[IE] Statutory inquiry established investigating police disclosures to media

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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or attempted to influence broadcasts on RTÉ on the 9th of May, 2016, purporting to be a leaked account of the unpublished O'Higgins Commission Report, in which Sergeant McCabe was branded "a liar and irresponsible".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://www.disclosuretribunal.ie/en/DIS/Pages/Terms_of_Reference

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

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http://www.disclosuretribunal.ie/en/DIS/Pages/Opening_Statement

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