



Oifig an Stiúrthóra um
Fhorfheidhmiú Corparáideach

Office of the Director of
Corporate Enforcement

AR SCAOILEADH LÁITHREACH

Láinseáil Tuarascáil Bhliantúil 2010 OSFC

“Dul chun cinn substaintiúil déanta in Imscrúdú Anglo” – Stiúrthóir

D’eisigh an tUasal Paul Appleby, Stiúrthóir um Fhorfheidhmiú Corparáideach, Tuarascáil Bhliantúil a Oifig do 2010 inniu. Áiríonn buaicphointe den Tuairisc:

- cur faoi bhráid an Stiúrthóra Ionchuseamh Poiblí (SIP) roimh ceann bliana comhad comhlán amháin agus trí thuairisc breise maidir lenár imscrúdú leanúnach ar Anglo. (Ó deireadh na bliana, seoladh don SIP comhad imscrúdú substaintiúil eile atá thart ar 90% críochnaithe. Thairis sin, chuir Biúró an Gharda um Imscrúdú Calaoise doiciméidí faoi bhráid dó go deireanach i 2010.);
- cinneadh ar de bhreis ar 1,800 gearráin agus tuairisc i 2010, méadú de 26% ar 2009;
- mhéadaigh an méid tuairisc ó leachtaitheoirí maidir le cuideachtaí dóchmhainnigh go 1,300 i 2010, ardú de 50% ar 2009.

Rinne an Oifig aighneacht mór freisin don Roinn Dlí agus Cirt agus Athchóirithe Dlí mar freagairt dá Doiciméad Plé ar cóireacht an bhóna bháin.

Áiríonn toradh eile tábhachtach den bliain:

- srianadh 156 stiúrthóir (108 i 2009) agus dícháiliú ochtar stiúrthóir (12 i 2009), ar dhroim gníomhartha leachtaitheora;
- eisiúnt thart ar 24,000 cóip foilseacháin éagsúla an Oifig i rith na bliana;

- tinreamh foireann na hOifige ar 71 rannpháirtíochta poiblí agus imeachtaí a leagan béim ar tábhacht géilliúntas le dlí na cuideachta ar ar fhreastail thart ar 2,400 duine;
- iomlán ocht ciontuíthe coiriúil (agus dhá chúiseamh eile cuireadh san áireamh) agus dícháiliú amháin mar gheall ar sárúithe dlí agus dualgais cuideachta. Lean 17 cás eile roimh na Cúirte ag deireadh 2010;
- óstáil Comhdháil Idirnáisiúnta Dóchmhainneachta i gCaisleán Átha Cliath, ar ar fhreastal thart ar 50 toscarí agus cainteoirí ó thart ar 20 tíortha ar fud an domhain;
- caiteachas iarbhír €3.67 milliúin, laghdú de 37% ar caiteachas i 2009, de bharr go formhór laghdú géar costais dlí.

Ag tabhairt ráiteas ar na torthaí, d’ aibhsigh an tUasal Appleby an gá fócas a choinneail ar a obair tábhachtach inscrúdaitheach:

“On the investigations of Anglo Irish Bank, I want to make a few general comments this morning.

The first point is that this is a large and extensive investigation, certainly the largest by far that this Office has addressed in the ten years of its existence. The Garda Síochána have also indicated that this is one of the largest commercial investigations in which they have ever been involved. The time that this investigation is taking simply reflects its scope and complexity.

You will know that the Irish legal system is adversarial. It also rightly contains significant legal safeguards for potential suspects. In these circumstances, every procedural step taken by the Gardaí and the ODCE in these investigations will likely be subjected to intense legal scrutiny in the course of any criminal trials that may take place at a later date. Against this background, investigators must take the greatest possible care in acquiring and securing potential criminal evidence. This also takes time.

It is not well known that potential witnesses in criminal investigations are not obliged to assist the authorities. While the Office has received valuable cooperation from more than 200 people who have willingly provided witness statements to the Garda officers seconded to this Office, obtaining statements from reluctant witnesses can be a difficult and time consuming task. In this regard, I welcome the fact that the recently published Criminal Justice Bill proposes that witnesses, who are not suspects in a criminal investigation, may be compelled, in certain circumstances, to give evidence relevant to the investigation.

There has also been a lot of media comment about the pace of ‘white collar crime’ investigations here relative in particular to the US. The US legal system is not a good comparator for a number of reasons. It is more relevant to consider what happens in jurisdictions with similar legal frameworks to our own. In the UK, the website of the Serious Fraud Office publicly indicates

that cases investigated by it currently take 4 – 6 years on average to complete¹. The Anglo investigation is well ahead of this benchmark, and I am satisfied that the investigation is proceeding diligently and expeditiously.

I make these comments to explain that complex investigations take time to bring to a conclusion. In order to help expedite matters, the Garda Authorities and my Office agreed some time ago a special arrangement with the DPP whereby we could send him ‘not fully completed’ investigation files to facilitate his early consideration of the material involved. Pursuant to that agreement, we sent him one completed investigation file, one substantial ‘not fully complete’ investigation file and three reports late last year and early this year. The Garda Bureau of Fraud Investigation also sent a significant volume of material to the DPP in late 2010. While I fully appreciate that there is some frustration with the length of time it is taking to complete these investigations, it is clear that substantial and tangible progress has been made.

Given that we are scheduled to report to the High Court on the progress of the investigation in a few weeks’ time, I do not propose to provide any further information this morning. What I will say is that the investigating officers on our Anglo team are a talented, experienced and committed group who are intent on completing a professional and thorough investigation as soon as possible. Our job is to acquire all relevant evidence to allow the DPP make an appropriate decision on the extent to which charges, if any, may be justified against any party arising from the events which are under investigation.

However, I should stress that it is a matter for DPP, and the DPP alone, to decide which charges, if any, should be brought. We will be giving every possible assistance to the DPP in making his decision.

I mentioned the new Criminal Justice Bill earlier. This Bill is a product of an extensive public consultation process undertaken by the Department of Justice late last year. I am publishing today the ODCE submission to the Department which has been considered in framing this new legislation. I have little doubt that this Bill, once enacted, will assist in expediting the future investigation of ‘white collar crime’.”

Ag déaláil leis an chuid eile d’obair na hOifige, thug an Stiúrthóir ráiteas mar a leanas:

“Inevitably the large increase in our work, allied to the restrictions in available resources, has had an impact on some of our headline figures. We have had to allocate most of our resources to the Anglo investigation and also to dealing with the 50% increase in reports from liquidators.

¹ <http://www.sfo.gov.uk/about-us/common-misconceptions.aspx>

The Office has continued to review its own processes in order to seek out additional efficiencies, and although the outlook for 2011 also remains difficult, we will see an increase in our enforcement activity this year. To date, we have successfully prosecuted 13 criminal charges and secured 8 disqualifications in 8 enforcement cases determined by the Courts.

Finally, I want to thank all my staff for their contributions to the success of the Office in progressing its work at a challenging time.”

Is féidir ceisteanna maidir le Tuarascáil Bhliantúil OSFC 2010 a chur ar Kevin Prendergast ag (01) 8585844.

**Oifig an Stiúirthóra um Fhorfheidhmiú Corparáideach
2 Meitheamh 2011**