

Statement issued by Deputy Michael Lowry in response to commentary and media coverage
in respect of Moriarty Tribunal

9/4/12

I wish to address the massive deluge of media coverage and political comment relating to me and the report of the Moriarty tribunal. I am greatly troubled by the extent and nature of reckless and irresponsible comment emanating from various political and media sources. I wish to set the record straight.

The Moriarty Tribunal did not make any finding of corruption in relation to the second mobile phone license process; nor did the Moriarty Tribunal find that Esat Digifone was not the deserving winner of the license competition. I was not declared corrupt by the Moriarty Tribunal. The presumption of innocence no longer exists in Ireland. The most basic rights of fairness, of procedure, and due process have been trampled on mercilessly. Despite never having been charged with or convicted of any crime in Ireland, I have been roundly condemned as a convicted criminal by the media and by various political opportunists. They wish to strip me of all constitutional rights and basic dignity; both as a public representative and as a citizen.

Tribunals issue opinions only. Those opinions have absolutely no weight in law. Those opinions have no status in law. That is because those opinions do not have to be based in evidence. Tribunals do not afford persons the safety and protection of proper legal rules, principles and procedures as found in the Courts. It should be noted that last week, no less an institution as the European Commission recognised that the opinions of Irish Tribunals were not reached in accordance with due process and therefore were of no interest to them. Yet for me the opinions of the Moriarty Tribunal amount to what is essentially a death sentence on my reputation.

I do not accept Mr. Moriarty's opinions and I never will. I wanted to challenge Moriarty's opinions but the reality is that I cannot challenge them and expect to succeed given that those opinions are meaningless in law. For technical reasons the report is as yet untested but I do expect that the Supreme Court will have an opportunity to pronounce on the workings and output of the Moriarty Tribunal.

The Moriarty Tribunal issued an opinion last year that I delivered the second mobile phone license for Esat Digifone. This opinion was completely false. That Tribunal heard evidence on the license process for 10 years. Not a single person in that process from the 17 Civil Servants to the team of Danish Consultants that designed and conducted that competition gave evidence that I interfered in that process in any way. There simply was not one iota of evidence from anyone to say that I even attempted to interfere with the process. But the Tribunal simply ignored all sworn evidence and came up with the opinion that I delivered the license to Esat Digifone.

I received no payment or benefit from Mr. Denis O'Brien in relation to the second mobile phone license. Mr. Moriarty has created a false impression in his report that I was the net beneficiary of approx. €900,000 arising from two property transactions and a loan agreement- This is not a truthful or accurate presentation of the facts. The Tribunal's report is laden with theories about proposed transactions and intended transactions and reversed transactions. The fact is that absolutely no money accrued to me from the transactions referred to in this report. The trail of documentation both legal and accountancy confirm this as fact.

I believe that recent comments made by various individuals which have sought to criticise the Gardaí for apparently not properly pursuing their inquiries are wholly disingenuous and completely improper. Those crawling over one another to stake a claim to the high moral ground would be well advised to stop attempting to interfere with the independence of the DPP and the Gardaí and also stop seriously prejudicing my right to due process.

I have not been approached by any agency of the State in connection with the opinions of the Moriarty Tribunal. Those baying for blood in the media ought to consider that perhaps those proper legal authorities recognise that the opinions of the Moriarty Tribunal are precisely that; opinions. Those independent authorities may clearly see that actual evidence of any wrongdoing on my part relating to the Moriarty report is practically non-existent and that criminal charges could not possibly be sustained. The Gardaí and the DPP operate in accordance with due process. They must follow rules. They must proceed in accordance with proper evidence and standards of proof.

I also wish to address the rabid and blatant agenda driven coverage of the Sunday Independent. For three weeks in a row now, this paper has engaged in delivering some of the most bile-infused and personalised coverage ever seen in Irish media. Due to my circumstances I find myself being used as a pawn in an obvious campaign designed to somehow disrupt a potential take-over of Independent group. This is “payback” time of a different sort, but the modus operandi is the very same as applied before the general election in June of 1997.

In contrast the common decency and humanity shown to me by the people of Tipperary/South Offaly has sustained me throughout. I remain eternally grateful for this loyal support and moral encouragement. Lest there be any doubt whatsoever, I will continue to represent my constituents vigorously and to the very best of my ability. My representational rights and entitlements are constitutional and equal to that of any member of Dail Eireann. My mandate to serve as an elected representative is derived from the people of my constituency. I will not tolerate attempts to belittle my constituents by any of the self-appointed beacons of virtue and morality.