



Open Garda Abusive Behaviour Enquiry Motion (openGABE)

*Mar a tionscnaíodh
As initiated*

MOTION ENTITLED

A Motion to establish a tribunal of enquiry into abusive behaviour committed by Garda staff and other governmental agencies directed at Sergeant Maurice McCabe.

That Dáil Éireann;

- bearing in mind the serious public concern about allegations that senior members of An Garda Síochána sought to discredit Sergeant Maurice McCabe because of complaints he made about the performance of An Garda Síochána;
 - acknowledging the serious public concern about allegations that other governmental agencies such as the Department of Justice and Tusla may have colluded to aid alleged Garda attempts to discredit Sergeant Maurice McCabe
 - noting that, having completed his review, it is the opinion of Mr. Justice Iarfhlaith O'Neill that a Commission of Investigation should be established;
 - noting that a public inquiry is the most appropriate way to investigate these serious allegations so as to ensure public confidence in An Garda Síochána and to respond to the public disquiet caused by these allegations;
1. resolves that it is expedient that a tribunal be established under the Tribunals of Inquiry (Evidence) Acts 1921 to 2011, to be chaired by Mr. Justice Peter Charleton, Judge of the Supreme Court, to inquire urgently into the following definite matters of urgent public importance:

- a. To investigate the allegation made in a Protected Disclosure under the Protected Disclosures Act 2014, on the 30th of September, 2016, by Superintendent David Taylor, wherein he alleges that he was instructed or directed by former Commissioner Martin Callinan and/or Deputy Commissioner Nóirín O'Sullivan, to contact the media to brief them negatively against Sergeant Maurice McCabe and in particular to brief the media that Sergeant McCabe was motivated by malice and revenge, that he was to encourage the media to write negatively about Sergeant McCabe, to the effect that his complaints had no substance, that the Gardaí had fully investigated his complaints and found no substance to his allegations and that he was driven by agendas.
 - b. To investigate the allegation of Superintendent Taylor in his Protected Disclosure, that he was directed to draw journalists' attention to an allegation of criminal misconduct made against Sergeant McCabe and that this was the root cause of his agenda, namely revenge against the Gardaí.
 - c. To investigate what knowledge former Commissioner Callinan and/or Commissioner O'Sullivan and/or other senior members of the Garda Síochána had concerning this allegation of criminal misconduct made against Sergeant McCabe and whether they acted upon same in a manner intended to discredit Sergeant McCabe.
 - d. To investigate the creation, distribution and use by TUSLA of a file containing false allegations of sexual abuse against Sergeant Maurice McCabe that was allegedly sent to Gardaí in 2013, and whether these false allegations and/or the file were knowingly used by senior members of An Garda Síochána to discredit Sergeant McCabe.
 - e. To investigate whether the false allegations of sexual abuse or any other unjustified grounds were inappropriately relied upon by Commissioner O'Sullivan to discredit Sergeant Maurice McCabe at the Commission of Investigation into Certain Matters in the Cavan/Monaghan district under the Chairmanship of Mr. Justice Kevin O'Higgins.
 - f. To investigate whether senior members of An Garda Síochána attempted to entrap or falsely accuse Sergeant McCabe of criminal misconduct.
2. And to report to the Minister for Justice and to make such findings and recommendations as it sees fit in relation to these matters as expeditiously as possible;

Submitted by the Minister for Justice, /u/gorillaempire0, on Behalf of the 12th Government