

Introduction

45.1 Fr Giraldu*s was born in 1940 and ordained in 1970. He was a member of a religious order but was incardinated into the Dublin Archdiocese in the 1980s. The Commission is aware of two allegations of child sexual abuse against him; one of these was subsequently withdrawn.

First Complaint, 2000

45.2 An allegation of sexual abuse was made against Fr Giraldu*s in January 2000. It related to his time as a member of staff in a children's home outside the Dublin Archdiocese in the 1960s. The allegation was investigated by the Gardaí. Fr Giraldu*s emphatically denied the allegation. The Archdiocese made inquiries about his activities but no concerns emerged. The advisory panel recommended that he should not be asked to step aside from ministry nor should there be any change in his status. It recommended that the diocese await the outcome of the garda investigation before deciding how to proceed. However, in May 2000, the complainant withdrew his complaint against Fr Giraldu*s and explained that it was another staff member who had abused him.

Second Complaint, 2005

45.3 In April 2005, the head of the order of which Fr Giraldu*s had been a member received an anonymous letter alleging child sexual abuse by Fr Giraldu*s when he was a teacher at a Dublin secondary school and the writer was a pupil there in 1972/73. The alleged abuse involved touching the complainant and a number of other boys at a swimming pool. The head of the order communicated with the writer by email over a period. The writer lived abroad. The head of the order encouraged the complainant to go to the Gardaí and he explained that he would need to inform the Archdiocese of the allegation.

45.4 The order informed Philip Garland, Director of the Child Protection Service (CPS) in May 2005. It was agreed between the order and the Archdiocese that the Archdiocese would conduct an investigation and deal

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This is a pseudonym.

with the statutory authorities; the Archdiocese would provide victim support and all issues of litigation would be directed to the order.

45.5 The Child Protection Service contacted the still anonymous complainant by email. The support co-ordinator of the Child Protection Service then maintained frequent contact and offered support to the complainant throughout the following months. In June 2005, the complainant provided a signed statement. The Gardaí and the HSE were notified by the Child Protection Service.

45.6 The Gardaí expressed surprise that Fr Giraldu had not been removed from ministry and the HSE said that he presented a potentially high risk. The CPS recommended that he be asked to step aside from ministry.

Interagency meeting

45.7 The case was reviewed at an interagency meeting between the Archdiocese, the HSE and the Gardaí in early July 2005. The Gardaí confirmed that they had made contact with the complainant but had yet to launch a formal investigation as the complainant had not yet made a statement of complaint to them. The HSE confirmed that it would be satisfied if the Church followed through on its proposed actions, namely, that the priest be asked to step aside from ministry, leave his parish and go for assessment.

45.8 The Archbishop and the delegate then met Fr Giraldu. He denied the allegations and said he did not remember the complainant. He said he never touched a child sexually nor was he ever sexually aroused in a swimming pool. He admitted there would be horseplay at times but nothing inappropriate. He also admitted that he would have showered naked and that it would be possible that his swimming shorts might have come off when diving into the pool.

Stepping aside from ministry

45.9 Fr Giraldu was asked to step aside from ministry but was given permission to celebrate certain family events. He agreed to go to the Granada Institute for assessment. It was agreed that he would tell his parish team that he was taking a leave of absence. The Commission is somewhat

surprised that this subterfuge was being used in 2005. He also had a support priest. Fr Giraldu moved out of his parish to a house he owned.

45.10 In mid July 2005, the complainant was informed that Fr Giraldu had stepped aside from ministry. His response was that he did not intend to pursue criminal proceedings provided the priest got professional help. In August, the complainant expressed his disappointment that he had heard of Fr Giraldu's denial of the allegations through a third party. He did not identify the third party involved. He said that he would cease to co-operate with the CPS if they were not more forthcoming with developments in the case. He also advised that he had met an obstacle when trying to give a Garda statement: he was required to be present to give the interview or to use Interpol or the police in the country where he was living, none of which he wanted to do. He further advised that he was seeking legal advice in Dublin.

45.11 Fr Giraldu attended Granada from September to November 2005. A report from Granada in January 2006 concluded that there were no grounds for restricting his involvement with or access to children nor did he need ongoing professional support or counselling. It noted that there was no concrete (meaning corroborative) evidence that Fr Giraldu had sexually abused the complainant and that there was an absence of any apparent erotic attraction to children.

45.12 The advisory panel, having seen this report, expressed its concern at the protracted length of the investigation and urged the CPS to press the Gardaí to get a statement from the complainant. Fr Giraldu was also anxious about the length of time he had been out of ministry and claimed that people were beginning to ask questions. The panel further recommended that advice be sought from the HSE on risk management in the case.

45.13 A second meeting between the Archdiocese, the HSE and the Gardaí was held in February 2006. Granada was represented at this meeting. The Gardaí indicated that there was no investigation at present as they did not have an official complaint. Granada reconfirmed that the priest had always asserted his innocence and his risk level was low. There was no evidence of an erotic interest in children or any evidence to restrict his access to children. Granada recommended that he be allowed to return to ministry but also

suggested that he should be encouraged to retire. It is not clear why this recommendation was made. The HSE was uneasy about the situation in respect of the first complaint and with the fact that the order did not seem to have any concerns about the priest. It was concluded that the case should again go before the advisory panel for recommendation. It was also agreed that there would be a meeting with the order regarding its knowledge of the situation in the school during the priest's time there. The HSE would attend this meeting and would try to contact the first complainant. It is not clear why the HSE wanted to contact the first complainant as he had clearly withdrawn the complaint because he recognised that he had made a mistake of identification. The HSE did not, in fact, contact the first complainant.

45.14 The CPS updated the second complainant about the decisions which were made in the course of this meeting. The complainant confirmed that he was happy for the HSE to contact him. He also explained that it was purely the distance that was preventing him from making a statement to the Gardaí. The Archdiocese agreed to fund the cost of the complainant's journey to Ireland in order to make a statement to the Gardaí.

45.15 The CPS met the order in March 2006. The HSE was not at the meeting. The order informed the CPS that it had carried out a very detailed investigation regarding the school and swimming pool to which the allegations related but they were not aware of any concerns in relation to Fr Giraldu. The order representative confirmed that he would not have any concerns about Fr Giraldu in relation to child abuse issues. He also said that he knew the complainant and described him as a very trustworthy person.

45.16 The complainant came to Ireland in April 2006. He met the CPS, the order, the Gardaí and the HSE. He reiterated his assertion that Fr Giraldu had harmed others as he had heard boys tell stories of similar occurrences. He said that his reason for travelling to Ireland was the priest's denial of everything.

45.17 A further meeting between the Archdiocese, the HSE and the Gardaí was held in May 2006. The HSE said it had not followed up with the first complainant as there was no complaint. It also said it would be interested in trying to corroborate what the second complainant had said about the other

boys. The Gardaí were of the opinion that there had been only one minor incident which would be difficult to prove and corroborate. They would continue to investigate. It was decided that Fr Giralduš should remain on administrative leave while the CPS followed up with the order regarding their knowledge. The HSE undertook to check its files in relation to the school in question. A final interagency meeting was held in July 2006. It was agreed that the case was unsubstantiated and it was not possible to determine the risk.

45.18 The Gardaí completed their investigations and forwarded a file to the Director of Public Prosecutions (DPP). In December 2006, the DPP decided not to prosecute due to lack of medical or forensic evidence, delay, and the absence of witnesses to the alleged incident.

45.19 Fr Giralduš was restored to ministry in December 2006 and is currently in ministry.

The Commission's assessment

45.20 The withdrawal of an allegation does not always mean that no further investigation should take place. However, the first allegation in this case was withdrawn because the complainant realised he had mistaken the identity of his abuser. In these circumstances, the Commission considers it reasonable to cease further investigation.

45.21 All concerned with the second allegation dealt with this case in accordance with the procedures and there was very good communication between the Archdiocese and the order and between the church and state authorities. The fact that the allegation was initially anonymous meant that there was a slight delay before the priest was removed from ministry and all the relevant people were contacted. The CPS was trying to get further information so the slight delay was reasonable. The Archdiocese facilitated the complainant in making his complaint to the civil authorities and is to be commended for that.

45.22 This is one of the cases in which the HSE did not provide documents to the Commission until it had received the draft of this chapter. The HSE attended the interagency meetings and was kept fully informed by the CPS

but it is not clear to the Commission that the HSE had any real function at these meetings. It is understandable that the Archdiocese was relying, to some extent, on the HSE to provide a risk assessment but the HSE was not in a position to do that.