



Sent to:

Colm O'Dwyer, Chairman of Ruhama
Charles Flanagan TD Minister for Justice
Simon Harris TD Minister for Health

Dear Charles Flanagan TD,

The email attached date 9 April 2018 was:

- Alluded to under oath by a third party as applicant in a grounding affidavit submitted to the Dublin Circuit Court Case #7167/2018 December 2018
- Submitted, in full, as an affidavit exhibit to the Dublin Circuit Court Court Case #7167/2018 June 2019
- The subject of the letter from Sarah Benson, then CEO of Ruhama, now Director of Women's Aid February 2019

It is my belief that same email constitutes the sole cause of action within statute as per section 38 of the Defamation Act 2009 at the initiation of proceedings.

The only relevance of case #7167/2018 is contextual to my concerns, which remain to be dealt with independent of the outcome, and requires no further discussion except to state that it is my informed belief that when an organisation is primarily state funded any service user is entitled to trust that anything given, or suggested to them, by that organisation will be legal and appropriate for them to use in terms of the context in which it was given. To provide a simpler analogy:

If a woman with a crisis pregnancy seeks advice from a state funded NGO and they give her the address and number of a clinic to call and arrange an abortion, she is not at fault in doing so without seeking legal advice and, furthermore any concerns she may have about the current status of abortion legislation will be allayed.

I include a second email, sent on 3 November 2017 to Sarah Benson that shows the context in which the email of 9 April 2018 was handed to a third party.

What the law says about this is quite simple and clear:

Section 2 of The Criminal Law (Suicide) Act, 1993.:

(2) A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be guilty of an offence and shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years.

(3) If, on the trial of an indictment for murder, to which section 3 of the Criminal Justice Act, 1990 applies or manslaughter, it is proved that the person charged aided,

abetted, counselled or procured the suicide of the person alleged to have been killed, he may be found guilty of an offence under this section.

How did you come to this? Funding an organisation that not only operates in direct opposition to its user group, but is also willing to ignore the law to pass on confidential information to one self-advocate from its user group in the hope that it will be deployed to drive another self-advocate from its user group to suicide and the certainty of initiating intolerable distress, with a clear potential to scapegoat the other self-advocate as the sole cause of that distress?

How often have breaches of trust and confidentiality, with a potential to breach the most serious aspects of criminal law been ignored and brushed under the carpet before?

This episode must be investigated to ensure safeguards are in place across civil society to ensure this can never happen again.

The operation of Ruhama must be investigated fully, with specific attention to their relationship with the majority of their user group and their excessive focus on lobbying in opposition to the majority of their user group, while making false claim to speak for and support them.

In addition, how is it that an autistic with a crippling level of social disability is being left to negotiate the Circuit Courts without access to the most basic legal assistance or advocacy Legal Aid is denied by law in a case of defamation, even FLAC is inaccessible to me due to a significant degree of conflict of interest with the lobby to which the applicant belongs?

This is a severe human rights abuse.

- **Irish Constitution** Right to fair procedure as derived from the guarantee in Article 40 section 3 and upheld by the High Court in case 1971. No. 58 SS and further upheld by the supreme court in respect of the Moriarity tribunal in July 1998 "*Article 40, s. 3, of the Constitution is a guarantee to the citizen of basic fairness of procedures. The Constitution guarantees such fairness, and it is the duty of the Court to underline that the words of Article 40, s. 3, are not political shibboleths but provide a positive protection for the citizen and his good name.*"
- **UN Convention on the Rights of Persons with Disabilities** Article 13 section 1 (as ratified by Dail Eireann, 7 March 2018) "*1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses.*

Yours Faithfully,



Gaye Dalton