

**Dear Justice Leveson**

I recently heard that the Irish Press Ombudsman is to appear before your enquiry to explain “the Irish Model which has been found to be satisfactory when dealing with press complaints”. My family have suffered at the hand of the Irish Press and even if the Ombudsman’s office had been up and running at the time I doubt it would have done any good. I would appreciate if you could take time to read my submission.

**Background**

My Brother Finbar Dennehy was murdered in his apartment in Dublin in September 2007. He had a couple of weeks beforehand celebrated his 50<sup>th</sup> birthday. He was fully clothed except for shoes and had been strangled and stabbed. His killer was a serial predator, who attacked and sometimes blackmailed his many victims, He had already received numerous prison sentences (see attached record) but due to the usual reduced and concurrent sentencing, the use of suspended sentences, and lack of care from the probation service, he served just 3 years and 9 months of these sentences so He was free to attack, rob and murder my brother. As was his modus operandi, he engaged Finbar in conversation in a pub and having given him a sob story about losing his job he subsequently texted him and asked for a loan to go to Belfast for an interview. A few weeks later he asked to meet up on the pretext that he had a job and would be returning to it. He attacked, and tied up my brother, extracted his PIN numbers, checked them out and then brutally murdered him. It is of little consequence that he went on to rob €5700.00 from Finbar’s accounts. You could say Finbar was a good Samaritan, but the attached newspaper coverage shows how he was treated by the press. His murder became all about a “sex game” instead of the fact that a serious predator had been at large. Which is more in the “public interest”??

Finbar was “gay” but had only come out to very close friends 3 years before he was killed, He was a very private person and I might add a totally law abiding decent citizen. It truly broke our hearts that his death was reported in this fashion, he was made out to be some sort of pervert, when in fact he was a kind, generous, funny, lovely man who never harmed anyone in his whole life and helped quite a few.

Another brother Tony who has since died aged 55 from lung cancer (no doubt accelerated by the stress of Finbar’s loss) pursued the press in every way possible and to no avail. He corresponded with Richard Desmond (owner of the Star) and Gavin O’Reilly (former Group Chief Executive Officer of Independent News and Media) , the NUJ in Ireland and in the UK, TD’s and MP’s and left no stone unturned. Legally we pursued the papers in question and got apologies from the Herald and Mail – tiny of course and not front page as the defamation had been but they did prove that Finbar was wronged.

We took a case for Criminal Libel against the Star as we felt the phrase “the man who was found trussed up like a pig” unforgivable. No apology would be acceptable for that. No apology would have cancelled out the terrible trauma we experienced in the days after losing Finbar so suddenly and tragically. And no apology was forthcoming; they treated us like dirt. We were not interested in doing this for any damages we might win; we simply wanted to do this to clear Finbar’s good name. Near the time of the case being heard they offered us €8000.00 to settle but our costs at that stage were

about €65,000.00. Anyway we had agreed to go to the end. We had been warned that the chances of winning were slim, but we felt it was Finbar's money and he deserved that we try.

The judgement on the case, made by Mr Justice Gilligan, is attached. As stated in paragraph 7 of the judgement, the paper produced no defence, and the judge states that "accordingly the first named applicant's averment that it is wholly untrue and grossly defamatory of the late Mr Dennehy to have stated that he was involved in a kinky gay sex game that went wrong remains unchallenged, as does the averment of the first named applicant that the contents of the article are scurrilous and sensationalistic in presentation, and derogatory of the late Mr Dennehy in the most provocative and inflammatory manner."

In paragraph 18 you will see that the judge also commented on the effect of the articles on us at a time when we were having to deal with his death, before his burial and before we had had an opportunity to mourn his passing. He speaks of the psychological consequences and the reality of the injury that we suffered. He mentions these again in paragraph 29.

However, we lost the case as the dead cannot be defamed and it cost us €110,000.00. The Star's lawyers asked for their costs but the judge refused.

#### **Main Points for your consideration.**

- The "journalists" broke many of the "code of ethics" but the NUJ refused to discipline them. They told us that they could not act unless a complaint was made by another journalist; what a joke! Imagine what they would make of it if in any profession only one member could make a complaint about another!!!
- The person who wrote the Star article is not even a member of the NUJ and the Star does not recognise any authority except its own!
- During our discussions with Gavin O'Reilly he brazenly admitted that the newspapers obtain information from the police which is illegal in Ireland
- In retrospect it was very naïve but we asked the papers in the shape of Richard Desmond and Gavin O'Reilly to pay us back our costs. My brother Tony would have died a happy man if this has happened as we all felt it outrageous that Finbar should have had to pay to get his own good name back, as he had already paid with his life. They are probably still laughing at us.
- My main point is that the press need to be regulated by a totally **independent** body. They are so powerful, politicians are afraid of them so it needs to be **judicial**. They need to think before they print, a slap on the wrist after the damage is done is no good. Huge financial penalties or a few months in jail would be better. You may think this is harsh but they gave us a life sentence. They have no understanding of the damage they do.

Fabricating news to gain a pecuniary advantage is essentially no different from counterfeiting bank notes. We need freedom of the press but the public also need freedom from them, my brother was a private citizen and so are we, our family did not deserve what happened to us. The Irish system is not independent (unless you count

News & Media!!!) . It has made at least one finding which the paper refused to acknowledge. It is just as “wishy washy” as your own system and I suspect it is funded by the press.

I know that this is probably outside your scope but I would love it if there was some form of enquiry here as it is hard to believe that hacking is only a UK problem when we have all those papers on sale in Ireland and just as much appetite for scandal.

**Summary**

In summary there is nothing the Ombudsman could have done to heal us after the damage was done. We need prevention - not a cure of sorts. Is it too much to ask that in our case the papers wait until after the post mortem has taken place and then publish the OFFICIAL Gardai statement, not the perverted sensational story they want it to be because it involves a gay man?

Is there anything the Ombudsman could have done which would give my brother back his dignity and take away the shame, shock and terrible grief at the loss of his good name that we felt? ABSOLUTELY NOTHING.

You will I am sure remember the Joanna Yeates murder in Christmas 2010. Her landlord Christopher Jeffries was seriously defamed by many papers and because he was **alive** got substantial damages. I remember it being said at the time that if he had been charged with the murder, he could easily have been found guilty by people who having read those articles would think negatively about him and therefore feel that he must be guilty. In the same way if Finbar’s killer had not pleaded guilty and the trial had gone ahead, some members of the jury might have read the coverage, assume he was some kind of pervert and therefore “deserved what he got”. A more serious aspect would be that potential witnesses might not come forward because they might feel “he wasn’t worth it” or was “no loss”.  
What would the Ombudsman do about that????

The phrase “trussed up like a pig” would have had very serious consequences if Finbar was a Jew or a Muslim. If he had been how would the ombudsman right that particular wrong...too late I think.

The papers made good profits at the huge expense of our brother and our family, does the ombudsman fine them in any way, I don’t think so and as a result they couldn’t care less about us or anyone else, profit is the bottom line and with the present system their profits are safe.

You have a fantastic chance to once and for all protect the public particularly private citizens from these vultures. I beg you to take it.

**I believe the facts stated in this witness statement are true.**

Signed

Date ..... 2nd September 2012