes did or did not	
12			satisfy himself that it was correct?	
13		Α.	Yes. He absolutely did, yes.	
14	519	Q.	And just how did that what was said to indicate	
15			that?	12:36
16		Α.	He read it over is my recollection.	
17	520	Q.	All right. There is, as you know, and I am not going	
			to compare the first on the base been brought	
18			to varnish this further, you have been brought	
18 19			extensively over the discrete issue as to whether	
			-	12:37
19			extensively over the discrete issue as to whether	12:37
19 20			extensively over the discrete issue as to whether Sergeant Hughes did or did not say that Baiba Saulite	12:37
19 20 21			extensively over the discrete issue as to whether Sergeant Hughes did or did not say that Baiba Saulite had reported she feared for her own safety. We have	12:37
19 20 21 22			extensively over the discrete issue as to whether Sergeant Hughes did or did not say that Baiba Saulite had reported she feared for her own safety. We have been over that. But a different area of dispute I want	12:37
19 20 21 22 23			extensively over the discrete issue as to whether Sergeant Hughes did or did not say that Baiba Saulite had reported she feared for her own safety. We have been over that. But a different area of dispute I want to ask you about: Was there any mention across the	12:37
19 20 21 22 23 24			extensively over the discrete issue as to whether Sergeant Hughes did or did not say that Baiba Saulite had reported she feared for her own safety. We have been over that. But a different area of dispute I want to ask you about: Was there any mention across the seven meetings or dealings that you had with him in the	
19 20 21 22 23 24 25			extensively over the discrete issue as to whether Sergeant Hughes did or did not say that Baiba Saulite had reported she feared for her own safety. We have been over that. But a different area of dispute I want to ask you about: Was there any mention across the seven meetings or dealings that you had with him in the aftermath, was there any mention of the Walter	
19 20 21 22 23 24 25 26			extensively over the discrete issue as to whether Sergeant Hughes did or did not say that Baiba Saulite had reported she feared for her own safety. We have been over that. But a different area of dispute I want to ask you about: Was there any mention across the seven meetings or dealings that you had with him in the aftermath, was there any mention of the Walter O'Sullivan conversation where he claims then Inspector	
19 20 21 22 23 24 25 26 27			extensively over the discrete issue as to whether Sergeant Hughes did or did not say that Baiba Saulite had reported she feared for her own safety. We have been over that. But a different area of dispute I want to ask you about: Was there any mention across the seven meetings or dealings that you had with him in the aftermath, was there any mention of the Walter O'Sullivan conversation where he claims then Inspector O'Sullivan relayed to him that there had been a	

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Saulite? Was there any mention of that?

- A. No. And let's face it, if that happened that's
 extremely serious, I would have it written down. He
 did not say that to me.
- 5 521 All right. I just want to -- I wonder might we have Q. 12:38 6 page 10 of the materials up please. This now is the 7 interview that Sergeant Hughes gave to the Tribunal 8 investigators. And on page 10 we have his outline of the conversation he maintains he had, if we scroll 9 down, with then Detective Inspector O'Sullivan. 10 We 12.38 11 needn't read it out, because that's the context for 12 what follows on page 11. So we might scroll down 13 please, Mr. Kavanagh, to page 11. And on page 11, he 14 says that he made his way to Swords Garda Station and 15 handed over the 12-page document, do you see it there, 12:38 16 156?

17 A. Yes.

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18 522 Q. A 12-page document to Inspector Cryan who took a
19 written report from him about how he came into
20 possession of the 12-page report. He says:

"I was very anxious hearing about that instruction and that there now appeared to be a huge focus on this 12-page document."

12:39

12:39

And then this is the portion I want to ask you about:

28 "I did relay to Inspector Cryan my conversation that I29 had with Detective Inspector O' Sullivan with regard to

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1 this matter. I wish to add that the particular 2 information disclosed by Detective Inspector O'Sullivan 3 to me was worrying as I had not been informed of any of this, i.e. a request for the protection of Baiba 4 5 Saul i te." 12:39 6 7 All right. Just pause there. Sergeant Hughes has, you 8 may not have been present, has put a particular construction on that, what is said there in that 9 But just for clarity, can you indicate, did 12:39 10 interview. 11 any mention whatsoever come up of Garda management 12 being requested for protection? 13 He did not say that to me. He's mistaken there. Α. NO. 14 Did he not say that to me. 15 523 All right. Moving then to your, and Mr. McGuinness Q. 12:40 16 brought you over this, when you brought the victim 17 impact report, the draft report to Chief Phillips on 18 the Wednesday --19 Yeah. Α. -- you indicated that he faxed it to his line manager, 20 524 **0**. 12:40 as it were, Assistant Commissioner McHugh? 21 22 He didn't. Someone in his office did it. He didn't do Α. 23 it. He'd have got someone in his office to do it. 24 Yes. You also mentioned that you gave him a copy of 525 Q. 25 Garda Kelly's report on the criminal damage? 12.4026 Yes. Α. 27 526 What was that specifically just so that we are clear? Q. 28 I think that was just a brief report as to what actions Α. 29 had been taken on the night. It was to do with house

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1 to house and statements -- I'm not sure statements 2 taken, but certainly there was house to house enquiries 3 done. I think there is a copy of it somewhere. It would have been the report that was done at the time, 4 5 yeah. 12:41 6 527 Yes. Can I ask you then, moving matters on to the Q. 7 discussion you had with him on the 29th of November? 8 Yes. Α. we might, please, have page 1789 up please. This is 9 528 Q. Sergeant Hughes's complaint, it is complaint and report 12:41 10 11 on the article in the Sun? 12 That is addressed to the superintendent in Yes. Α. 13 Balbriggan now, which would have been his home local 14 station now, yeah. 15 529 I suppose my question: In your contact with him 12:42 Yes. Q. 16 on the 29th was there any question of -- it seems to be 17 focused on the Sun newspaper? 18 Yes. Α. 19 530 -- was there any mention of the press release of the Q. 20 22nd November? 12:42 That's -- what I have there is what we talked 21 NO. NO. Α. 22 about. 23 You mention that your final dealing over the 531 I see. Q. 24 whole period with Sergeant Hughes was when you were 25 serving disciplinary papers on some unrelated third 12.4226 party guard? 27 That was the 13th November --Α. 13th November? 28 532 Q. 29 -- 2007, I think it was, yeah. Α.

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1	533	Q.	Right.	
2		Α.	Yeah.	
3	534	Q.	And I think you've told the Chairman, from your	
4			recollection, that was the only experience or situation	
5			of tension that you had with the sergeant?	12:42
6		Α.	Yes, it'd be the only one where I would describe	
7			negativity, shall we say, yes. Up until then,	
8			everything, every conversation had been there was no	
9			animosity between us at all, absolutely no.	
10	535	Q.	Thank you very much.	12:43
11			CHAIRMAN: Very good.	
12			MR. McGUINNESS: Thank you, just a few questions to be	
13			certain about some matters.	
14			CHAIRMAN: Okay.	
15				12:43
16			WITNESS WAS THEN RE-EXAMINED BY MR. MCGUINNESS, AS	
17			FOLLOWS:	
18	536	Q.	MR. McGUINNESS: Detective superintendant, we know that	
19			Chief Superintendent Feehan was tasked with a	
20			fact-finding investigation by Assistant Commissioner	12:43
21			McHugh.	
22		Α.	Yes.	
23	537	Q.	And that he used the services of Inspector Mangan to	
24			carry that out?	
25		Α.	Yes.	12:43
26	538	Q.	Were you spoken to by either Inspector Mangan or Chief	
27			Superintendent Feehan	
28		Α.	No.	
29	539	Q.	in connection with that investigation?	

1		Α.	NO.	
2	540	Q.	And did you provided any statement at their request in	
3			relation to that?	
4		Α.	No. Em, the only possibly the one I made in late	
5			2007 before I went. But I don't think it was for that.	12:44
6			I have no recollection of any of them ever asking me	
7			for it, yeah.	
8	541	Q.	Okay. Can I go back then to the first statement that I	
9			asked but in evidence, it's the statement of 18th	
10			October	12:44
11		Α.	2007.	
12	542	Q.	2007?	
13		Α.	Yeah.	
14	543	Q.	Page 760. And that appears to have been taken in to	
15			the confidential recipient investigation. If we just	12:44
16			look at page 3736.	
17		Α.	Yeah.	
18	544	Q.	And that's dated there 18th October. And if we go down	
19			then you will see that it follows the	
20		Α.	It's the same statement.	12:44
21	545	Q.	The same statement?	
22		Α.	Yeah.	
23	546	Q.	Exactly. You told me that I think one of the	
24			statements you made to Inspector Dwyer may have been	
25			for the discipline, and	12:45
26		Α.	It may have been for the confidential recipient.	
27	547	Q.	Yes, I was just going to ask you about that.	
28		Α.	It could have been.	
29	548	Q.	If we could look at page 767.	

1		Α.	I made two short ones, yeah.	
2	549	Q.	Yes. Which is the first of the two short statements	
3			that you've appended to your own statement?	
4		Α.	Yeah.	
5	550	Q.	And that identifies the copy of the statement that was	12:45
6			handed over, isn't that correct?	
7		Α.	Yeah. That's I made those, I made two separate	
8			statements, I think I made the two of them the same day	
9			actually, for him. I was in Pearse Street at that	
10			stage, yes.	12:45
11	551	Q.	Yes?	
12		Α.	One was identifying, that one is, I just identify that	
13			this is the victim impact report, that's all, yeah.	
14	552	Q.	Yes?	
15		Α.	And the other one was just explaining the	12:45
16			correspondence, or the way correspondence went in the	
17			district, yeah.	
18	553	Q.	Yes. And it appears that that statement was in the	
19			list of statements considered by Assistant Commissioner	
20			Feehan in the discipline investigation. If we look at	12:46
21			firstly page 2334. Yours is referred to as statement	
22			No. 6 there and it's referred to in the body of his	
23			report as S6. And attached as appendix statement 6 at	
24			2347	
25		Α.	Yeah.	12:46
26	554	Q.	is that first statement. Would you just scroll down	
27			to make sure the content is the same?	
28		Α.	Yeah.	
29	555	Q.	Again that is just about that?	

1 A. Yes.

2	556	Q.	The second statement of the 12th November, which you've	
3			attached to your own statement and it's at page 768,	
4			just relates to matters about who was in charge and	
5			dealing with correspondence. And that doesn't appear	12:47
6			to have been taken in to Chief Superintendent Feehan's	
7			discipline investigation or the confidential recipient	
8			investigation, presumably you have no knowledge of that	
9			yourself?	
10		Α.	I gave them to Inspector Dwyer, what he did with	12:47
11			them	
12	557	Q.	Okay. The fourth statement that you attach to your	
13			statement, to the Tribunal, is dated the 18th December	
14			2008, and that's at page 769 in our documentation. And	
15			Mr. O'Dwyer has asked but that. But, that appears to	12:47
16			have been taken into account by chief Superintendent	
17		Α.	Sorry, what date?	
18	558	Q.	The 18th December.	
19		Α.	Okay. Can I just see it?	
20	559	Q.	Yes.	12:48
21		Α.	That's a report, not a statement.	
22	560	Q.	Yes.	
23		Α.	Sorry, that's a report, yes.	
24	561	Q.	That's a report?	
25		Α.	Yes. I was thinking.	12:48
26	562	Q.	And you sign it at the bottom?	
27		Α.	Yes.	
28	563	Q.	And it deals with the 20 questions asked	
29		Α.	Yeah.	

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1	564	Q.	isn't that right?	
2		Α.	Yeah.	
3	565	Q.	And that was taken into account, if we look at page	
4			3721, and it's headed "Report" there?	
5		Α.	Yeah.	12:48
6	566	Q.	If you go down a little bit, statement 94A. If we go	
7			down you can see where it goes into the 20 questions?	
8		Α.	Yeah. I can only assume it's the same, it wasn't	
9			changed.	
10	567	Q.	(i) to (xx)?	12:48
11		Α.	Yeah.	
12	568	Q.	Mr. O'Dwyer was asking you then about the fifth	
13			statement appended to your statement, which is that in	
14			the form of a report to Superintendent Curran, that's	
15			dated 8th January 2009 and that's at page 785.	12:49
16		Α.	Yeah.	
17	569	Q.	And you recall that?	
18		Α.	Like, they're all the same as I said in the statement.	
19	570	Q.	That has a heading on it relating to the discipline	
20			regulations, but it doesn't appear in Chief	12:49
21			Superintendent Feehan's list of statements or appended	
22			statements, but was it your understanding that this was	
23			on foot of a request made to Chief Superintendent	
24			Curran by Superintendent Feehan?	
25		Α.	Yeah. Superintendent Curran was still in Coolock at	12:49
26			the time I was gone. That's, what, 13 years ago. He	
27			asked me to make a report, I did a report. The	
28			information is the same as what`s in my statement, it's	
29			just in a different format, that's all.	

571 Q. Then if we go to 3717, this is statement 94 in 1 Yes. 2 the Feehan confidential inquiry matter, and this isn't 3 a criticism of you, it's not attached to your statement, but it appears to have been a report in 4 5 relation to two jobs which were inquiries in the course 12:50 6 of that investigation, do you recall that? 7 I actually don't but --Α. 8 CHAI RMAN: I am not following that, Mr. McGuinness. Could you say, what's that? 9 It's a report given by the detective 10 MR. McGUI NNESS: 12.50 11 inspector, at the time, to Chief Superintendent Feehan in relation to the confidential recipient. 12 13 CHAI RMAN: Oh. ves. 14 Α. I honestly don't remember that one actually. Can I 15 just see the rest of it? 12:51 16 Yes, it is a very short report, three pages? 572 Q. Is that part of the disclosure to me? 17 Α. 18 Pardon? 573 Q. 19 I don't recall that being disclosed to me there. Α. 20 574 Right? 0. 12:51 I actually don't remember doing that one. 21 Α. 22 You make reference just in the middle page, if we 575 **Q**. 23 scroll up there? 24 As I am pointing out there, this is about my third I`ve Α. 25 made at this stage saying the same thing. 12:51 26 Yes. And you just refer to the 21/11 there? 576 0. 27 Mm. Α. 28 About what Sergeant Hughes said to you? 577 Q. 29 Mm-hmm. Α.

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578 Q. 1 And you say: 2 "This was the first time he ever said to me." 3 4 5 Is that the way he put it, as you understood it at the 12:51 6 time, then? 7 The 21st was the Tuesday. Α. 8 579 Yes? Q. 9 And he said they should have been coordinating Yeah. Α. 10 investigations, yeah. There was no reason to say it to 12:51 11 me before that --12 Yes? 580 Q. 13 -- because she hadn't been murdered. Α. 14 581 Ο. You go on to say: 15 12:52 16 "He didn't outline why he thought this or what form the 17 coordinated investigation should have taken place. The 18 child abduction case was now complete and despite him 19 believing that there should be a coordinated 20 investigation he was refusing to talk to anyone who was 12:52 21 not in uniform." 22 23 Is that how you took -- that is what he took from what 24 he said to you, is that right? 25 Yeah, he didn't want to talk to anybody in the DDU, Α. 12.52 26 especially the D/Sergeant or the D/Super. 27 582 Q. All right. Thank you very much, detective 28 superintendent. 29 CHAI RMAN: Very good. Thank you very much, Detective

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1	Superintendent Cryan.	
2	THE WITNESS: Thank you.	
3	CHAIRMAN: Thank you for coming to give us the	
4	assistance and you are now free to go.	
5	THE WITNESS: Thank you very much.	12:52
6		
7	THE WITNESS THEN WITHDREW	
8		
9	CHAIRMAN: very good. well that brings us conveniently	
10	to a point where we can usefully break and we will	12:52
11	break now until two o'clock. Okay.	
12		
13		
14	THE HEARING THEN ADJOURNED FOR LUNCH AND RESUMED AS	
15	FOLLOWS:	13:09
16	MR. McGUINNESS: Chairman, thank you. The next witness	
17	is Mr. Kevin Donohue.	
18	CHAIRMAN: Thanks very much. Where is Mr. Donohue?	
19	He's here somewhere, I am sure. Good man. Lovely.	
20	Thanks very much.	14:01
21		
22	CHIEF SUPERINTENDENT KEVIN DONOHOE, HAVING BEEN SWORN,	
23	WAS DIRECTLY EXAMINED BY MR. McGUINNESS, AS FOLLOWS:	
24		
25	CHAIRMAN: Thanks very much.	14:01
26	MR. McGUINNESS: Chairman, for the benefit of the	
27	parties and the transcript, Mr. Donohue's statement is	
28	contained at page 790 of the Tribunal papers.	
29	CHAIRMAN: Thanks very much.	

1 MR. McGUINNESS: And is accompanied by a prior statement made by the superintendent, as he then was, 2 3 to Chief Superintendent Feehan, which is contained --CHAI RMAN: Can you retire as a chief superintendent or 4 5 superintendent? 14:01 6 WI TNESS: Chief superintendent. Chief superintendent. 7 CHAI RMAN: 8 WI TNESS: Yes. sir. would you prefer to be called Chief 9 CHAI RMAN: Superintendent or Mr. Donohue? 10 14.0211 WI TNESS: I am easy, whatever you like. 12 That is all right. No problem. CHAI RMAN: 13 MR. McGUI NNESS: I am going to refer you to as 583 Q. 14 Superintendent, because that's what you were at the 15 time, if you have no objection to that? 14:02 16 Not at all. Α. 17 I think you became the Press Officer, the Garda Press 584 Q. 18 Officer in in 2004? 19 Correct. Α. 20 585 And did you succeed Superintendent Farrelly? **Q**. 14:02 21 That's right. Α. 22 He had held that position for quite a long number of 586 **Q**. 23 years. I think? 24 He had indeed, yeah. Α. 25 And was a fairly well known feature on the television 587 0. 14.0226 and to gentlemen and ladies of the press as well, is 27 that right? 28 Indeed he was, yeah. Α. 29 Did he give you a handover briefing as to what was 588 0.

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1 involved in the job, can I ask you that? 2 To a certain degree. But it's a very individual Α. position. And while I liked and respected John, I had 3 different views, perhaps, about how it should be 4 5 operated. But I suppose the main briefing would have 14:03 been from the Commissioner because you're his 6 7 spokesperson, or the organisation's spokesperson. So 8 we certainly would have had conversations in the early stages -- myself and Commissioner Conroy at the time --9 about what the role was and what was expected from the 10 14.03 Press Office. 11 12 Perhaps you can help us understand what the role was, 589 Q. 13 having discussed it with Commissioner Conroy? 14 Α. Yeah, so I suppose there's a number of aspects to it. First of all, you're representing the organisation, and 14:03 15 16 the Commissioner is obviously the head of the organisation, so you're his front, if you like, his 17 18 spokesperson, both the Press Office and Press Officer. 19 The Press Office at the time worked 16 hours a day, 20 seven days a week, so we had a staff of about 20 or so. 14:03 So I suppose one aspect of it is that there is 21 22 obviously insatiable media appetite for news, 23 especially around crime and the police, and so any 24 significant crimes that would occur we would endeavour 25 to get as much information to the press through our 14.04 official channels, which at that stage was a simple 26 27 group e-mail address that went to 500 journalists or interested parties, media outlets, whatever. 28 SO, 29 everyone got the same information at the same time

- 1 issued from the Press Office.
- 2 590 Q. People can register?

3 A. Yeah, absolutely.

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- 4 591 Q. Or news organisations can register and get theautomatic send-outs?
- That's right, or individual journalists, or even 6 Α. individual members of the public. That was the 7 8 position at the time, I am not sure what it is now. SO you are trying to get out information that would be of 9 assistance to an investigation while, at the same time, 14:04 10 11 conscious of not giving out any details that would come 12 back to bite us that would be prejudicial in a trial, 13 maybe, later on.

14:04

14.05

- 15 The other aspect then is kind of I suppose more of a 14:04 16 macro view, is representing the organisation. And at 17 various times during my four years in the Press Office 18 there would have been issue that were organisational 19 wide. So I would have done a lot of interviews around 20 the Barr report into Abbeylara, the Tribunal report 14:04 into things in Donegal; things that were broader than 21 22 just individual incidents.
- 23 592 Q. Yes. And there was obviously some focus on the press
 24 briefings in Abbeylara, you referred to there obviously
 25 as well?
- A. Indeed, before my time. Unfortunately I was there when
 the Barr Tribunal issued its report which wasn't,
 wasn't a great day for An Garda Síochána, nor indeed
 was the Donegal Tribunal.

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1 593 Q. Yes...

-	555	ų.	163
2		Α.	And I certainly would have done interviews around that,
3			admitting, I suppose, the failings that were there and
4			what was being done to address them.
5	594	Q.	Can I just ask you: had you served in the Press Office $_{14:05}$
6			under Superintendent Farrelly or did you just succeed
7			him without any sort of overlapping?
8		Α.	No, I wasn't in the Press Office previously but I had
9			worked directly as a staff officer for Commissioner
10			Conroy as Deputy Commissioner. I moved from I went $_{14:05}$
11			to the Press Office, I was Detective Superintendent in
12			Liaison and Protection, which is all international
13			liaison, directly before the Press Office, but I hadn't
14			worked there previously, no.
15	595	Q.	And just in terms of journalistic background, it is not $_{ m 14:06}$
16			a requirement, and never has been as such, to become
17			the Press Officer?
18		Α.	NO.
19	596	Q.	But you are following a well defined policy and orders
20			as to what should be issued or not issued in a sense? 14:06
21		Α.	I am not sure well defined. Certainly in a broad
22			sense. So it is very much down to an individual
23			choice. In my time there we probably issued between
24			1,500 and 2,000 press releases every year. Most of
25			them were issued by garda and sergeant rank; they were $_{14:06}$
26			routine updates around crime.
27	597	Q.	Yes.
28		Α.	But the more serious ones then would have been in
29			discussion with the Commissioner but invariably I would

draft them, chat to him about them, maybe redraft them.
 2 598 Q. Yes.

And if they were of a serious nature I would issue them 3 Α. But all releases that are issued have a 4 in my name. 5 rider at the bottom asking journalists that if they are 14:07 using the information in the press release, that they 6 7 would credit the source to the Garda Press Office 8 because -- and I mean it has come up in this Tribunal. but the constant issues I had were sources, Garda 9 sources, which were, you know, the bane of my life. 10 14.07 11 599 Q. Yes. And I mean it seems to be an invariable rule that 12 you never name suspects -- persons who have been 13 arrested, let alone persons who may have assisted the 14 guards in a confidential way? 15 NO. Α. 14:07 16 They're never named by the Press Office? 600 Q. 17 No, absolutely not, no. No, I mean somebody would be Α. 18 named unless -- until they appear before a court. And 19 that also -- and I suppose another aspect of an issue we would have had with the media was that there is an 20 14:07 urgency to name deceased people, and we would always 21 22 whoever is liaising with the family will tell us wait. 23 when everyone in the family is aware that the relation 24 has died, but that usually isn't guick enough for the 25 media, so they will obviously report it as "named 14.08locally as", which means that we haven't officially --26 You haven't confirmed it? 27 601 Q. 28 Yeah. Α.

29 602 Q. You're aware in this case that the Tribunal has made an

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1 order that a suspect, we're calling Mr. A, not be 2 named, nor any of the other suspects who might have 3 been arrested in connection with it? Yeah. understood. 4 Α. 5 603 But part of your duties, and I think you did it in this 14:08 Q. 6 case, you attended, not at the scene of the murder, but 7 I think you went to Swords Garda Station? 8 In this case I did, yeah. But it would vary from --Α. depending on the circumstances. 9 10 604 It would vary from scene to scene. And when you went Q. 14.08 11 there, was the Commissioner there at the time? 12 I don't recall who was there, to be honest with you. Α. 13 The investigation team -- usually I'd be advised when the first crime conference would be and I'd attend. 14 15 605 We know from press report that the Minister appeared Q. 14:08 16 there on a later date, which was the -- we think the 17 24th. But did you see the Minister out there at the 18 time? 19 NO. Α. 20 606 **Q**. No? 14:09 21 Α. NO. 22 In any event, you issued a press release, and 607 Okay. Q. 23 perhaps we'll just identify the press release here. If 24 we go to page 795. This was the third press release I 25 think. The first two were very brief factual matters. 14.09This was a much more substantive one, isn't that 26 27 correct? 28 I think you'd see, certainly on a report I Α. Yeah. 29 submitted, we had 11 press releases around this

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1 incident, and ten of them would have been issued by the 2 on duty staff in the Press Office notifying that a person had been arrested or released or an appeal for 3 information or whatever. This one was certainly more 4 5 substantial. 14:10 Perhaps we should look at the first two before going to 6 608 Q. 7 the third. I apologise for that. If we go back to 8 793. That's a brief report about the Guards investigating the shooting incident. It's as set out 9 there and it's timed and dated 7:50 a.m. then, that's 10 14.10 11 the Monday morning? 12 So that's obviously the first one when the story Α. Yes. 13 broke, if you like. So that's the initial information, 14 and Tara McManus there is the garda who is obviously 15 working that money. So that's fairly standard. 14:10 16 The next one then, on page 794, refers to a media 609 Yes. Q. briefing intended to be had at the 20th, 3:00 p.m. on 17 18 the 20th. Do you recall going out to that? 19 I don't specifically. But if there was a media Α. 20 briefing, that's what I would have done, yeah. 14:11 21 610 Yes. 0. 22 So you'd have the assembled journalists are notified of Α. that at whatever time that was, earlier in the day, and 23 24 they'd gather there for a briefing. That's something I 25 would do routinely at murder investigations. 14.11 The Press Office, on our inquiry, haven't been able to 26 611 Q. 27 provide us with any notes of material relating to any of the press releases. Are there likely to have been 28 29 notes of what would be in such a media briefing or in

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29

the Press Office?

2 No, no. Unlikely. And I certainly wouldn't take Α. 3 notes. A media briefing pretty much is me standing in the car park of Santry Garda station with ten, 20, 50 4 5 journalists in front of you, giving them a quick 14:11 synopsis of what we think occurred, and then if the 6 7 investigation team wanted any appeals made around 8 witnesses or vehicles or anything of that nature. You do describe how you would have gleaned information 9 612 Q. in preparation for the issuing of the third one, but 10 14.12 11 perhaps we'd look at the third one first before we do 12 that. And if you go back to 795. And that says it's 13 sent 22nd November 2006, 16:40. From the evidence 14 we've heard now this morning, that would be 15 approximately, you know, within three hours, perhaps 14:12 16 two hours forty of Chief Superintendent Phillips 17 getting the victim impact statement and faxing it to 18 Chief Superintendent Phillips, and we will come to the 19 issue of the victim impact statement, but do you recall 20 being briefed that such a statement had been provided 14:13 to An Garda Síochána and had been recently, as it were, 21 22 handed over to senior members? 23 Certainly not the latter, no. I mean, I was aware --Α. 24 probably more aware now -- but at the time aware that 25 there was an issue around that there may well have been 14:13 26 knowledge known of Baiba Saulite suggesting that she 27 felt in danger. Yes. And that's my next question. The first paragraph 28 613 Q.

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Gwer, Malone Stenography Services Ltc.

refers to ancillary issues which have been highlighted

1			reported inaccurately. Was that intended to refer to	
2			other media reports relating to a failure of	
3			protection?	
4		Α.	Specifically, I don't recall. But I know that it was	
5			sensationalised, and I suppose the general import of	4:14
6			the reporting was that the Gardaí knew that this lady	
7			was going to be shot and could have prevented it. I	
8			think that was the import of it.	
9	614	Q.	The import of it?	
10		Α.	And there was a lot of other issues around who I 14	1:14
11			didn't know at the time, but now Mr. Hennessy, her	
12			solicitor. And because of that, it was felt that we	
13			needed to, I suppose, fix the record and focus the	
14			attention on the investigation, on what the	
15			investigation team needed to solve the murder. 14	1:14
16	615	Q.	Yes	
17		Α.	And it was in that light that this press release was	
18			drafted and issued.	
19	616	Q.	Yes. But it seems from your answer that the reasoning	
20			behind it and the intent behind it would have been to, $_{14}$	1:14
21			as it were, either counter or state the official	
22			position in relation to issues of protection for	
23			Ms. Saulite to some degree?	
24		Α.	Yeah, to some degree. But I think I mentioned perhaps	
25			in my statement, the reason the statement was issued $$ $_{14}$	4:15
26			was that the misreporting could, first of all, have	
27			damaged the investigation, may well have presented harm	
28			to people who were suggested to be involved and may	
29			well have undermined the confidence of the public in An	

1 Garda Síochána because of the manner of the reporting. 2 So, there was a number of reasons why it was issued. 3 617 Q. Yes. And is there any additional reason that you'd 4 like to think is relevant to the Chairman's 5 deliberations, or have you stated the reasons --14:15 6 No, I mean they were the primary, you know, overarching Α. 7 reasons. 8 618 Now you're not an investigator and you take what Okay. **Q**. you are given in terms of an input of information to 9 10 what you might decide would go into a press release, 14:15 11 would that be fair? 12 I wasn't an investigator in this position. Yeah. Α. 13 619 Yes... Q. 14 Α. But absolutely. And, you know, I would have dealt with dozens of murders and serious incidents over the four 15 14:16 16 years. So, I won't say you're dealing with it 17 on-the-fly, but you're certainly -- because the -- if 18 you don't give some information to the media, it'll 19 appear -- some information will appear anyway. SO 20 you're always conscious of trying to get accurate, 14:16 comprehensive information out as quickly as possible. 21 22 And now I have forgotten what you asked me. 23 I better check myself. 620 Q. 24 You have as well. Α. 25 But you take the information you're given --621 Q. 14:16 26 Sorry, yes. Α. 27 622 -- in a sense? Q. 28 Yeah, yeah, yeah. So most of the time, other than if I Α. 29 attend a scene or a station for a briefing, which is a

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1			face-to-face briefing, I would have been in my office	
2			at Garda Headquarters, and you're dependent then on	
3			what the investigation team are telling you	
4	623	Q.	Yes	
5		Α.	And you will question them as well, because I'd always	14:17
6			say is there anything else you're not telling me?	
7			Because, you know, you want to try and counter what	
8			might what way something might be reported.	
9	624	Q.	Yes	
10		Α.	So you are very much reliant on the SIO in a lot of	14:17
11			cases, the senior investigating officer, and the senior	
12			officer who is a superintendent, and/or the divisional	
13			officer who is a chief superintendent. And in certain	
14			cases, because of the position I was in, I would	
15			constantly deal with various commissioners depending on	14:17
16			the issues we were dealing with, from the number one	
17			Commissioner, if you like, to either deputy	
18			Commissioners or, at that time, seven or eight	
19			assistant commissioners, but all from my offices in	
20			Garda Headquarters.	14:17
21	625	Q.	Obviously you need to know what you ought to be saying	
22			in the press release, you need to know what you ought	
23			not to say, and you need to know any areas of danger or	
24			material to stay away from, I suppose?	
25		Α.	Yes.	14:17
26	626	Q.	In a general way?	
27		Α.	I'd look for a briefing, warts and all, if you like.	
28	627	Q.	Yes	
29		Α.	And then it was down to me to draft whatever should go	

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1 into the public domain.

-				
2	628	Q.	Yes. And may I take it that when you arrive at such a	
3			situation, you are never presented with a written brief	
4			as to what has happened, or a draft that any of the	
5			people, you know, investigating it, might want to you	14:18
6			consider; you're never presented with anything written,	
7			are you?	
8		Α.	No. Because it's usually within hours of the incident.	
9	629	Q.	Yes.	
10		Α.	So you get oral briefings, or briefing, and then	14:18
11			formulate in my own head what's going to be said at a	
12			briefing and go out and do it. And then there's	
13			follow-up questions as well, and that's why you need to	
14			know more than you are going to say, because if	
15			questions comes up come up, how you can deal with	14:18
16			them.	
17	630	Q.	Yes. So it's a long way around to, I suppose,	
18			confirming that all of the information in this, apart	
19			from the issue of how it's phrased or what was intended	
20			to be done on foot of it, all of that information came	14:19
21			from other people to you, people who were in Swords,	
22			the senior investigating officer, maybe the chief, the	
23			district officer, maybe the assistant commissioner?	
24		Α.	Yeah. I think 'maybe' is the word because I don't	
25			recall specifically who gave me which bits of	14:19
26			information.	
27	631	Q.	Yes	
28		Α.	I do know I didn't make any of it up. So everything	
29			that was in the statement at some stage was related to	

1			me.	
2	632	Q.	Sure. And it probably wasn't either your practice or	
3			your habit to record who said what to you at any	
4			particular time?	
5		Α.	No.	14:19
6	633	Q.	You're taking it as it comes?	
7		Α.	Yeah. Unfortunately, you know, as I said, very much	
8			kind of on-the-fly.	
9	634	Q.	Yes. The second paragraph there says:	
10				14:19
11			"During the course of investigations over the last	
12			number of years Gardaí became aware of threats to a	
13			solicitor. This solicitor acted for Ms. Baiba	
14			Saul i te. "	
15				14:19
16			And you, presumably, were told that by a number of	
17			people who knew it, and you didn't know the ins and	
18			outs of it, or did you anything more?	
19		Α.	I didn't know a whole lot more. And I do recall that	
20			this issue was reported in the media of people being	14:20
21			under armed protection, and I know that those three	
22			paragraphs, or the second and third one, and fourth	
23			paragraph, were all to counter that issue; that there	
24			was no permanent armed protection on anybody in	
25			relation to this. And then we clarified it by	14:20
26			suggesting that crime prevention advice that was given	
27			to the solicitor.	
28	635	Q.	Yes	
29		Α.	And also, I stated here that Baiba Saulite had also	

received advice, which I now understand a separate 1 2 investigation has said it was inaccurate, which is a 3 matter of personal disappointment, professional pride, 4 if you like, to me, because this is an accurate 5 statement that I wrote in good faith with my name on 14:21 6 it. 7 You certainly neither distorted nor intended to distort 636 **Q**. 8 anything that was said to you? Certainly not. 9 Α. So the first four paragraphs there, from the top down, 10 637 0. 14.21 11 then deal with the issue of the solicitor and protection, and it refers to Ms. Saulite's position 12 13 then. 14 15 "Due to the links between Ms. Saulite and the solicitor 14:21 16 in question Ms. Saulite was also given crime prevention 17 advice regarding her property and personal safety." 18 19 I don't know if you were briefed in detail about the 20 extent of the to-ing and fro-ing that different gardaí 14:21 had with her at different times, but did you become 21 22 aware that there had been an abduction investigation relating to her children? 23 24 I honestly don't know if I recall whether I knew that Α. 25 or not. 14.22 And she had been dealt with in connection with the 26 638 0. 27 burning of her car outside her house, do you recall that detail, learning of that? 28 29 I don't recall that detail, no, and may not have been Α.

aware of it. 1 2 And the Tribunal has heard of different contacts that 639 Q. 3 were had with her over quite a period, and it may well be that there was an assumption that at some stage 4 formal crime prevention advice had been given? 5 14:22 6 I think, if you look at the way that I've written this, Α. 7 and these are all my own words --8 640 Yes... Ο. -- the advice, the crime prevention advice given to the 9 Α. solicitor was, if you like, at the top level. We talk 10 14:22 11 about crime prevention specialists surveying his house, 12 properties, whatever. 13 641 Q. Yes... 14 Α. So they are people from the crime prevention section in 15 Harcourt Square, the same people that would survey, you 14:23 16 know, the Taoiseach's house or, you know, an area there we were looking at protecting. The way I have written 17 18 it, I can only surmise now that it was suggested or 19 told to me that it was very much informal crime 20 prevention advice that she was given, which, you know, 14:23 is a step down, if you like, from what was stated in 21 22 the earlier paragraphs for the solicitor. 23 The next paragraph says: 642 Yes. Q. 24 25 "At no time prior to her tragic death were Gardaí aware 14:23 26 of a specific threat against the life of Ms. Baiba 27 Saulite and no complaints were received by Gardaí from any person in this regard." 28 29

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1 And obviously that is something that you were briefed 2 about by the people who were briefing you? 3 Α. Correct, yeah. 4 643 And it goes on then to say what An Garda Síochána was 0. 5 doing: 14:23 6 7 "As part of the murder investigation house to house 8 enquiries are ongoing in the [blank] area and the Gardaí have now learned that Ms. Saulite expressed 9 10 concerns to friends and neighbours regarding her 14.24 11 safety. We have also established that in the course of 12 preparing a document for court use in the sentencing of 13 her husband, Ms. Saulite expressed concerns for her 14 safety and appeared to be somewhat in fear of him." 15 14:24 16 That would seem to necessarily relate to the draft 17 impact statement. Were you told in those terms that there was a draft victim impact statement being 18 19 prepared by her? 20 I don't recall, other than that it was a document. And 14:24 Α. I am not even sure I recall if I knew it was from her. 21 22 644 Certainly you say there, you know, that it was in Yes. **Q**. 23 the course of preparing a document. It doesn't state 24 that she prepared it, or the Guards prepared it, but 25 you're not clear you knew it was her document, as it 14.25were? 26 27 Α. Yeah, I'm aware that I knew there was a document where I don't recall that I knew 28 some fears were expressed. 29 any further detail in that regard.

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645 Do you recall whether there was any talk that the 1 Q. 2 document in fact concerned a fear for her life, as it 3 were, as opposed to her safety? I can't say that, no. 4 Α. 5 646 It then continues: Q. 14:25 6 7 "The Garda Commissioner is now examining when and to 8 whom this information was known." 9 10 I am going to come back to that in a minute. 14.2511 And then: 12 13 "The investigation into the murder of Ms. Baiba Saulite 14 is continuing." 15 14:25 16 And then you're reported there as having issued it at 17 twenty-five past four on the 22nd. Can I take it that 18 these times are accurate? 19 Yes, I think you can. Α. 20 Okay. Just before I come back to that question about 647 Ο. 14:26 21 the reference to the Garda Commissioner, could I ask 22 you to look at a couple of other reports in our papers. 23 One is at page 8096. This is from the Irish Times. 24 It's quoting the Minister there. In the fourth 25 paragraph it says: 14.2626 27 "Following her death, Garda Commissioner Noel Conroy 28 ordered an inquiry to establish if members of the force 29 knew that she had fears for her safety.

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1 2 The inquiry was also to review the extent to which 3 gardaí took account of an arson attack on Ms. Saulite's car last month and other more minor incidents when 4 5 assessing the level of threat to her safety." 14:27 6 7 Now, would that, as it were, coincide with what you 8 think the Commissioner wanted to do, or had expressed a desire to do? 9 I don't know what the date is on this. And again, as 10 Α. 14.27 11 with media reporting, it's written as if it's factual. 12 I don't know how the journalist would know what 13 inquiry, internal garda inquiry was to cover. From my 14 point of view, going back to the 22nd November, I knew 15 there was a document apparently in existence that may 14:27 16 have been material. 17 648 Is it possible that that might come from an oral Q. 18 briefing that you could have given to journalists or a 19 group of journalists: this is what the inquiry was 20 about? 14:28 Yeah, no, I'm satisfied that I wouldn't have given that 21 Α. 22 level of detail on an internal inquiry. I think if you 23 go back to the press statement, it was general, the 24 Commissioner was going to examine when and to whom this information was known. 25 14.28There's another Irish Times one which is from the 26 649 0. Yes. 27 23rd, the day after your press briefing was issued, at 28 page 8093. And the first paragraph there: 29

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1 "Garda Commissioner Noel Conroy has ordered an inquiry 2 to establish if members of the force knew that Baiba 3 Saulite, the Latvian woman shot dead on Sunday, 4 expressed fears for her safety in the period before her 5 death. 14:28 6 7 A key part of the inquiry will be review the extent to 8 which Gardaí took account of an arson attack on Ms. Saulite's car last month and other more minor 9 10 incidents when assessing the level of threat to her 14.29 11 safety." 12 13 It then goes on to recite the following: 14 15 "However Garda Headquarters last night insisted they 14:29 16 had not made armed protection available to Ms. Saulite 17 because they had no evidence of a threat to her life before her murder. It is unclear if the results of the 18 Garda inquiry will be published." 19 20 14:29 21 It then purports to quote you there. It says: 22 23 "A spokesman for Mr. Conroy, Superintendent Kevin 24 Donohue, said that Gardaí had become aware of a threat 25 to the life of Ms. Saulite's solicitor in recent months 14:29 26 and that armed patrols were stepped up. However he 27 denied suggestions that the solicitor was under full-time armed protection." 28 29

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1 Does that sound like a sort of briefing you might have 2 given on foot of what you had said in the statement? 3 A lot of what's in that is wording from the statement. Α. 650 It concludes at the bottom by reference to the 4 0. Okav. 5 statement: 14:30 6 7

7 "According to a Garda statement released last night
8 court documents prepared for a sentencing hearing
9 indicate Ms. Saulite was 'somewhat in fear of him'."

11 That is then a quote from the statement, isn't that 12 right, that one? But the reference in the paragraph 13 quoting you refers to armed patrols, and that's not 14 dealt with in the official version, but it wouldn't be 15 inconsistent, I suggest, with something you might have 14:30 16 briefed the press with?

14.30

14:30

- A. I don't recall doing any briefing outside of the
 initial one in Santry. And... I mean this story is
 written -- woven almost entirely around the statement.
 20 651 Q. Yes...
- A. I don't -- I certainly don't recall talking to Conor
 Lally and talking about -- specifically about what he
 said there.

24 652 Q. Yes...

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- A. They would regularly quote you as saying something from 14:31
 a statement that you had issued.
- 27 653 Q. Yes. Just in terms of your practice, the time you
 28 issued the statement on the 22nd of November --

29 16:35 -- were you out in Swords Garda Station, and you

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1			had obviously completed your briefings, you being	
2			briefed out there at that time?	
3		Α.	I don't think I was there on the 22nd.	
4	654	Q.	You don't think you were there?	
5		Α.	I think it was the 20th, the morning.	14:31
6	655	Q.	So the briefing was given to you on the 20th in Swords	
7			Garda Station?	
8		Α.	Yes.	
9	656	Q.	Yeah. And the material in the statement then, issued	
10			on the 22nd, was obtained by you other than at Swords	14:31
11			Garda Station and most likely in the Press Office,	
12			would that be likely?	
13		Α.	Just in respect of the last, what you said?	
14	657	Q.	And while you were in the Press Office?	
15		Α.	Oh yes, while I was, yeah, yeah, physically in the	14:32
16			Press Office.	
17	658	Q.	I am talking about the actual Press Office in HQ.	
18		Α.	Yeah, the office.	
19	659	Q.	And it's adjacent enough to the Commissioner's office?	
20		Α.	Yeah.	14:32
21	660	Q.	So would it be a reasonable inference to say that if An	
22			Garda Síochána hadn't the senior members that is, if	
23			they hadn't possession of the victim impact statement	
24			at the time you were there on the 20th, you were told	
25			about it after they had got it and when you were back	14:32
26			in Garda Headquarters on the 22nd?	
27		Α.	Yeah, that's correct, yeah.	
28	661	Q.	Just a third, a third and final other press document to	
29			refer you to is at 8094. 8094. And this is an article	

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1 written by Tom Brady in the Irish Independent on the 2 Tuesday, published on the Thursday, November 23rd. And 3 Mr. Brady was, I think a venerable security correspondent at this point, isn't that correct? 4 5 Yes. Α. 14:33 well known to all the commissioners? 6 662 0. 7 Indeed. Well, I can't confirm he was well known to all Α. 8 of the commissioners: he was well known. Certainly --9 663 Q. 10 Yeah. Α. 14.33 11 664 -- those who recently held the office, including Q. 12 **Commissioner Conroy?** 13 I would think so, yeah. Α. 14 665 0. And it says: 15 14:34 16 "Murdered mother Baiba Saulite living in fear of her 17 husband, Garda revealed last night. The Latvian born 18 mother of two disclosed her concerns for her safety in 19 a victim impact report provided for a court case 20 involving her estranged husband." 14:34 21 22 That's, I think, the first mention of a victim impact 23 report? 24 (Witness nods). Α. 25 666 And presumably you'd agree that must be the document 0. 14.34that you refer to as the document for court use? 26 27 Yeah, I would assume so, yeah. Α. 28 667 That sentence, it's repeated then slightly further Q. 29 down, and then it says:

1 2 "Senior Gardaí said last night they had not become 3 aware of the contents of the statement or her expressed safety fears until earlier yesterday." 4 5 14:34 And I don't know if you can help us attribute any --6 7 I mean that's what's in the statement in different Α. 8 words, pretty -- sorry in the press release, in 9 different words. 10 668 Yes... Q. 14.3511 With the exception of using the word 'statement' as Α. 12 opposed to 'document' which is what the press release 13 But that's Tom Brady rewriting the press suggested. 14 release but doesn't say anything hugely different. Is it not, is it not adding a little bit of 15 669 Q. Okay. 14:35 16 information to the picture in the sense that the senior gardaí are saying we didn't know about this until 17 18 yesterday? 19 Well, I mean, that's said in the press statement that Α. 20 "have now become aware of" and 'senior gardaí' is a 14:35 very subjective term but I have no doubt Tom Brady 21 22 would consider a superintendent a senior garda. 23 670 well the way it is put in the press release is Yes. Q. "Gardaí have now learned ... " and here there's -- it's 24 25 taking the story a little bit more precisely saying 14.36they didn't know about it until yesterday. Did you 26 27 know that factually to be the case yourself from your briefings out there in Swords? 28 29 I obviously became aware of this document, I would Α.

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1 think, on the 22nd, to be honest with you, and not 2 prior to that. 3 671 Q. Yes. It then goes on to say: 4 5 "Garda Commissioner Noel Conroy has now ordered an 14:36 6 immediate review of all Garda files on Ms. Saulite and 7 [blank] to establish who knew of those concerns at an 8 earlier stage. The review being carried out by an 9 assistant commissioner will focus in particular on 10 whether any garda knew about those concerns. 14.36 11 12 The outcome of the review will determine whether 13 Mr. Conroy will decide to hold an internal inquiry into 14 the level of security protection and advice provided to 15 Ms. Saulite and to her solicitor John Hennessy." 14:37 16 Do you think that represents a briefing of Mr. Brady in 17 18 relation to it a little bit beyond the press release? 19 It could do, or it may be a little bit of journalistic Α. 20 licence. You know, Tom Brady has been reporting on the 14:37 guards for 20 odd years, he can sometimes foretell 21 22 where we are going with things without us telling him. 23 But he seems to know that an assistant commissioner is 672 Q. 24 now going to be focusing on whether any garda knew of those concerns? 25 14.3726 Yeah. Α. 27 673 You did, I think, have a briefing and a discussion with Q. Commissioner Conroy about the contents of the press 28 release before it was issued? 29

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1 Yeah. When that was, I don't know. But I know from Α. 2 the subject-matter and the seriousness of the release 3 and the length of the press release, which is guite a lengthy press release, I would have certainly spoken to 4 5 him a number of times. But in the course of the Press 14:38 Officer's day I would speak to the Commissioner five, 6 7 ten, 20 times, depending on what was happening on a 8 given day.

Yes. And I think, am I correct in saying that you are 9 674 Q. clear in your memory that, having discussed the issue 10 14.38 11 of the press release with the Commissioner, that he was anxious to see the final draft and approve it before it 12 13 went out, and you must have spoken to him about it? 14 Α. Yeah, I'd be slow to confirm he was anxious to see the 15 final draft, but the way I operated and the way he 14:38 16 operated I have no doubt in my mind that he would have perused the final draft before it was released. 17 18 675

18 675 Q. The bottom line of that then -- sorry, the second last
19 line of the press release:

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"The Garda Commissioner is now examining when and to whom this information was known."

I mean obviously the Commissioner, he's head of the force, responsible at law for it; he wouldn't be carrying that himself. But can you recall whether he indicated how he was going to examine that issue?
A. I don't, no, no. I mean to follow the norm, he would have been appointing a senior officer at, you know,

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Gwer, Malone Stenography Services Ltd.

14:39

14.39

1 whatever rank, probably chief superintendent or 2 assistant commissioner would be the norm, most likely chief superintendent. And I think that and the 3 preceding paragraph in the press statement was an 4 5 indication, and it is something that I would certainly 14:39 have done previously, that while there was a lot of 6 7 misreporting, there's an agreement, if you like, there 8 that maybe the Gardaí weren't entirely right, maybe there is something to look at and admitting that, if 9 you like, at an early stage, and the Commissioner was 10 14.40 11 examining that, they were not just ignoring it, that it 12 needed to be examined to see what the factual position 13 was in respect of the document. 14 676 Q. Yes. So he decided obviously the issue, it having been 15 made an issue, was an issue, and it had to be looked 14:40 16 at? 17 Yes. Α. 18 And you would expect him, according to what I 677 Q. 19 understand your evidence, to have that given effect to 20 via those under him, assistant commissioner or 14:40 whatever? 21 22 Yeah. Yeah, I mean he must likely directed the deputy Α. 23 commissioner to do -- to take an action and then it 24 would have, you know, filtered down to an appropriate level. 25 $14 \cdot 40$ Commissioner Conroy -- he's retired now a long time, 26 678 Q. 27 but he doesn't himself believe that he gave an instruction to Assistant Commissioner McHugh to carry 28 29 out an inquiry or fact-finding mission, or describe it

1 however you will, but, from your understanding, he did 2 intend to have it addressed in such a way by a member of the force underneath him? 3 Absolutely. You know, as it was stated in the press 4 Α. 5 release, that the Commissioner was going to have it 14:41 examined. I don't know if he had it in his own mind, 6 7 it certainly wasn't related to me what type of 8 examination that it would be, you know, or by whom. There was no talk of discipline in the air in any 9 679 Q. discussion you heard? 10 14 · 41 11 Α. Not to my knowledge, no, no. I mean this was 36, 48 12 hours after the murder. 13 Yes. Perhaps we will look at page 6479. This is an 680 Ο. 14 extract relating to the Garda Code, but at 10.6 there, it provides -- it says: 15 14:42 16 17 "Preliminary Inquiries in Relation to Discipline. 18 In some case it is may be necessary to have preliminary 19 inquiries conducted to establish the facts before the 20 appointing officer decides to appoint an investigating 14:42 21 officer. A brief report should normally be sufficient 22 for the appointing officer at this stage and an 23 extensive investigation should be avoided." 24 Would you, in your experience, describe that sort of 25 14.42 inquiry as a fact-finding exercise? 26 27 Α. A fact-finding exercise in this -- in respect of the Code, is a fact-finding exercise within the discipline 28 regulations, because it refers to an appointing 29

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officer. An appointing officer is the one who appoints
 the investigating officer.

3 681 Q. Yes...

- A. I certainly wasn't aware, or ever recall, discussing
 anything around discipline on this. There was
 something there, and the Commissioner wanted it
 examined to see what that something was. I think that
 was the issue.
- I mean, on one interpretation it seemed to envisage 9 682 Q. that an appointing officer has looked at the issue 10 $14 \cdot 43$ 11 before he makes the decision to appoint an 12 investigating officer, but presumably appointing an 13 officer could mean someone who is authorised to, if the 14 circumstances warrant it, appoint an investigating 15 officer, someone vested with authority rather than 14:43 16 someone who has actually started a disciplinary 17 inquiry?
- 18 A. First of all, the Commissioner is never the appointing19 officer.

14:43

20 683 Q. Yes...

29

- The Commissioner appoints the appointing officer, or 21 Α. 22 would do through assistant commissioner HRM. SO I 23 think, as I said, a fact-finding mission under 10.6 of 24 the Code pretty much is on the road to discipline. 25 That wasn't at all my understanding of what the 14 · 44 Commissioner's examination was going to be in respect 26 27 of this. But obviously it doesn't in any way inevitably 28 684 Q. Yes.
 - lead to discipline. A fact-finding mission could

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establish that there is no necessity to appoint an
 investigating officer, and presumably often does?
 A. Absolutely.

685 I think you do record in your statement made to 4 0. 5 Inspector O'Gara in connection with the confidential 14:44 recipient investigation that during the course of the 6 7 investigation you were satisfied that you maintained 8 regular contact with the district officer, Chief Superintendent Noel McLoughlin, the divisional officer, 9 Chief Superintendent Gerry Phillips, and as appropriate 14:45 10 11 with the Garda Commissioner, Mr. Noel Conroy. And I 12 think insofar as the information in the press release, 13 I think the only accurate thing and the only thing you 14 can properly say, it's from a culmination of sources as 15 mentioned by the briefings to you that you received 14:45 16 from different officers? 17 Correct. Α. Thank you, Mr. Donohue, perhaps other people may wish 18 686 Q. 19 to ask you some questions? 20 CHAI RMAN: Thanks very much. Yes. 14:45

22THE WITNESS WAS CROSS-EXAMINED BY MS. O LOINSIGH AS23FOLLOWS:

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25 687 Q. MS. O' LOINSIGH: Good afternoon, Superintendent 14:45
26 Donohoe, my name is Nora O Loinsigh, I hope you can see
27 me okay?
28 A. I do.

29 688 Q. I appear for Sergeant Hughes in these proceedings. I

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might start you off by asking you a couple of
questions, and I think you have gone through a couple
of this with Mr. McGuinness but just about the general
process involved in putting together press releases,
and then move on to this specific press release in 14:46
November.

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8 In terms of that general process, I think you've said in your evidence today you would be getting things from 9 different sources, you know, you would be visiting, I 10 14.46 11 think where necessary, a garda station or be in contact 12 with senior investigating officers, district officers, 13 divisional officers, and all of that would feed in and 14 then you would draft something, is that a fair summary 15 of how it might be put together? 14:46 16 Yeah. Α.

And in terms of information coming in to you, you said
today that, generally speaking, that would be oral
information, you wouldn't get written documents?
A. Yeah, invariably oral, yeah.

21690Q.And so you wouldn't get things like e-mail, faxes with22information in it, it would be by phone or in person?

14:46

 $14 \cdot 46$

- A. Usually phone. Considering it was 2006, there
 wasn't -- we weren't too e-mail friendly at that stage,
 unfortunately.
- 26 691 Q. And so, once that information was received in from the
 27 various different sources, you would then collate it
 28 and I suppose, wearing your Press Officer hat as
 29 representative of the Commissioner and of the

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1 organisation, decide to an extent what ought to go out 2 to the public and what ought not go out? 3 Α. Yeah. I think that's fair, yeah. Pretty much through experience, and sometimes you go back to the district 4 5 officer because there may be aspects of an 14:47 investigation that they don't want revealed, or, you 6 7 know, something that I mightn't see that's critical to 8 them that might slip by me, so you'd invariably just agree usually over the phone again. Because of the --9 not so much time restraints, but, as I say, the longer 10 14 · 47 11 there's a void the bigger the chance that there'll be 12 misinformation, so you try and get as much information 13 out as guickly as possible that's accurate without 14 hampering an investigation. And I think you identified, and I don't propose to go 15 692 Q. 14:47 16 into these, that there were two very short factual press releases that came out, and I think you weren't 17 18 involved in drafting them, I think they were both on 19 the 20th November, very factual, to say that a murder had taken place of a woman and essentially that there 20 14:48 were investigations ongoing? 21 22 I mean again that's standard proceedings. Α. Yeah. You

know, within minutes of a shooting occurring, you know
the phones in the Press Office will light up. You
know, there'll be 100 calls straightaway. So the
officer on duty, in this case I think it was Tara
McManus, will talk to them in Swords and say get the
very brief details so we can get a factual position out
to the media as to what this is.

 $14 \cdot 48$

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And so I think you say you attended at -- and I am 1 693 Q. 2 taking this from both your evidence today and also for 3 completeness from the statement you gave to Gabriel O'Gara as part of his investigation -- and I think that 4 5 begins, for reference for the Chair, at page 792, I 14:48 don't propose to refer to specifics for now. 6 But 7 essentially, you had attended at Swords Garda Station 8 and you had kind of obtained information and discussions with those involved in the murder 9 10 investigation prior to the 22nd November press release, 14:48 is that correct? 11

12 I am not so sure that anything that was in the Α. Yeah. 13 press release of 22nd was discussed at Swords Garda 14 Station when I attended. My attendance there was, you 15 know, shortly after the incident had occurred, an 14:49 16 initial crime conference. I don't recall this one specifically but there could be 50 officers in the 17 18 I would generally sit at the back, take things room. 19 in and then chat to the people leading the 20 investigation at the end of it and say okay, here's 14:49 what I have and here's what I am going to go with, are 21 22 you happy with that? So it's very much, as I said, 23 kind of on-the-fly, but it is very much the factual 24 position of an incident as we know it at that stage 25 just to give the media something to write because they 14.49know there's a sorry, they know there's an incident. 26 27 So, you know, nothing that appeared I think in the press release of the 22nd really was discussed with 28 29 anyone in Swords on the day of the first crime

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1 conference.

2 And so I think you say -- and I might take you to the 694 Q. 3 press release itself, which is at page 795 -- and indeed you have been through this to an extent so I 4 5 won't labour it. But you say that -- if we can get it 14:50 6 up -- at the very top of that page, you say that: 7 "In the course of media reporting of the above murder a 8 number of ancillary issues have been highlighted, some 9 10 of which are being reported inaccurately. The purpose 14.50 11 of this statement is to clarify the factual position." 12 13 So, essentially, this was a clarification on, as I 14 understand it, things that had been floating around in 15 the media, misreporting to use the term that you used, 14:50 16 and essentially to kind of set out the facts? 17 Yeah. I mean there was some stuff being reported -- a Α. 18 hazy enough recollection at this stage, but you can't deny them either, so we're trying to contextualise it 19 20 for the media. 14:51 And in terms of that clarification, I think you say in 21 695 Q. 22 your report to Gabriel O'Gara -- and this is on page 23 792 -- you say in and around the fourth paragraph: 24 25 "During the course of the investigation the Garda 14.51Commissioner became concerned as to the level of 26 27 misreporting, inaccurate reporting and speculation in 28 the media. The position was reviewed and it was 29 decided to issue press release..."

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1 2 And that reference number is 654/06, and that's the 3 press release of the 22nd November, is that right? 4 Α. Correct. 5 696 And so, effectively, the Commissioner, as I understand Q. 14:52 6 it, from that report, directed you to -- and perhaps 7 directed isn't the right term and do correct me if not, 8 to clarify the position: the Commissioner had a concerned and this is why this was required for 9 clarification purposes? 10 14.52 11 Α. Yeah, I think that was accurate enough, yeah. It was 12 probably all done less formally than what you have 13 stated but that's generally the way it occurred, yeah. 14 697 0. And I think you said that, I suppose, concerns arising 15 out of -- and this is in reply to a question from 14:52 16 Mr. McGuinness -- the concerns that arose about misreporting were, in effect, that they could prejudice 17 18 the investigation, or that they could impact, is it 19 those who might be questioned or those who might be 20 involved in the investigation, am I right in my 14:52 recollection of that? 21 22 Yeah, that's right, both the investigation and it may Α. 23 be harmful to people involved in the whole story, and 24 probably equally important for us was the public confidence in An Garda Síochána. 25 Because I understand 14.53 26 some of the misreporting pretty much said --27 paraphrasing it -- that we knew about it and it could have been prevented. 28 29 Q. And I suppose that's what I wanted to ask you about. 698

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1 Surely, I mean I think you have been quite clear that 2 an aspect of your role was to be the spokesperson for 3 the organisation, what was effectively happening, in at least some of this misreporting, was a perception that 4 5 An Garda Síochána had, if I might suggest, failed in 14:53 6 some respect towards this woman, and part of the 7 clarification, or the intended purpose of this press 8 release, was to clarify, I suppose, what was known and what was not known, would that be fair to say? 9 At that time, yeah. With the kind of proviso in the 10 Α. 14.53 11 last two paragraphs to suggest maybe we had failed her 12 to some can he agree, but that was an issue that was 13 going to be examined. 14 699 Q. And so, what I might summarise is just, I suppose, 15 what's in the report. Because I think you have said: 14:53 16 look, in terms of what we were seeking to clarify, 17 these are the reasons we were seeking to clarify it in 18 relation to prejudicing the investigation in terms of 19 An Garda Síochána and so on. And so the statement makes reference to threats to Mr. Hennessy, to crime 20 14:54 prevention advice he received. It goes on to say I 21 22 mean ultimately he hadn't received protection or armed 23 protection in that sense. It makes reference to crime 24 prevention advice given to Ms. Saulite, and then 25 ongoing investigations before going on to detail the 14.5426 victim impact report. 27 were those matters that had all been the subject of

misreporting, or were some of those misreporting and some of those matters that, I suppose, went to, as you

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1 put it, public confidence in An Garda Síochána? 2 I think, first of all, my recollection isn't going to Α. be a hundred percent on this due to the time. 3 But I do know that it was -- I won't say sensationalised because 4 5 that's their business, but that notion that Gardaí 14:55 6 could have prevented this murder was one aspect of it. 7 I am not sure that the investigation was going to be 8 advanced by media reporting around her solicitor, what happened previously, but I think there was suggestion 9 of, you know, people being under full-time armed 10 14.55 11 protection, and that was something that needed to be 12 clarified. So there was aspects of it, I suppose to 13 put to bed some, what we call, ancillary issues, that 14 really I am not sure we're going to advance the murder investigation but became kind of a focus or sub-focus 15 14:55 16 of the reporting of it.

17 700 I suppose what I might suggest to you is that certainly Q. 18 it appears that the focus of a number of these issues 19 is around perhaps more the actions of An Garda Síochána 20 and ensuring that the position is clarified around 14:55 perceptions of what the Gardaí knew, what protection 21 22 they were providing, rather than there being perhaps 23 suspects being named, that kind of thing, and the 24 concern about prejudicing the investigation in that 25 regard, would that be fair to say? 14:56 I think you're absolutely correct, yeah. 26 Α.

27 701 **Q**. And can I turn then, I suppose, to the drafting of this press release itself? I think you have given us an 28 29 overview about the general process that's involved. In

terms of the drafting of this press release, I think
 you have said you would have drafted it, is that right?
 A. Yeah.

And so would you have drafted it in conjunction with 4 702 0. 5 colleagues, would they have been involved in it, would 14:56 you just have sat down and typed it yourself? 6 7 I would have had conversations with various people Α. 8 outside of the Press Office, if you like. So I -- you know -- and I don't know times and dates, but I know I 9 certainly would have spoken to the Commissioner and 10 14.56 11 would have spoken to the people involved in the 12 investigation.

13 703 And I suppose that's something that I do want to Q. 14 elaborate on a little bit further with you, is that I 15 think you have said already in your evidence that you 14:56 16 attended at Swords Garda Station at that crime conference but that, really, the discussions and the 17 18 information, I suppose, that you gleaned at that stage 19 didn't ultimately form part of what was needed in terms of this clarification and this press release. 20 And I 14:57 think you said to Gabriel O'Gara, and this is on -- I 21 22 will just get the exact page reference, I think it is 23 791 to 792, I will just get the exact page as between 24 those, I think it is 792, the second paragraph here 25 where you say? 14.57

"I attended the first crime conference at Swords Garda Station..."

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1			And going on, you say:	
2				
3			"I would have consulted with the respective divisional	
4			and district officer and with appropriate personnel	
5			from the National Bureau of Criminal Investigation.	14:57
6			And due to heightened interest I consulted also with	
7			the Garda Commissioner."	
8				
9			So I think the district officer at that stage was Gerry	
10			Phillips?	14:57
11		Α.	Noel McLoughlin was district.	
12	704	Q.	Noel McLoughlin, my apologies. Gerry Phillips	
13			thereafter.	
14		Α.	Gerry Phillips would be divisional officer.	
15	705	Q.	And am I right then and I could be wrong in this	14:57
16			excuse me, divisional officer, yes. And then district	
17			officer?	
18		Α.	So district officer is Noel McLoughlin.	
19	706	Q.	And divisional officer?	
20		Α.	Chief Superintendent Gerry Phillips.	14:58
21	707	Q.	And so you consulted with them. Is that at Swords	
22			Garda Station or is that in the couple of days in and	
23			around this?	
24		Α.	Most likely in Swords Garda Station, and most likely in	
25			the days following it.	14:58
26	708	Q.	And I think you say that you would have had kind of, I	
27			suppose your recollection, and obviously I think we all	
28			accept this is some years ago now, you would have had	
29			conversations over the course of the day when the press	

1 release was being drafted but you don't recall

2 specifically who you spoke to?

3 A. Correct.

I suppose one thing that comes out guite clearly in the 4 709 0. 5 press release, and something that's of particular 14:58 6 concern for Sergeant Hughes, and I might just ask for the press release, which is at page 795, just to be 7 8 brought up again. And if we scroll down towards the bottom to the reference to the statement and what was 9 So, essentially, this draft victim impact 10 known. 14.5911 report, I think you have referred to it as you were 12 aware there was some kind of statement, some kind of 13 document?

14 A. Document.

15 710 Q. In respect of that document, that statement, do you
16 recall how you became aware of that specific piece of
17 information?

18 A. I wish I could, but I don't, no.

19 711 Q. I am assuming you didn't see the report itself?
20 A. I am absolutely certain I didn't see any document, no. 14:59
21 712 Q. And this may be of assistance in terms of your
22 recollection, but, essentially, that document had been

- only sought, and Mr. McGuinness I think referred to
 this briefly earlier, it had only been sought with
 great haste on that morning, on the morning of the
 22nd. I imagine you weren't aware, I suppose, of what
- 27 was involved in that?
- A. I'm not aware of it, no.

29 713 Q. Essentially, that document had only been procured

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1 within I think approximately somewhere between two to 2 three hours before your statement was released, in the late morning, early afternoon, that document had been 3 procured from Sergeant Hughes. And it had been 4 5 procured from him by Inspector Michael Cryan. Do you 15:00 recall if you spoke to Michael Cryan that day in 6 7 relation to the document? I don't recall whether I spoke to Michael Cryan or not, 8 Α. but all of the things you have just said I am only 9 aware of those through transcripts of this Tribunal. I 15:00 10 11 certainly wasn't aware of all of that at the time. 12 714 Absolutely. And I accept that. It's merely just for Q. 13 context. 14 Α. Sure. 15 715 And I suppose there was a narrow pool of people who had 15:00 Q. 16 had sight of that document at that stage. And 17 Inspector Cryan had been directed to obtain the 18 document, and indeed had brought it to Chief 19 Superintendent Gerry Phillips, do you recall if you 20 spoke to Gerry Phillips that morning -- or that 15:00 afternoon I should say? 21 22 Again I possibly spoke to Gerry Phillips, but all of Α. the things you've just said before that, I certainly 23 24 wasn't aware of any of that. 25 And I imagine you don't recall then whether you spoke 716 0. 15.01to Assistant Commissioner McHugh who had ultimately 26 27 been the person who directed that this be obtained and that it be obtained with some urgency that day? 28 I don't specifically recall talking to Assistant 29 Α.

1 Commissioner McHugh, and I was probably unlikely to 2 talk to an assistant commissioner in respect of a murder investigation. Invariably, it'd be the district 3 and divisional officers that you would liaise with. 4 5 That is not to say I didn't talk to him. It would be 15:01 6 unusual for me to talk to an A/C on a murder. 7 And so in terms of the other pieces of information 717 Q. 8 then, I think you've said they came to you as well; I presume you don't recall the other pieces where they 9 came from specifically either? 10 15.0111 Not specifically, no. Α. 12 Were you aware -- the press release states that there 718 0. 13 was -- that --14 15 "The Garda Commissioner is now examining when and to 15:02 16 whom this information was known." 17 18 Were you aware at that stage, or were you made aware of specific gardaí who may have known information that led 19 to this suggestion in the press release? 20 15:02 I pretty much was aware of what's in that statement. 21 Α. 22 that there was a document that may or may not be of I had no notion who had it or who got it or 23 relevance. 24 how many people at the time of the press release. 25 And I might take you to some other matters, I suppose, 719 Q. 15.0226 within the press release. And I think you touched on 27 this already with Mr. McGuinness. The question of crime prevention advice and what had been provided to 28 29 Ms. Saulite and what, indeed, had been provided to

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1 Mr. Hennessy. And in respect of Ms. Saulite in 2 particular, I think you have gone through this already, 3 that, effectively, the press release indicates that she received crime prevention advice. Ultimately, in a 4 5 further investigation later on there's a finding that 15:03 she had not received formal crime prevention advice, 6 7 and I think you accept that and you indicated to the 8 Tribunal that it's, I suppose, a source of -- you know, it affects your professional pride I think is the 9 phrase that you used? 10 15.03 11 Absolutely, yeah, yeah. Α. 12 But you accept that that was incorrect? 720 0. I don't know. I wasn't party to the previous inquiry 13 Α. 14 or tribunal. I accept that there was a ruling that it 15 was incorrect but, as I said to Mr. McGuinness, you 15:03 16 know, I didn't make it up, I was told that fact. Ι wouldn't have included it otherwise. I absolutely wish 17 18 I could recall who told me, for my own benefit as much 19 as the Tribunal's, but I don't know who told me. And I suppose I am not suggesting, just for clarity. 20 721 **Q**. 15:03 that you did make it up, but quite simply --21 22 Sure. Α. 23 -- you accept that look, you had this information, it 722 **Q**. 24 was put out there. Ultimately it was found that it was 25 not correct information, and indeed that you wish you 15.04know who had told you for obvious reasons. 26 27 28 You do say, and I think you said in your evidence today that -- and perhaps this is with the benefit of 29

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1 hindsight -- but you suggested that the crime 2 prevention advice that had been given to John Hennessy was at perhaps a higher level than that which had been 3 given to Ms. Saulite. But in the text of what the 4 5 statement itself says, it suggests that there had been 15:04 6 extensive crime prevention advice given to the 7 solicitor and then it goes on to say that "she was also given crime prevention advice". 8 You'd accept, I think, Superintendent Donohue, that it 9 doesn't make a distinction, the press release doesn't 10 15.0411 make a distinction that there was a higher level of 12 crime prevention advice given to John Hennessy and a 13 lower level given to her. It simply says both were 14 given -- one was given crime prevention advice the 15 other was also given crime prevention advice? 15:05 16 That might be -- no, I don't really accept that. Α. Because if you look at the -- there's a whole paragraph 17 18 and a half covering what was given to John Hennessy and 19 it talks about trained personnel and it talks about a 20 security survey, and that was provided to him. It then 15:05 says she was also given advice. My reading of it, and 21 22 my writing of it, was that these were separate levels of crime prevention advice. That the second given to 23 24 Ms. Saulite was most likely of a local level, if you 25 like, maybe a local crime prevention officer, a local 15.05member, I don't know, I am only surmising at this 26 27 stage, but certainly the advice given to Mr. Hennessy was of the highest levels, if that's what you like. 28 29 And I would -- it would be my reading, because maybe

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1 that's the way I wrote it and I assume people would 2 read it that way, that there was a distinction between 3 both.

4 And I think there is certainly no dispute that he was 723 0. 5 provided with additional -- I mean in terms of Garda 15:06 patrols and all of that, there is certainly no dispute 6 7 But I suppose what I am effectively in that regard. 8 putting to you is that the crime prevention advice is a distinct piece, it doesn't make a distinction in the 9 press release itself as between, you know, a higher 10 15.0611 level of -- and I appreciate within An Garda Síochána 12 there are different processes involved in the kind of 13 crime prevention advice we're talking about, but, on 14 the face of it, I suppose what I am suggesting to you 15 is that that isn't entirely clear on the face of this? 15:06 16 Maybe not entirely clear. I would have thought it was Α. 17 -- an ordinary reading of the statement would indicate 18 that there were two separate levels. Otherwise, I 19 think it would have been written that the solicitor and 20 Ms. Saulite received the following advice, you know, 15:06 properties examined, security surveys and so on. 21 It 22 wasn't written that way because it was my understanding 23 that wasn't the way it was done. That he had the top 24 level, if you like, and I'm assuming reported to me that she had local level advice. 25 15:07 724 And I presume, following on from what was the 26 Q. 27 confidential recipient report, which was the document that found that no formal crime prevention advice had 28 29 been provided for Ms. Saulite, I assume at no stage

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1 were you asked, or your office asked, to publicly 2 correct what had been put out in this press release in 3 relation to her having been given crime prevention advice? 4 5 Yeah, well I wasn't aware, until this Tribunal, that Α. 15:07 6 that ruling was made. 7 And I think another matter that Sergeant Hughes in 725 **Q**. 8 particular has raised I suppose as a concern in relation to the press release, and I suppose 9 inaccuracies that he has seen in the press release, 10 15.0711 that is obviously one inaccuracy, and a second one is 12 in relation to the expressions of fear for her safety 13 that Ms. Saulite had made gardaí aware of. The 14 paragraph is up before us, it says: 15 15:08 16 "As part of the murder investigation, house to house 17 enguiries are ongoing in the area and gardaí have now 18 learned that Ms. Saulite expressed concerns to friends 19 and neighbours regarding her safety. We have also 20 established that in the course of preparing a document 15:08 21 for court use in the sentencing of her husband, 22 Ms. Saulite expressed concerns for her safety and 23 appeared to be somewhat in fear of him." 24 25 That refers to the statement, the document which you 15.08 hadn't seen, which we know to be the draft victim 26 27 impact statement? 28 Correct, yeah. Α. 29 726 Sergeant Hughes's evidence to this Tribunal, and indeed Q.

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1			his consistent position for a long period of time, is	
2			that in fact Ms. Saulite had, for a long time,	
3			expressed concerns about Mr. A, expressed fears going	
4			back to a statement she made I think on the 4th January	
5			2005; that this wasn't something new. Were you aware	15:08
6			of that at the time?	
7		Α.	I can't say I was, no. I think I'd have to say I don't	
8			recall whether I was or not.	
9	727	Q.	So in terms of the briefings, the discussions that you	
10			had had with the district officer, divisional officer,	15:09
11			and so on, none of them had made you aware that there	
12			was a background to this that she had expressed	
13			concerns about her safety previously?	
14		Α.	I wouldn't have a strong enough recollection to say	
15			none of them said that to me, but I don't recall	15:09
16			whether they did or not.	
17	728	Q.	And I presume then you wouldn't, and I imagine you	
18			wouldn't, have had sight of previous statements that	
19			she had made expressing those concerns?	
20		Α.	NO.	15:09
21	729	Q.	Would you accept that in reading the press statement,	10100
22	, _ 5	۷.	certainly on its face, and I think there's a degree of	
23			understanding as to why it might have come about this	
24			way certainly given that you didn't have the	
25			information, but, on its face, the press release	
26			appears to suggest that it is only in the course of the	15:09
27			murder investigation and in the course of this document	
28			having been discovered that Ms. Saulite had first made	
29			these expressions of fear known; that this wasn't an	

1 old issue but effectively this was something that had 2 just come about, would you accept that that is how it 3 reads?

Yeah. 4 Α.

5 730 And would you accept, I suppose, the concerns that Q. 15:10 6 Sergeant Hughes has that in fact it's being 7 presented -- and I am not suggesting that this is 8 intentional on your part at all -- but that it's presented as if this is information that has just come 9 to light when in fact his position, and indeed there 10 15.10 11 are a multitude of documents to this effect, is that 12 actually this was known to An Garda Síochána for a long 13 period of time?

14 Α. I understand that's his position. I don't comment on 15 it one way or the other.

16 I might just move to something a little bit more 731 0. 17 general, and it turns on some evidence that was given 18 yesterday before the Tribunal by the journalist Michael 19 O'Toole. And this is -- nothing hugely specific turns 20 on it. But he was giving evidence in relation to a 15:11 story that was published on the 20th November 2008 in 21 22 relation to a disciplinary investigation and in 23 relation to the draft victim impact report again. And 24 in relation to that story, he indicated that he made 25 contact -- before publishing the story he made contact 15.11 26 with the Garda Press Office seeking comment and that no 27 comment was forthcoming. Now I know I think in your 28 statement to Gabriel O'Gara you indicated that you finished in your role in November 2008. You weren't 29

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Gwer, Malone Stenography Services Ltc.

15:10

1 the Press Officer that he contacted in relation to 2 that, were you?

- I could have been, or it could have been the Press 3 Α. Office, and I think, and I read Michael O'Toole's 4 5 evidence yesterday, I mean he didn't expect to get any 15:11 other answer because that's -- and Mr. McGuinness 6 7 mentioned it earlier on, we don't disclose names of 8 people before they go to courts. We certainly don't disclose names of gardaí who may or may not be under 9 investigation. 10 15.12
- 11 732 Q. And I suppose that's what I want to tease out with you. 12 I imagine it's the case that it is standard practice, 13 as Mr. O'Toole suggested, that you don't comment on 14 those things. That a journalist might come to you with 15 a story and that might involve I think, as Mr. O'Toole 15:12 16 put it, unauthorised information or accept it was unauthorised information, you don't comment on it for 17 18 the most part?
- A. Not for the most part at all. I don't comment at all.

15:12

15.12

20 733 Q. Don't comment at all?

- Because they will often come to you with -- they may 21 Α. 22 suggest a name or a station or an incident, and you 23 just have to blank it in fairness to the person 24 involved, if there is a person involved. So they are 25 just not entertained, if you like, at all. They will 26 always come to us, they will always come to the Press 27 Office anyway, so they may or may not include that in 28 their story.
- 29 734 Q. And I think you said at the opening of your evidence

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today that misreporting, and I suppose information
coming from, I don't think the phrase used was
'unauthorised sources', but that that was a continual
problem and that is why you ask journalists to make
reference to Garda Press Office in their articles where 15:13
the information was, I suppose, coming through an
official channel, through you?

8 Absolutely. Certainly in the four years that I was at Α. the Press Office, you know, garda sources are regularly 9 mentioned. If I issue something, I put my name to it 10 15.13 11 on behalf of the organisation, and sometimes you wonder 12 if a source exists at all, and in some cases they may 13 not, what their motivation is, what their knowledge of 14 the incident is. Because I have seen press reports 15 where a garda source has said A, B and C, and I would 15:13 16 know the factual position and it was incorrect, so 17 you'd wonder how accurate the source was, if they 18 existed. So, certainly sources -- unnamed sources are 19 always dealt with them sometimes with a smirk on your face, you have to take it with a pinch of salt. 20 15:14 In terms of -- given, I suppose, that this was an 21 735 Ο. 22 ongoing issue, I certainly don't want to overplay it, 23 but certainly an ongoing and if not everyday issue, was 24 there a process in place to report it up the line or 25 for something to happen next? You if had somebody come 15:14 to you with unauthorised information, you know, that 26 27 quite simply I suppose colloquially might be a leak of 28 some description, was there a process that the Press 29 Office said we just need to flag this up the chain

somehow?

2 Depending on the seriousness of it you might, and there Α. 3 may be an inquiry into it or an examination of it, but it all would come back to what you heard yesterday: a 4 5 journalist is not going to tell you his source. So you 15:14 probably know from the start that it is almost futile. 6 7 But you'd certainly examine it and see if you could 8 find anything out about it, but it is a difficult one to get to the bottom of. And that is just -- going on 9 my earlier answer, I am not naive enough to believe 10 15.1411 that there aren't garda sources well placed and 12 otherwise who aren't talking to the media. 13 So there was -- and I just want to be clear on this --736 **Q**. 14 so there is some kind of a process in place that if unauthorised information comes in, if it is of a 15 15:15 16 serious nature or concern, that some kind of 17 investigation can take place or does take place? 18 I mean it is a breach of the Code for a member to talk Α. to the press other than through official channels. 19 SO. certainly if there was something to investigate, it 20 15:15 would be looked at, yeah. 21 22 And would that be done at a local level? I am just 737 Q. 23 trying to imagine in practical terms. If information 24 came to you, somebody asked you for comment, and you 25 said this is something that has gone out in an 15.15authorised way, it is of concern, do you report it to a 26 27 local district? Where do you report it to? Invariably I would speak to the Commissioner if it was 28 Α. 29 serious enough, and he would then advise the Deputy

1 Commissioner Operations who would then set something in 2 motion. 3 738 Q. And I might take you just very briefly then to an 4 article in the Irish Times that Mr. McGuinness took you 5 to earlier, which is at page 8093 of the materials. 15:16 6 And this is the article by Conor Lally I think that you 7 referred to earlier. And Mr. McGuinness took you a 8 paragraph which is I think the fourth paragraph down, so we begin with: 9 10 15.1611 "A spokesman for Mr. Conroy, Superintendent Kevin 12 Donohue said that gardaí had become aware of the threat 13 to the life of Ms. Saulite's solicitor in recent months 14 that armed patrols were stepped up. However he denied 15 that the suggestions that the solicitor was under 15:16 16 full-time armed protection." 17 18 He goes on to say: 19 20 "The Irish Times has established that the threat 15:16 21 against Ms. Saulite's solicitor who is based in Swords 22 County Dublin was of serious nature and represented a direct threat to his life. An individual approached 23 24 Irish criminals to source a gun that was to be used to 25 shoot the solicitor. News of this approach was passed 15.17 on to gardaí." 26 27 In response to a question from Mr. McGuinness earlier 28

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about the first of those paragraphs in relation to the

1 reference to yourself, you indicated in response that 2 Mr. Lally could have obtained this information from the 3 press release, is that correct? The first part certainly. What you just read out, no, 4 Α. 5 that's not in the press release. 15:17 The first part? 6 739 Q. 7 The bit, the paragraph starting "The Irish Times has Α. established ..." 8 I just want to touch, and I want to come back to that 9 740 Q. in a moment, but in relation to the first part it says 10 15.17 11 quite specifically that "armed patrols were stepped 12 Now, what I want to suggest to you is that there up". 13 is nothing in the press release, on page 795 of the 14 materials, that references any stepping up of armed 15 patrols and that this is one of two things: it's 15:17 16 either that you may have said this to Mr. Lally and 17 don't recall doing so; or, that Mr. Lally perhaps 18 obtain this information from other source? 19 Or, with his experience, written it the way he wrote Α. it. I am, first of all, happy that I wouldn't have 20 15:18 told a journalist that level of detail. 21 I think it was 22 mentioned perhaps in the press release, or maybe it 23 wasn't, but that there was -- and I think the Tribunal 24 has heard of passing attention, which is a 25 non-full-time local gardaí aware of a threat and 15.18providing additional attention to an address. 26 I 27 wouldn't have said to a journalist a stepping up of armed patrols, because -- that's pretty much an 28 29 operational matter and it is the type of stuff I

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wouldn't divulge to a journalist, you know, because if I told a journalist the stepping up of armed patrols, I know any journalist that I would speak to would say to what? Like, what were the patrols? What does that Each mean? And there is no clarification of what that means 15:19 in the article. I wouldn't have said that to a journalist.

- 8 741 And I think you have said quite clearly that in terms Ο. of that second paragraph that I read out, that begins 9 "The Irish Times has established..." that that isn't 10 15.19 11 information that you would have given to Mr. Lally and 12 I think, in fairness to you, it is framed in such a way 13 as the Irish Times has established. rather than we were 14 told by superintendent Donohue.
- A. Well he wasn't told by Superintendent Donohue, I can 15:19
 tell you that for sure. How he established it is
 matter for Conor Lally.
- 18 And so, I suppose the reason that I am suggesting to 742 Q. 19 you that perhaps there is a distinction, I suppose, between what is in the statement -- or, excuse me, what 15:19 20 is in the press release, where there is no mention of 21 22 armed patrols, and what is here, and why I bring the 23 second paragraph into it is to suggest, I suppose, that 24 Mr. Lally has sources other than yourself and that in 25 fact this doesn't refer back to the press release but 15.20refers to information that was obtained from an 26 27 entirely separate source other than the official channels? 28
- 29 A. I think that's fair, yeah.

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743 Just on this very subject I suppose, were there 1 Q. 2 particular concerns, and I think you gave this clarification press release on the 22nd November, 3 obviously the murder investigation went on for a much 4 5 lengthier period of time. In this investigation 15:20 specifically, was there a lot of information coming out 6 7 other than through official channels? Was this something that was of particular concern in this 8 investigation in comparison perhaps to other 9 10 investigations? And the reason I am suggesting that to 15:21 11 you is because we have been brought to a number of 12 different articles and seen a number of different 13 articles where information appears to be in the public 14 sphere, indeed operational information appears to be in 15 the public sphere that hasn't come through official 15:21 16 channels, it hasn't come through yourself in the office? 17 18 Yeah, I think I get your question. Α. 19 744 I can rephrase it if that is of assistance. Q. 20 Essentially what I am wondering is, at a higher level 15:21 was there more of this kind of information out there 21 22 for this case than perhaps other cases? 23 More than the norm, but there were, you know, other Α. cases that would have attracted this as well. 24 And I 25 think it's just important to say that just because it 15.21appears in the media, it doesn't mean that the 26 27 journalist necessarily has been told that from a Garda source, if that makes sense. 28 I might just clarify just one very brief 29 It does. 745 0.

1 matter with you, taking you back to something that I 2 spoke to you about at the very beginning, which is in 3 relation to who you spoke to at Swords Garda Station in around that time period, and I think you indicated that 4 5 you spoke to Noel McLoughlin in around that time. **NOW**, 15:22 certainly my instructions are that Noel McLoughlin 6 7 retired on, I think, the 13th November, so he wasn't 8 the officer at this time in and around the 20th and thereafter? 9 I think I suggested I wasn't specific on who or when I 10 Α. 15.22 11 spoke, but by all accounts it would have been the 12 district and divisional officer. 13 746 And I don't think a huge amount turns on it but just 0. 14 for clarity. 15 Thank you very much, Superintendent Donohoe. 15:23 16 17 THE WITNESS WAS CROSS-EXAMINED BY MS. HORAN AS FOLLOWS: 18 19 747 MS. HORAN: Thank you, Superintendent Donohoe, I hope Q. 20 you can hear me, I just have a few questions on behalf 21 of an Garda Siochana, thank you very much. It was put 22 to you not long ago by Ms. O Lionsigh on behalf of 23 Sergeant Hughes that there was no mentioned in the 24 press release of armed patrols as reported by Conor 25 Lally in the article which is currently on the screen 15.23 26 at page 8093 of the materials. I wonder, Mr. Kavanagh, 27 if we can turn to page 795 which is the press release. And if we can just turn then to the fourth paragraph of 28 29 that document, and if we see in the sentence starting:

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1 2 "As is normal procedure in such cases the properties of 3 this subject would have received attention from Garda patrols both uniformed and armed." 4 5 15:23 6 So in respect of the quote, I suppose you could call it 7 the attempt to quote you by Conor Lally in the article, 8 I think you gave evidence initially to Mr. McGuinness that it was your view that he must have taken that from 9 the Garda press release, and we do see the term 10 15.2311 "patrols" and we see the word "armed" in that 12 paragraph. Is it still your position that that 13 information that he is reporting came from the press 14 release as opposed to from you yourself directly? 15 I think he could have taken it from reading the press Α. 15:24 16 release. 17 748 Thank vou. You were Garda Press Officer between 2004 Q. 18 and 2008, isn't that so? 19 Yes. Α. 20 You gave statement to the Tribunal on the 28th July 749 Ο. 15:24 2020, which is at page 790 of the materials, 21 22 Mr. Kavanagh, please. Thank you, Mr. Kavanagh. In the 23 third paragraph you indicate that -- first of all, 24 referencing the 11 press releases issued by the Garda 25 Press Office between the 20th November 2006, the day 15.24after the tragic murder of Ms. Saulite, and then up to 26 27 the 20th November 2007 in relation to that murder. And then you also indicate that you carried responsibility 28 29 for all press releases that were issued, isn't that so?

- 1 A. Yeah, correct.
- 2 750 And then in the fourth paragraph you say expressly that 0. 3 at no time were you aware of any suggestion of systems failure regarding the murder or related matters, and 4 5 nor were you involved in or had discussions with any 15:25 other person regarding a conspiracy against or 6 7 scapegoating of former Detective Sergeant Hughes. That 8 is your position, isn't that so?
- 9 A. Absolutely.

29

- And you also say that all press releases were issued in 15:25 10 751 0. 11 good faith and were, to the best of your knowledge, 12 accurate, and you refute any suggestion that any 13 release intimated a failure of an earlier child 14 abduction investigation, and that having reviewed the 15 press releases, you failed to see any such intimation, 15:25 16 and you also say that you were never contacted by 17 Sergeant Hughes or anyone on his behalf in respect of 18 any errors in a press release or with a request, I 19 suppose more specifically, to correct the particular 20 press release that is in question here, isn't that so? 15:25 Yes, that's correct. 21 Α.
- 22 752 Q. Moving further down to the fifth paragraph, you also23 say that:
- 25 "The Garda Press Office/officer is responsible only for 15:26
 26 the issue of Garda press releases. It does not have
 27 any responsibility control or editorial input as to
 28 what media outlets print, publish or broadcast."

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1			That is the position, isn't it?	
2		Α.	Yes.	
3	753	Q.	You go on to say in the final paragraph:	
4				
5			"I am satisfied that all garda press releases were	15:26
6			compile truthfully and accurately." You held	
7			responsibility for the contents of the releases issues	
8			and you refute any suggestion that you personally or	
9			the Garda Press Office was involved in any conspiracy	
10			against the member the member being Retired Sergeant	15:26
11			Hughes or were come complicit in any way in the	
12			alleged activity outlined in the various submissions by	
13			the former Detective Sergeant Hughes.	
14				
15			And that is still your position, isn't that so?	15:26
16		Α.	Absolutely.	
17	754	Q.	And we will come to some of those allegations in a	
18			moment. But if I could just ask you next to turn to	
19			the statement that you gave to Superintendent Gabriel	
20			O'Gara as part of the Feehan confidential recipient	15:26
21			reporting investigation, which is dated 10th March 2009	
22			and starts at page 791 of the booklets.	
23				
24			So this is the statement; I want to ask you about the	
25			second page. So if we might just turn to page 792	15:27
26			please, Mr. Kavanagh. And what you say in the first	
27			paragraph there is:	
28				
29			"While all murders attract media attention, the murder	

1 of Baiba Saulite attracted significant attention due to 2 the circumstances." And I think in fact you used the term 'sensationalised media reporting' in your evidence 3 today, isn't that right? 4 5 Yeah. Α. 15:27 6 755 And turning then to the second paragraph of this **Q**. 7 statement, you indicated that you attended the first 8 crime conference at Swords Garda Station, and then you also indicated that you would have consulted with the 9 respective divisional and district officers and with 10 15.27 11 appropriate personnel from the National Bureau of 12 Criminal Investigation in the days that followed, isn't 13 that so? 14 Α. Correct, yeah. 15 756 You then also add that due to the heightened media Ο. 15:27 16 interest in the matter, you were satisfied that you 17 consulted with the then Garda Commissioner Noel Conroy, 18 isn't that so? 19 Yes. Α. You might give an indication to the Tribunal the level 20 757 **Q**. 15:28 of contact that you would have had with the 21 22 Commissioner in the course of your role on a day-to-day 23 basis or invariably when issues arose? 24 CHAI RMAN: Ten or 20 times a day. 25 Thank you, Chairman. MS. HORAN: 15.2826 758 CHAI RMAN: Is that right? Q. 27 what did you say, Chairperson? Α. 28 759 CHAI RMAN: Ten or 20 times a day, in and out of the Q. office? 29

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1 Could be. In and out. On and off the phone. Α. 2 Depending what was happening on a given day, for sure, 3 veah. Certainly I could have consulted him in respect of every murder --4 5 CHAI RMAN: And the chances are with this one he 15:28 6 probably approved -- the Commissioner probably approved 7 this one because he would have wanted to approve it because it was an important one. Am I remembering so 8 far? 9 That's fair. 10 Α. 15.28 11 760 Q. MS. HORAN: Thank you. And you have indicated that 12 there was a concern about the sensationalised media 13 reporting such that the -- the implication being that 14 the murder could have somehow been prevented and the 15 press release was issued apropos that type of 15:28 16 reporting, that is so, isn't' that right? 17 Correct, that is my recollection, yeah. Α. 18 761 You have also indicated, and you say it there in the Q. 19 seventh paragraph of your statement given to Gabriel 20 O'Gara about your concerns, or the concerns on behalf 15:29 of the organisation about the negative effects that 21 22 such reporting could have, and you list them there, you 23 say that misreporting could be harmful to the 24 investigation, could be harmful or dangerous to those 25 involved or may have a negative effect on the public's 15.29 confidence in An Garda Síochána, isn't that so? 26 27 That's right, yeah. Α. 28 762 And you say you are satisfied that you had regular Q. contact with the district officer, the divisional 29

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1 officer and, as appropriate, the Garda Commissioner? 2 Correct. Α. You also say that at various stages of the 3 763 0. 4 investigation as arrests were made, et cetera, you, 5 your staff, et cetera, in Garda press and public 15:29 relations, would have been in contact with the incident 6 7 room in Swords Garda Station, isn't that so? 8 That's just to be comprehensive as to what the contacts Α. were, because you will see the other ten press releases 9 were issued by my staff at the time and that would have 15:29 10 11 been from updates from the incident room. 12 Indeed. And we will just turn to the press release 764 Q. 13 again, which is at page 795. Now it's clear that this 14 press release is longer than the other press releases 15 which were appended to your statement to Gabriel O'Gara 15:30 16 from the relevant period. And it's also clear that you 17 were prepared to put this one under your own name. DO 18 you want to address that to the Tribunal, the reasons 19 why you have this one under your own name? I think I touched on it earlier with Mr. McGuinness. 20 Α. 15:30 Sometimes matters occurred that kind of are 21 22 organisational wide as opposed to incident specific. 23 So for the normal -- probably a bad choice of words --24 for a normal run-of-the-mill crime incidents, including 25 murders, the Press Office staff, because they're there 15.30seven days a week, 16 hours a day, are empowered to 26 27 issue releases. And invariably those releases are, you know, no more than a couple of paragraphs. 28 On 29 occasion, and I don't know how many times over the four

1 years but I certainly had done it in other occasions 2 where something was of significance -- greater significance, if you like, than an ordinary crime 3 issue, that it would be issued with my name specified, 4 5 even though they're all -- I have responsibility for 15:31 6 all of them, but it would be issued in my name, and I 7 think even the media would accept then that this is a little bit more serious, or a little bit more 8 heightened, if you like. 9 Okay. And did you have any knowledge of Retired 10 765 Q. 15.3111 Sergeant William Hughes at the time the press release 12 was issued? 13 No. I didn't know -- I didn't know his name in Α. NO. 14 respect of this. In fact I said I didn't know him. 15 When I met him today, I knew that I had seen him -- you 15:31 know, we'd crossed paths, I have no doubt, a number of 16 times throughout our career, but at the time of this I 17 18 had absolutely no knowledge of his involvement. 19 766 So you didn't know his name and you didn't know his Q. 20 role at the time the press release was issued, is that 15:32 21 50? 22 Absolutely, yeah, yeah. Α. 23 767 And it's clear from the first paragraph of the press **Q**. 24 release that you're dealing with the media reporting, 25 you know, it says it on its face that "In the course of 15:32 26 the media reporting on the above murder, a number of 27 ancillary issues have been highlighted, some of which 28 are being reported inaccurately. The purpose of this 29 statement is to clarify the factual position."

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- 2 That was the purpose of the statement, as it says
- 3 itself?
- 4

A. Correct, yeah, yeah.

- 5 768 And it goes on then to deal with the relevant threats Q. 15:32 6 to the solicitors -- the solicitor I should say, and 7 that has already been covered. There is that reference 8 to crime prevention advice being given to Ms. Saulite in the fifth paragraph, and you have indicated already 9 10 that you wouldn't have made anything up when putting 15.3211 that together, that is so, isn't it?
- 12 A. Absolutely, yeah, yeah.
- 13 769 Q. So it was your understanding that some sort of, and I 14 think you put it as informal advice perhaps, had been 15 given to her and that there is a distinction between 15:32 16 what you say there and what is detailed in the 17 paragraphs above in respect of what was given to the 18 solicitor?
- A. Yeah. I think that came up in the earlier conversation
 of me making what is obvious to me, but then I have 30 15:33
 years in the police, of the distinction between the two
 types of advice. But again, I don't know what type of
 advice she was given, or by whom.
- 24 770 Q. And in terms then of the later paragraphs in the press
 25 release where you deal with what the Gardaí have now 15:33
 26 learned, as was reported by Tom Brady in his article,
 27 you use that term directly, at page 8094, regarding
 28 concerns that Ms. Saulite had for her safety. When you
 29 reference that, is it fair to say that this was an

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effort on the part of An Garda Síochána to, I suppose, fairly acknowledge that there might have been a case to answer on the part of the organisation in respect of what it did or did not know regarding -- in respect of her concerns?

15:33

I think, and as I said earlier, it's 6 Yeah. I think so. Α. an approach I had adopted during my course of four 7 8 years in the Press Office. As much as I would like it otherwise the Gardaí weren't always right and I thought 9 it was important if there was a case to answer that we 10 15.34 11 would admit that there was a case to answer and what we 12 were doing about it. And I think that was the case in 13 this case. And I think also we were, as I mentioned 14 earlier, countering the notion that we somehow could 15 have prevented this, that she was under threat, but 15:34 16 there's -- and the media might report it in different 17 ways -- there's guite a distinction about a feeling of 18 being unsafe as opposed to a specific threat. 19 771 And you were clear that you never saw the victim impact Q. 20 statement for the purpose of this preparing this 15:34 statement? 21 22 Before or since, no, I haven't seen it. Α. 23 772 And we might just turn to the statement briefly if we **Q**. 24 can, or at least page 714 of it. And what is said 25 there in the first couple of lines: 15:35 26 27 "At the moment I am very scared for my life because

Mr. A is blaming me for everything that has gone wrong in his life."

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2 And you hadn't seen that when you put this Garda press 3 release together. And in terms of the reference that is made there to Ms. Saulite -- in the Garda press 4 5 release, sorry, at page 795, to Ms. Saulite expressing 15:35 6 concerns for her safety and appeared to be somewhat in 7 fear of him, this was obviously information that was 8 given to you by one of the guards you were talking to, the district officer or the divisional officer, and so 9 on, is that so? 10 15.35

11 Yes, correct, yeah. Α.

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12 773 It was also put to you that the victim impact statement 0. or I suppose draft victim impact statement, to be more 13 14 accurate, was only in the possession of the Guards for 15 three years or so before the Garda press release 15:35 16 issued. You wouldn't have had knowledge of that? And 17 indeed, you also wouldn't have had knowledge of the 18 fact that retired Sergeant Hughes had made the Guards aware of its existence as early as I think the 20th 19 20 November 20 --15:36 21 CHAI RMAN: I'm sorry, this is not a -- sorry, I had 22 already not missed that point anyway. Thank you, Chair, indeed. 23 MS. HORAN: 24 CHAI RMAN: Number two, it is not a matter --25 Exactlv MS. HORAN: 15.36-- for retired chief superintendent Donohue. 26 CHAI RMAN: 27 Number three, we've already been over the ground. Number four, I remember the evidence of Detective 28

- 29 Inspector, as he then was, Walter O'Sullivan and
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1 Detective Chief Superintendent Cryan and the other 2 evidence, so let's have a limit to the leading 3 questions. And I think I do have the point. I don't need him to comment on something that he knows 4 5 something about. And has really and frankly said I 15:36 6 have never seen the victim impact statement. A]] 7 right. 8 774 MS. HORAN: Thank you. I will move on then. Just one **Q**. 9 last matter --10 CHAI RMAN: I am sorry to sound so cantankerous. 15.3711 MS. HORAN: Not at all, Chair. 12 I am sorry, I do apologise for snapping and CHAI RMAN: 13 being inpatient, but I do have it. I have not only got 14 it in my head, I have noted these things anyway, there 15 it is 15:37 16 775 MS. HORAN: Thank you, Chair. If I can Mr. Kavanagh to Q. 17 move to page 12 of the booklet please. If we can just 18 turn to line 165 which is just starting on the screen 19 there. If we can move down a little bit, Mr. Kavanagh. This is where retired Sergeant Hughes deals 15:37 20 Thank you. with the issue of the press release in his statement to 21 22 the Tribunal investigators, and what he says there is: 23 24 "There was a Garda press release issued on the 22nd 25 November 2006 just after the murder. At the time of 15.38 26 the press release I was aware there had been a systems 27 failure in the investigations as mentioned above yet 28 the press release only referred to her, Baiba Saulite, 29 submitting the victim impact report and failed to

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mention any of the other failures that I believe were
 evident. I believe that this was an example of me
 being targeted."

And then it goes on to say:

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"In that press release the Commissioner stated that Ms. Saulite had expressed concerns for her safety and was somewhat in fear of him and that enquiries would made as to when and to whom this was known. Following 15:38 the murder I felt it was important to make a chronology of events."

And he goes on to deal with a different matter.

15:38

15:38

15.39

15:38

16Just in respect of that, where he refers to this being17an example of him being targeted and the references to18systems failures, have you any comment to make in19respect of that before you conclude your evidence to20the Tribunal today?

- A. I can tell you that I would never issue a press release
 saying there might be systems failure. What we have
 said is: In this case there now appears to be a
 document in the possession of An Garda Síochána and
 that may be a failing, but the Commissioner is
 examining it.
- 27 776 Q. But the reference there by Sergeant Hughes to him being
 28 targeted, have you anything to say in respect of that?
 29 A. Certainly not by me, because I didn't even know of his

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involvement and I think I said in the statement or in a 1 2 report, I compiled and drafted this press release as 3 all others, in good faith and issued them on the basis that I believed at the time they were accurate. 4 There 5 was no targeting of anyone or there was no -- and I 15:39 6 hope I have explained the rationale for each of the 7 points in the press release today, beyond that there 8 was no other agenda or sub agenda and I certainly had no discussion or consultation with anyone around the 9 10 type of wording that you are using as to what was going 15:39 11 on here. And then just finally, I think you have dealt with it 12 777 0. 13 already but just for completeness, were you aware of 14 the allegations that were being made in respect of 15 systems failure by Sergeant Hughes? 15:40 16 No, absolutely not. NO. Α. 17 778 Thank you, I have no further questions. Q. 18 CHAI RMAN: NOW. 19 WITNESS WAS THEN RE-EXAMINED BY MR. MCGUINNESS, AS 20 15:40 21 FOLLOWS: 22 Two matters. Could I ask you to look 779 MR. McGUI NNESS: Q. 23 at page 739 and this is just to clear up the mystery of 24 the reference to Superintendent McLoughlin who had 25 retired, and I think you had referred to both the 15.40district and the divisional officer. And just to 26 27 identify those. These are Detective Inspector Cryan as he then was, his notes of the 20th. And in the second 28 29 paragraph down he says:

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1 2 "20/11/06 - attended conference 12:45pm chief's office, 3 as above present --" 4 5 And just to refresh everyone's memory who was there: 15:40 6 7 "Assistant Commissioner McHugh, Detective Chief White, 8 Chief Phillips, Detective Supertintendants Fitzpatrick 9 and Byrne, Detective Inspector 0[°]Sullivan and Inspector 10 Waters and Inspector Cryan. Also, Pat Maher 15.4011 D/Superintendent in Liaison and Protection, 12 Superintendant Donohue, Press Office and one more 13 present." 14 15 So that would seem to have Inspectors Waters who was 15:41 16 the acting district officer at the time there, amongst 17 all of the others. And you did go there on that day. 18 That was the only day you went there as I understand 19 your evidence. 20 Correct. Α. 15:41 21 780 And then presumably these are the only people you spoke Q. 22 to or listened to perhaps on --23 CHAI RMAN: I think Chief Superintendent McLoughlin --24 we have a date for his retirement Mr. McGuinness. Ι 25 think it is in about a week or ten days of the murder. 15.4126 It's a very short time before the murder, is that 27 right? 28 MR. McGUI NNESS: He returns home from holidays abroad 29 on the 20th November and is gone within a few days.

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781 Q. So they're the officers with whom you would have
 consulted?

3 A. Yeah.

4 782 And the press release number 2 that we looked at, 0. 5 announced that you were going to have a press briefing 15:42 6 at Santry at 3:00pm. Was it at Santry or Swords? 7 I don't recall. Certainly something again I would have Α. done at the time, that Santry had -- at that stage 8 Santry was the divisional headquarters, first of all, 9 and it is a huge expanse of land and there is plenty of 15:42 10 room for us to do that outdoors, Swords is a little bit 11 12 tight on the main street, not a whole lot of room, and 13 sometimes it is better to lead the media pack down the 14 road than to bring them to the station where they could interact perhaps with others. But I don't recall which 15:42 15 16 I am assuming that it was Santry because I attended. 17 that was the alert to the media, that that is where it 18 would be. 19 783 And Detective Superintendent Mick Byrne, he was the Q. 20 overall officer in charge of the investigations with 15:42

- 21 Walter O`Sullivan being the senior investigating 22 officer, isn`t that right?
- A. Yeah, I think Mick Byrne was the D/Super for the
 division, so that would make sense.
- 25 784 Q. Just one final thing. There is a reference in the
 26 press release:
- 27
 28 "Due to the links between Ms. Saulite and the solicitor
 29 in question --"
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2			And I think the press release had earlier linked them	
3			as Mr. Hennessy being the solicitor acting for	
4			Ms. Saulite?	
5		Α.	The press release didn't link them by name. Which is	15:43
6			what you just said.	
7	785	Q.	I'm sorry, perhaps I am being inaccurate there. At	
8			page 795 it just refers to "this solicitor acted for	
9			Ms. Saulite"?	
10		Α.	Correct, yes.	15:43
11			CHAIRMAN: That's right.	
12			MR. McGUINNESS: Thank you for the correction. Thank	
13			you.	
14			THE WITNESS: No problem.	
15			CHAIRMAN: Thanks very much, Mr. Donohue. You're free	15:43
16			to go now, thank you very much.	
17			THE WITNESS: Thank you very much.	
18			CHAIRMAN: Thank you.	
19				
20			THE WITNESS THEN WITHDREW	15:43
21				
22			CHAIRMAN: So we will adjourn then until tomorrow at	
23			10:30 as usual, thanks very much.	
24				
25			THE HEARING THEN ADJOURNED UNTIL WEDNESDAY, 16TH	15:44
26			FEBRUARY 2022 AT 10: 30AM.	
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