



**The Hon. Mr. Justice Nial Fennelly**  
**Sole Member**

Private and Confidential

**Fourth Interim Report of the Commission of Investigation (certain matters relative to an Garda Síochána and other persons).**

**A request for the revision of the timeframe for submitting a final report under Section 6 (6) of the Commissions of Investigation Act 2004.**

By Interim Report dated November 12<sup>th</sup> 2015 (the November Report), the Commission requested an extension of the timeframe for submitting its final report to the Taoiseach as specified Minister. Terms of Reference 1(n) and 1(o) had already been the subject matter of an interim report delivered on the 31<sup>st</sup> Day of August 2015.

By letter dated 18<sup>th</sup> day of November 2015, the Taoiseach Enda Kenny TD wrote to the Commission granting the requested extension to 30<sup>th</sup> September 2016.

The November Report outlined the work the Inquiry had undertaken and indicated the extent of the task still to be completed. The Commission is nearing completion of its final report on paragraphs 1(a) to 1(l) of its Terms of Reference which relate to the operation of Garda Síochána telephone recording systems. This report is a comprehensive review of all the matters raised in the relevant terms of reference and will make certain recommendations arising from the Commission's investigations.

Paragraph 1(m) of the Terms of Reference relate to Garda telephone recording in Bandon Garda Station that occurred in the course of the investigation into the murder of Madame Sophie Toscan du Plantier in December 1996. In the November report, the Commission gave formal notice of its interpretation of this paragraph of its terms of reference.

Work on this module, which was delayed until the completion of the civil case *Ian Bailey –v- The Garda Commissioner and others* [2007/3424P], commenced in June 2015. A considerable amount of work has been done but the Commission faces delay due to the unavailability of a key witness because of illness. The Commission proposes completing its work on this module in so far as this is possible given the inevitable difficulties caused by the length of time that has elapsed since the phone calls in question were recorded.

In relation to Paragraphs 1(p) and 1(q), it is anticipated that they will be completed over the coming weeks.

The Commission proposes a delivery date for its final report of 31<sup>st</sup> December 2016 and formally requests that the Taoiseach, as specified Minister, revise the time frame for the Commission's investigation to reflect this.



Mr Justice Nial Fennelly

Sole Member

16 September 2016