

## OLIVER J CONNOLLY

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### **Statement of Oliver J Connolly, Tuesday March 4th, 2014**

*In Respect of Recent Events Concerning the Office of An Garda Síochána Confidential Recipient*

#### **1. Political Advantage?**

During the past number of weeks, I have been subject to a concentrated attack by certain members of Dáil Éireann. These individuals, in a naked political attempt to embarrass a Minister for Justice whom they oppose, have selectively extracted lines from an unverified transcript of a confidential conversation between a serving member of An Garda Síochána and myself, acting in my former role of Confidential Recipient.

Last week the attack shifted from selectively extracting lines of an alleged transcript to carelessly flouting hearsay regarding another confidential conversation between a female member of An Garda Síochána and myself as former Confidential Recipient. Again, all in an effort to discredit the Minister and to imply a conspiracy to frustrate efforts to report alleged acts of wrongdoing and/or misconduct in An Garda Síochána.

I find the posturing by some senior opposition political figures to be particularly disturbing. They, of all people, would be aware of the implications of *Kennedy –v– Ireland*, where under a previous Fianna Fáil administration, a journalist was found to have been illegally taped and her constitutional rights infringed. That case, for the first time in Irish law, enshrined the individual's right of privacy within the un-enumerated rights of our constitution. Even if they have no regard for Irish statutory protections afforded to the confidentiality of discussions by confidential reporters or informants with the Confidential Recipient, they might at least respect my personal expectation of a constitutional right of privacy attaching to any such discussions. I find myself allegedly taped by a serving member of An Garda Síochána without my consent and these opposition politicians, in a very misguided attempt to secure some perceived political advantage, are only too happy to provide the greatest exposure to an unlawful recording and, by their so doing, trample over my rights and, by extension, those of my family.

The publication of selective excerpts from alleged transcripts of statutorily confidential meetings, twisting excerpts for political gain, and hurling accusations without context are not characteristic of a functioning parliamentary democracy that respects the rule of law. How can our politicians expect to retain the respect of the people if, using the cloak of parliamentary privilege, they openly and intentionally violate or infringe the constitutional rights of individuals for political advantage?

#### **2. The Irish Print and Broadcast Media**

Some in the Irish media, in their quest for salacious and attention grabbing headlines, have failed to provide 'fair and balanced' and 'objective' reporting on the matter and I have

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witnessed in many articles an incomplete and questionable account of the matters, indicative of the hunger of some in journalism for headlines not truth. Others within the Irish media have, indeed, provided such balance and objectivity and, to you, my family and I are deeply grateful; we thank you sincerely.

### **3. The Law Prevents my Commentary on Any Confidential Report or Discussions**

For those who truly know me, you will be aware that my silence thus far runs counter to every fibre of my being. I would like nothing more than to present the objective facts surrounding these recent events. My honour, my good name, my professional competence and integrity, my privacy as an ordinary citizen have been impugned. Who among us would not wish to respond fully?

People have speculated about silence. It is a common belief that I have a choice and that I have chosen not to respond. That is not the case. Despite everything that has occurred, I have a duty not to disclose, acknowledge, or otherwise comment about any confidential reporter, confidential report, or any meeting arising out of a confidential report or, indeed, any meeting with a confidential informant where that informant may decide not to submit a report. The statutory instrument under which I was appointed precludes me. My activities while holding that office are subject to the An Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007 (SI 168 of 2007) made pursuant to the An Garda Síochána Act 2005. The Confidential Recipient is also subject, *inter alia*, to the provisions of the Official Secrets Act, 1963, as amended. It was and shall remain my understanding that all discussions held with a confidential reporter (or with a confidential informant) and myself, in my former role as confidential recipient, were held in confidence.

But, in a larger sense, the trust placed in me demands that I respect that confidentiality—though others have not and currently do not. What was said or not said during a confidential meeting must, from my perspective, remain confidential. I remain steadfast in respecting the obligations of the office I held. These obligations, I should note, survive my tenure in office.

However, without infringing the law or my conscience, I believe that I can say that I am satisfied that I discharged my former statutory duties both to ‘the principal whistleblower’ and also to the female member of An Garda Síochána who is the subject of last week’s speculation. I believe that they each reported to me in good faith and, crucially, it was also my belief that they had reported to me in confidence and that our discussions were subject to the strictest confidentiality. In respect of each of those Garda, I submitted their confidential reports pursuant to the An Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations to the correct person required for receipt of that particular confidential report. I am satisfied that I did as much as my former office enabled me to do to pursue properly their concerns.

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### **3. The End Does Not Justify 'Any' Means to Accomplish It**

I believe that I reached an understanding of many of the concerns of the principal whistleblower and I also believe that I possess some understanding of the principal whistleblower's frustrations. However, for the principal whistleblower to come to what was a statutorily confidential meeting for both parties and proceed to allegedly record our meeting without my notice and then actively seek to publish, in and/or outside Dáil Éireann, an alleged transcription of that recording of our discussion I consider as a very serious breach of confidence. There is also a personal sense of betrayal in that the principal whistleblower felt it necessary to vindicate his rights by infringing my rights and, by extension, the privacy of my family. The ends do not always justify any means. One must not become so focused on a goal that it is pursued at all costs. We might accomplish our goal, but in doing so cause unnecessary and regrettable damage to the constitutional rights of others and to the rule of law itself; ironically, the very thing the principal whistleblower seeks to uphold.

### **4. Being Relieved of My Office**

I have been asked to comment on the Minister for Justice's decision to relieve me of my duties in office. The Minister and An Taoiseach have acted as they have in relieving me of my position. So be it. As I explained repeatedly to the Secretary-General of the Department of Justice when invited to repudiate the alleged transcript, I should not have been required to validate and I shall not validate, either by way of confirmation or repudiation, the contents of an alleged transcript unlawfully procured. Also, for the same reasons as I have outlined above, I am precluded from commenting on the contents of the alleged transcript because to so comment would require me to violate the confidentiality of the reporting process and of the office itself.

I have a particular understanding of the reforming zeal of which the Minister is possessed, indeed, much of it I share, and I also acutely understand the particular challenges he faces. The Minister is often misunderstood and strange as it may seem to some, despite recent events, I remain an enthusiastic supporter of the Minister in his programme of reform. However, I would remind the Minister and, indeed, An Taoiseach, as I am bound to do, I shall continue to preserve the confidentiality of the outgoing Office of Confidential Recipient even if, as it now appears, I am the only one to do so.

### **5. Seeking Justice and Truth**

The recent events have brought to the forefront of Irish public discourse the potential need to reform the structure and good functioning of An Garda Síochána within the wider frame of good governance in this State. That assuredly is a good thing, which I welcome. Indeed, the only solace I find in the recent distress inflicted on myself and my family is the fact that we, as a people, have begun a frank and open discussion about improving the administration of justice in the State. Further, any hurt and damage that my family or I may have felt by recent events is of little consequence if this episode can actually contribute to

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a greater transparency and accountability in Irish policing, so enhancing the confidence of the Irish public in An Garda Síochána. Perhaps too it may contribute to a greater clarity for the victims of crime and their families where it is found that there has been related Garda wrongdoing and/or misconduct in the policing of such crime.

I wish this particular Minister every success in the continuing 'Reformation' of the model and administration of Irish justice, and now that the 'Troika' has left our shores this might be the time to include Irish policing as a new priority within that Reformation.

Thank you.

Oliver J Connolly

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