



OIFIG AN AIRE DLÍ AGUS CIRT AGUS COMHIONANNAIS
OFFICE OF THE MINISTER FOR JUSTICE AND EQUALITY

An Taoiseach Enda Kenny TD
Department of An Taoiseach

7th May 2014

Dear Enda

Thank you for furnishing to me this morning a copy of the report received from Sean Guerin SC on a "Review of the actions taken by An Garda Síochána pertaining to certain allegations made by Sergeant Maurice McCabe". As you know, the Report runs to over 300 pages and I have neither had the time to fully read or fully consider the contents of the Report. I have, however, fully read Chapters 1, 19 and 20 of the Report and a copy of the letter accompanying it of the 6th May 2014 by Sean Guerin SC.

I note that Mr Guerin states that "it is beyond the scope" of the Review "to make any determination of the complaints Sergeant McCabe has made". However, having regard to all of the controversy surrounding allegations made by Sergeant Maurice McCabe and the seriousness of the various issues raised by him, I agree with Sean Guerin's conclusion (his having examined the Garda files and accessed information not furnished to me) that it is appropriate that these matters be the subject of a statutory inquiry.

I would, however, be less than honest if I did not also record my concerns and reservations with regard to his Report and, in particular, certain conclusions reached by him. I was surprised to learn that he received no documentation from the Garda Síochána Ombudsman Commission (GSOC) and, as he states in his letter, that "the process of drafting the final report was well underway" when he learnt of "difficulties" being expressed by GSOC with regard to the furnishing of documentation to him. Complaints made to GSOC and GSOC's dealings with those complaints and the statutory role of GSOC were all, amongst other matters, of relevance to the consideration given by me to issues raised by Sergeant McCabe. Under the Terms of Reference furnished to Mr Guerin, he was requested to conclude his review within 8 weeks of 27 Feb 2014 "or as soon as may be thereafter". In his letter, he notes that GSOC was willing to release what is described as its "voluminous" documentation subject to certain safeguards which he stated to be "not unreasonable". I would have expected that, prior to finalising his report, he would have agreed reasonable safeguards with GSOC and obtained and considered documentation held by it with regard to the matters under review prior to formulating his conclusions. Moreover, I note that, under the Terms of Reference, Mr Guerin was authorised to "interview Sergeant Maurice McCabe and any other such person as may be considered necessary and capable of providing relevant and material assistance".

At no time did he ask to interview me and I would have expected, if it was his intention to reach a conclusion or form an opinion with regard to my approach or the extent of my concern with regard to the issues raised by Sergeant McCabe, that he would have done so.

I am anxious that any controversy that may arise on publication of the Report does not distract from the important work of Government or create any difficulties for the Fine Gael or Labour Parties in the period leading into the European and Local Government elections. It is my judgement that the only way in which such controversy can be avoided is by my offering you my resignation from Cabinet.

It has been a particular privilege to serve as both Minister for Justice and Equality and also Minister for Defence. I want to thank you for affording me the opportunity to be of public service in these positions and I hope that the reforms and change implemented over the past three years will endure and prove to be of lasting benefit to all who reside in our State.

I believe you are an extraordinary Taoiseach doing an extraordinary job during what has been a very difficult time for our country and I want to thank you for all the assistance and support you have given to me. I also want to record my thanks to the Tanaiste and all my Cabinet colleagues in both parties and to the Fine Gael and Labour Parliamentary Parties. In a cynical age, when politicians are given little public credit for anything they do, I want to especially acknowledge the dedicated commitment of members of both parties, Ministers and non-Ministers, to the welfare of our country. I know on occasion there are issues that give rise to disagreement but what has been extraordinary over the past three years has been the constructive engagement which ultimately has facilitated resolution of the most difficult of issues.

In addition, I want to thank the Attorney General for her assistance and wise counsel on a variety of issues. I am sure that, in the context of the legislative programme, I have put her and her officials from time to time under substantial pressure in my enthusiasm to progress badly needed and long awaited legislative change. Without their help, the progress made would have been impossible. I also want to thank all of the outstanding officials in both of my Departments for the work they do.

Finally, I hope I will be forgiven if I especially thank the many members of the Fine Gael Parliamentary Party, the wider Fine Gael membership and the general public who have been supportive over the past three years through some difficult times and who also have enthusiastically supported and embraced the legislative and other changes which you gave me the opportunity to bring about. I wish the Government well for the remainder of its term in office.

Sincerely



Alan Shatter TD

Minister for Justice, Equality and Defence