



## UvA-DARE (Digital Academic Repository)

### IE-Ireland: Statutory inquiry established investigating police disclosures to media

Ó Fathaigh, R.

**Publication date**

2017

**Document Version**

Final published version

**Published in**

IRIS

[Link to publication](#)

**Citation for published version (APA):**

Ó Fathaigh, R. (2017). IE-Ireland: Statutory inquiry established investigating police disclosures to media. *IRIS*, 2017(4), 16-17. Article 23.  
<http://merlin.obs.coe.int/iris/2017/4/article23.en.html>

**General rights**

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

**Disclaimer/Complaints regulations**

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.

IRIS 2017-4/23

## IE-Ireland: Statutory inquiry established investigating police disclosures to media

On 17 February 2017, the Minister for Justice and Equality established a statutory Tribunal of Inquiry to investigate allegations made by Irish police officers under Ireland's whistleblower law, the Protected Disclosures Act 2014. Of particular importance is the fact that the Tribunal's terms of reference include investigating certain aspects relating to the Irish media.

First, the Tribunal will examine a police officer's allegation that he was directed "to contact the media to brief them negatively" against a police whistleblower, to brief the media that the officer "was motivated by malice and revenge," and "to encourage the media to write negatively about the police whistleblower. Second, the Tribunal will also investigate the same police officer's allegation that he was directed to "draw journalists' attention" to an allegation of criminal misconduct made against police whistleblower. Third, the Tribunal will investigate contacts between members of the Irish police force (An Garda Síochána) generally and media and broadcasting personnel.

In relation to the Irish public broadcaster RTÉ, the Tribunal will investigate whether the police commissioner "influenced or attempted to influence broadcasts on RTÉ on the 9th of May, 2016, purporting to be a leaked account of the unpublished O'Higgins Commission Report, in which Sergeant McCabe was branded "a liar and irresponsible".

The Tribunal will be chaired by an Irish Supreme Court judge, Justice Peter Charleton, and is established under the Tribunals of Inquiry (Evidence) Act 1921. In his opening statement, Justice Charleton stated that during the inquiry it may be necessary to determine, among other issues relating to the media, whether "journalistic privilege" attaches to communications to a journalist where that communication by the source "may not be in the public interest but, instead, where the source is perhaps solely motivated by detraction or calumny".

- Disclosures Tribunal, Terms of Reference, 17 February 2017

<http://merlin.obs.coe.int/redirect.php?id=18408>

EN

- Disclosure Tribunal, Opening statement of Mr Justice Peter Charleton, 27 February 2017

<http://merlin.obs.coe.int/redirect.php?id=18409>

EN

**Ronan Ó Fathaigh**

*Institute for Information Law (IViR), University of Amsterdam*

The objective of IRIS is to publish information on legal and law-related policy developments that are relevant to the European audiovisual sector. Despite our efforts to ensure the accuracy of the content, the ultimate responsibility for the truthfulness of the facts on which we report is with the authors of the articles. Any opinions expressed in the articles are personal and should in no way be interpreted as representing the views of any organisations represented in its editorial board.

© European Audiovisual Observatory, Strasbourg (France)