

How the HSE attack changed the face of cybercrime globally



Conor Gallagher

The biggest attack on a health system anywhere hastened the demise of the Conti group of hackers

Last year, shortly after the invasion of Ukraine, Conti, the Russian-based cybercrime group announced that it fully supported Vladimir Putin and that it would use "all possible resources" to strike at Russia's enemies.

The announcement was not surprising. It had long been suspected that Conti operated inside Russian borders with the tacit consent of the authorities there, as long as it did not target Russian citizens.

By then Conti had become well known in Ireland following its May 2021 ransomware attack on the Health Service Executive (HSE), which led to the forced shutdown of all of its IT systems – the biggest attack on a health system anywhere in the world.

However, the Conti leadership had failed to understand that not all of its members were Russian, and that not all members supported the war. Two days later a Ukrainian, self-described as Contileaks, started publishing masses of internal data about the gang and its leadership.

By May 2022, just a year after it had humiliated the HSE and seized the personal data of tens of thousands of people in the attack, Conti itself was no more, with its own websites that once were used to publish or sell hacked information taken offline.

In effect, Conti fragmented into many smaller groups.

It was a remarkably quick fall for such a feared criminal group. Since appearing on the scene in 2020, Conti's ransomware had been responsible for hundreds of millions of euro in damage and had made its leaders a small fortune in ransoms.

Conti attacks were two-pronged. Its hackers encrypted a target's systems, rendering them unusable. At the same time, it stole whatever data it could find and threatened to sell or publish it if a ransom was not forthcoming. In most cases, the victims paid.

Last year the FBI estimated Conti had received more than \$150 million (€142 million) in ransomware payments from about 1,000 victims. In response the bureau was offering rewards of up to \$15 million for information about the group.

It is tempting to ascribe Conti's eventual fall to the FBI bounty or the leaks. But security experts believe these factors merely sealed the fate of the gang, which was already dealing with severe internal discord over its tactics.

"We do not believe that Conti's dissolution was a direct result of the leaks, but rather that the leaks catalysed the dissolution of an already fracturing threat group," the cybersecurity analysts Recorded Future said in a report last month.

Much of this discord centred around the decision to attack the HSE, according to internal chat logs released as part of the Contileaks, which have been reviewed by The Irish Times.

Following it, some members of the gang complained that they should not be targeting hospitals or any other public infrastructure at all in the wake of the HSE attack in May 2021. It was too big a risk and it brought too much heat, they argued.

It is not surprising the attack on Ireland's healthcare system caused such controversy in the group. It brought unprecedented attention on the gang's activities, not just from Ireland but from law enforcement agencies around the world.

Conti had targeted healthcare organisations before, but nothing on this scale. Four-thousand locations, 54 hospitals, and 70,000 computers were affected. About 80 per cent of HSE systems were encrypted by the attackers and 700GB of data, including personal health records, was stolen.

"The HSE was one of the biggest cyberattacks, in terms of end points, in history," Richard Browne, director of the National Cyber Security Centre (NCSC) tells The Irish Times. "This was an incident of global significance."

Chatroom

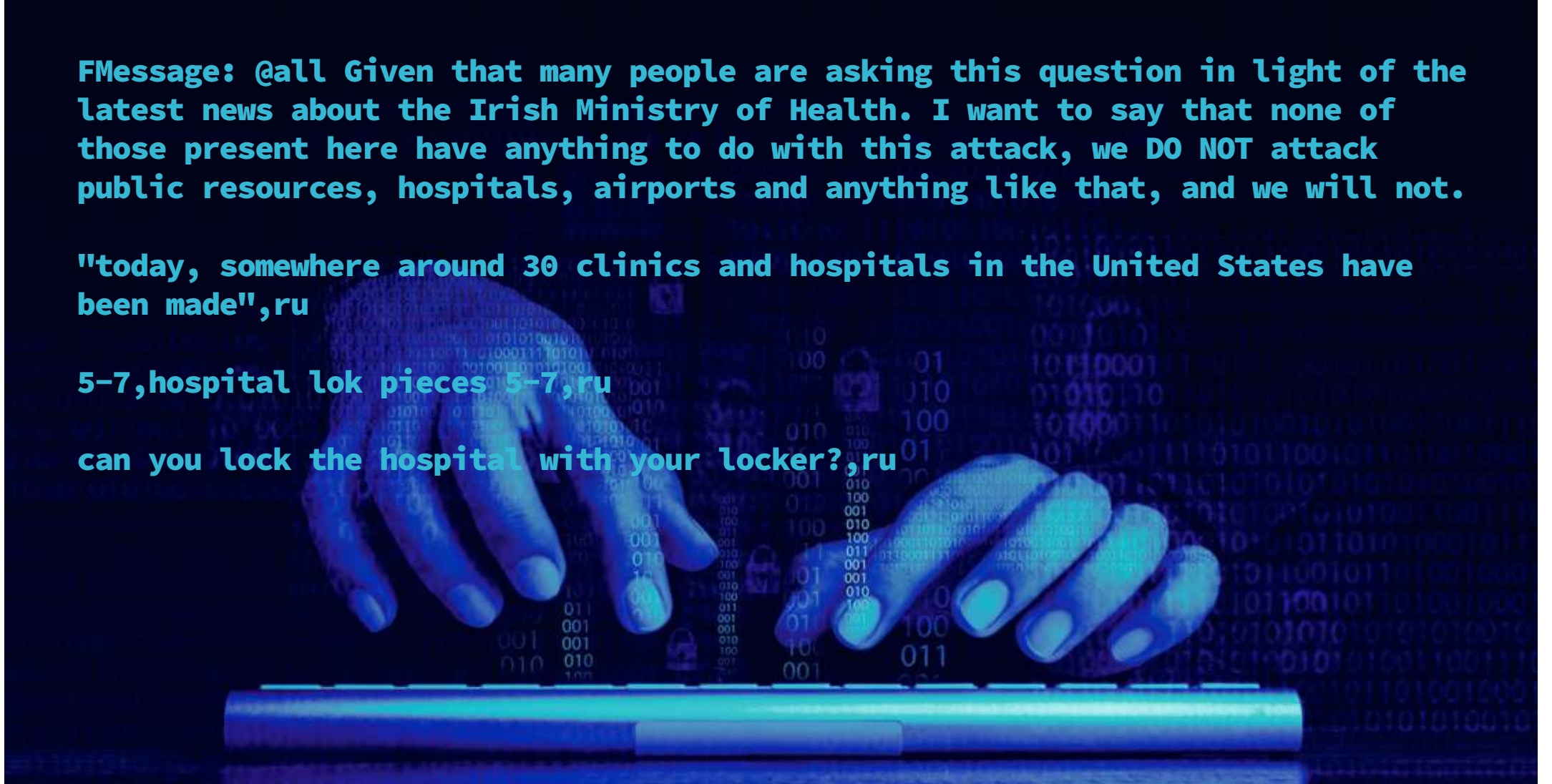
A week after the attack a hacker named Alter raised the matter in an internal Conti chat room.

"Given that many people are asking this question in light of the latest news about the Irish Ministry of Health, I want to say that none of those present here have anything to do with this attack, we DO NOT attack public resources, hospitals, airports and anything like that, and we will not," they said in a message first reported by Bloomberg.

Alter's contention that Conti did not target public infrastructure is undermined by previous chat logs detailing attacks on healthcare institutions by the group.

"So tomorrow there will be hospitals," one user told a chat room in October 2020. The same month, a user said "somewhere around 30 clinics and hospitals in the United States have been made". One of the hackers then requested another to "lock the hospital with your locker".

The supposed rule against targeting healthcare was discussed in another chat log from 2020. A hacker, realising one of the companies they had targeted was a nursing home in the US, suggests abandon-



ing the attack. "On the other hand, it's not a hospital," they muse.

Another hacker tries to justify the attack, arguing nursing homes "steal money . . . from old people". Someone else responds: "They go to hell."

The rule against attacking hospitals seems to have been taken more seriously in the months after the HSE attack. In June 2021 a hacker named Rashaev said Conti would not touch the health sector again under any circumstances.

But the debate raised its head again in October 2021 when a Conti hacker named Dollar announced in a chat he had stolen 8GB of data from a Florida hospital network.

A fellow criminal named Cybergangster was incensed by his behaviour, writing: "Two times I told him that we do not touch the medical sector."

Dollar was undeterred and, in February 2022, just before the Russian invasion, he discussed plans to target a cerebral palsy charity.

These fractures quickly became apparent to the National Cyber Security Centre following the HSE attack. "We had information both from sources in industry and elsewhere as to exactly what was happening within the group," says Browne.

"We could tell from the way they were reacting and the degree of urgency in their comms that they didn't have a particularly strong hand," he says. "We were aware there was discord within the group. That was obvious."

This information informed the NCSC and Government strategy, which boiled down to calling Conti's bluff. It was decided that then taoiseach Micheál Martin and other officials would clearly and repeatedly state that no ransom would be paid, under any circumstances. In response, Conti published some data online, relating to 520 patients, in an effort to increase the pressure to pay. But it refrained from dumping or selling the main tranche.

"There was no guarantee that what we were doing was going to result in the outcome that it did," says Browne. "But it was one of the tools that we had at our disposal. So we played it."

The biggest indicator that their strategy was working was when Conti unexpectedly handed over the decryption key to allow the HSE to unlock their systems.

Browne believes this was a result of the "drumbeat" of international and diplomatic pressure resulting from hacking a health service during a pandemic.

"Given the nature of the ecosystem in which these guys are operating, that becomes dangerous for them. So this essentially puts pressure on them to do certain things."

Browne does not explicitly say what many security experts at the time believed:

that the Kremlin pressured the hackers to co-operate.

The encryption key did not help the authorities recover the stolen data but it did rapidly speed up the process of unlocking the HSE's systems. In the end the Government's strategy was arguably vindicated. No ransom was paid, the publication of personal data was limited and the damage caused by the attack was eventually repaired.

Of course, none of that reversed the huge disruption caused by the initial attack, which impacted the healthcare of thousands. To give just one example, radiation treatment for more than 500 cancer patients was interrupted by the attack.

Browne and his colleagues know exactly which members of Conti were behind the attack but bringing them to justice remains a remote possibility given current geopolitical conditions.

Wake-up call

As well as contributing to the break-up of Conti, the HSE attack also changed the world of cybercrime in other ways. Its biggest impact was serving as a wake-up call for private companies and government agencies internationally.

"The demonstration effect of high-profile incidents like the HSE incident has focused attention on this globally," says Browne. "When that happens, companies sit up and say, 'Our business will be hurt, our reputation will be hurt – we have to deal with this.'"

As well as strengthening their cybersecurity, companies became better at backing up their data systematically, making any potential ransomware attack a less daunting prospect. "When they have backups [companies] can literally say, 'Fine, you've encrypted our assets, we don't care, we'll burn it to the ground,'" says Browne.

According to Joseph Stephens, the NCSC's head of engagement, this has made "big-game hunting" – the specific targeting of larger companies and agencies – "much more challenging".

The results of this are clear. After several years of increases, the amount of ransomware payments by companies globally fell significantly in 2022. According to one analysis firm, payments to ransomware groups fell 40 per cent last year, from a high of €766 million in 2021.

Browne and Stephens say similar trends have been noticed in Ireland but cautioned that it is difficult to draw conclusions from such a small data set. They also urged against complacency, noting that the fall in payouts was mainly limited to just the first half of 2022.

Ransomware is still a very real threat, they say. After all, Conti is just one of many cybercrime outfits to emerge in recent years. One of its successor organisations,

Blackcat, successfully shut down the campuses of Munster Technical University last month and dumped more than 6GB of internal data online.

On the other hand, many cybercriminals, particularly those in leadership roles, have been diverted elsewhere as a result of Russia's invasion. "In some cases they might be in uniform, sitting in a trench somewhere in eastern Ukraine," says Browne.

Domestically, the HSE attack caused Ireland to finally take cybersecurity seriously at a State level. After the attack, the size of the NCSC was almost doubled to 45 personnel, with plans to increase that to 70 by 2026.

Ireland now also has a National Cyber Emergency Response laying out the re-

sponse to any future attack on critical infrastructure, making it one of a small number of EU countries to have a formal plan in place, says Browne.

The attack has also left Ireland in a position to advise other countries on how to respond to large-scale attacks. "Lots of people have learned from our incident response," says Browne, adding that it is now held up at EU level as a case study on how to respond to attacks.

But many in the cybersecurity world wonder if these measures are enough, given Ireland's role as an EU technology hub, dependent on foreign direct investment.

The NCSC agrees and, according to Browne, is to recommend the implementation of further measures in the upcoming midterm review of the National Cyber-

Internal chat logs released as part of the Contileaks, which have been reviewed by The Irish Times.

GRAPHIC: PAUL SCOTT/THE IRISH TIMES

security Strategy. "There's more we can do, and there's more we need to do," he says.

"The world is a very messy, variegated, multipolar place when you're dealing with incidents like this, but there's powers that we need to have to be able to protect everybody else.

"Yes, we need to help the victim get back up and running. But we also need to think of everybody else who could be vulnerable to the same gang tomorrow, or the day after, or the day after that."



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The HSE was one of the biggest cyberattacks, in terms of end points, in history. This was an incident of global significance – Richard Browne, director of the National Cyber Security Centre

Why is Gerard Hutch so well liked in inner city Dublin?



Conor Gallagher

Many see him as a Robin Hood figure, a view that some of his victims find hard to stomach

"You think I'm a drug dealer, don't ya? Well I'm no drug dealer. I've seen family and friends dying week in and week out because of them."

Those were the words of Gerard Hutch – or rather the actor playing Hutch – in the 2003 biopic *Veronica Guerin* as he's confronted by the investigative journalist on his doorstep.

Elsewhere in the film, Guerin's main Garda source concurs. Hutch was probably involved in the 1995 Brinks Allied heist in Clonsilla, Co Dublin, at the time the biggest robbery in State history, the detective tells Guerin, "but drugs is just not his scene".

The result is a film that depicts Hutch as almost a Robin Hood figure, a tough but honourable gangster who stands in contrast to John Gilligan, the malevolent drug dealer who orders Guerin's murder.

It's an image not confined to the silver screen. As seen this week in the wake of his acquittal for the murder of David Byrne during the 2016 Regency Hotel attack, many people in Dublin, and farther afield, have a genuine respect or even admiration for Hutch, whose nickname "The Monk" is a reference to his ascetic, plain-living image.

The 60-year-old is viewed variously as a lovable rogue who thumbs his nose at more powerful criminals such as the Kinahans or an innocent man railroaded by the State and the Garda.

"I've had people coming up to me in the last few days saying 'isn't great that he got off,'" said Independent councillor and for-

66 You have to understand, this is a community which has been entirely ignored and sometimes victimised by the State. It's an 'us against the world' viewpoint and Gerry fit into that

mer lord mayor of Dublin Niall Ring.

"Of course there's an affection there," said the councillor who represents the north inner city. "He was a guy who was good to the community, who was loyal to the community."

Other local figures agree. "He has always genuinely held himself quite well. He was always very pleasant," said another local representative who knows the Hutch family and asked not to be named.

"There's a perception that because he wasn't involved with drugs and just banks robberies, that he's a bit of a Robin Hood," said a Garda with extensive experience of the Hutch family.

For Paul Thornton, a former Bank of Ireland employee, this view is hard to stomach. He was working in the bank on Fairview Strand in 1985 when three armed men burst in.

One of the raiders stayed in the lobby while the others jumped over the counter and pointed their weapons at staff. When Thornton was unable to open the safe, the man in the lobby shouted "kneecap him".

One of the raiders shot Thornton in the leg before they all fled. "In comparison to some of the other guys who were shot [in robberies] at the time, I was lucky," he recalled this week. "I was quite sporty, I was able to get back to playing football within a year or two."

Brinks job
As he recovered, gardai informed Thornton that Hutch was the chief suspect in the robbery, either as the man in the lobby or as the person who ordered it from afar. However no charges were brought. The man who shot him, gardai suspected, was Thomas O'Driscoll, Hutch's childhood best friend who it was believed accompanied him on the Brinks job.

O'Driscoll, a gun for hire in the Fairview area, was shot dead by gardai two years later during a botched robbery of a Dublin Labour exchange.

1987, the Hutch gang, including O'Driscoll, robbed £1.3 million from a cash-in-transit van at Marino Mart in Fairview, just up the road from the bank. Unsurprisingly, Thornton has a less rose-tinted view of Hutch and his activities during this time: "He was a malign presence around the area."

Hutch's reputation as a so-called ordinary decent criminal who spurned the drugs trade was solidified in the 1990s when he became involved in local organisations, led by local Independent TD Tony Gregory, who were fighting back against the heroin scourge devastating the inner city.

In 1996 he raised eyebrows when he attended an anti-drugs meeting organised by the Inner City Organisation Network (Icon). Hutch enthusiastically applauded suggestions from the floor on how to deal with local drug dealers, but remained impassive when Det Sgt John O'Driscoll, who ran the local drugs unit, was introduced. Years later, as Assistant Commissioner, O'Driscoll would lead the international campaign against both the Hutch and Kinahan criminal gangs.

At the 1996 meeting Hutch repeated his insistence he had no involvement in drugs and questioned the council's policy of boarding up properties to stop them being used by dealers. "The problem is not the buildings, it's the dealers who live in them. They're the people who need to be got out," he said.

Boxing club

His reputation as a pillar of the community was solidified when he cofounded the Corinthians Boxing Club in Summerhill in 1998. Hutch bought the building and granted the club a freehold lease for 99 years. He also served as its treasurer.

Through his involvement in the club, Hutch diverted countless youths away from a life of crime or addiction, recalls Ring. "He was literally taking kids off the streets."

As his wealth grew, thanks to canny investments of his robbery proceeds, Hutch moved out of the inner city to Clontarf but remained a constant presence. "He was always around, always very approachable," recalls one resident.

"Whether it was intentional or not, he did very well at marketing himself. He was always very good at the public relations side of criminality," the local representative said.

Ring recalls Hutch's entry into the taxi business after he settled with the Criminal Assets Bureau (Cab) in 2001 for €1.2 million in unpaid taxes on the robbery proceeds.

He called his new company Carry Any Body (Cab) and imported a stretch Hummer limousine worth €150,000 from the US. Over the following years, Hutch appeared regularly in the newspapers, not for his crimes, but on the shoulder of celebrities, such as Mike Tyson, who hired him to ferry them about town.

Part of Hutch's popularity stems from a sense of community in inner city Dublin which outsiders cannot understand, some locals say. This was particularly strong around Foley Street, where many of the Hutches were based.

"They were the essence of inner city poverty. They looked after each other. Genuinely," the local representative said.

"You have to understand, this is a community which has been entirely ignored and sometimes victimised by the State. It's an 'us against the world' viewpoint and Gerry fits into that," recalled a community worker involved in the anti-drugs movement. Furthermore, they said, Hutch did not do business where he lived. "He didn't s**t where he ate. No one had to fear him."

The affection for Gerard Hutch only became stronger during the Hutch-Kinahan feud, which began in 2015 with the murder of his nephew Gary and dramatically escalated following the Regency Hotel attack. Part of this support was due to the perception of the Hutch family as underdogs trying to defend themselves against the multinational Kinahan gang, with their Dubai bolt-holes and reported annual turnover of €1 billion.

"They were the old Dublin corner shop going up against Tesco," said one garda. "So there's bound to be a level of local support."

Sympathy for the Hutch side, which bore far more casualties than the Kinahans, also played a role. "They called it a feud. We called it wholesale slaughter. It would be a feature of people in the inner city, we would always root for the underdog," says Ring.

He recalled Gareth Hutch, Gerard's Nephew, coming into his office the day before he was killed in May 2016 to ask about moving to a more secure flat.

"He said 'I know they're going to get me, I just don't want them to shoot me in front of my



Paul Thornton (left) who was shot in the leg during a bank robbery in 1985. Gardai informed him that Gerard Hutch (right) was the chief suspect in the raid. PHOTOGRAPHS: ALAN BETSON, PADRAIG O'REILLY



son.' It was typical of the family, they were looking after the younger members."

The murder of Hutch's brother in February 2016, Neddy, in revenge for the Regency attack, engendered particular sympathy for the family, particularly as he had no involvement in criminality.

"He was really well-known and liked. Ned would regularly bring auld ones into town and pick them up and make sure they got home safe to their door," says Ring.

'Freethemonk'

The support for Gerard Hutch only grew after he was arrested in Spain in 2021 and extradited back to Ireland to face charges. And it wasn't confined to inner city Dublin.

On Twitter alone the hashtag "Freethemonk" has been shared thousands of times. Much of this has been led by an account called @DeportDaniel, a reference to Daniel Kinahan. Since the 2021 arrest, the operator, who is believed to be an acquaintance of the family, has been tweeting relentlessly.

Unlike the Kinahan PR campaign, which allegedly includes a slick documentary about the Regency attack, a rap song and the hiring of a law firm specialising in brand management, the support for Hutch appears to be more organic.

"There's no doubt that a lot of the affection for him is real, unlike the support for Kinahan which is fairly shallow, at least in Dublin," said a Garda source.

However, these outpourings of affection often ignore key details, including the view of the Special Criminal Court that while he may not have been personally involved in the Regency attack, the murder was almost certainly organised by the Hutch family and Gerard himself had control over the assault rifles used by the gunmen.

It also ignores the opinion of many gardai that, contrary to his public image, Hutch was involved in the drugs trade, just at a greater remove than his criminal colleagues.

After he gave up his armed robbery career, gardai believe Hutch became an investor in the drugs trade. He was willing to front money to other criminals for shipments. But he never got directly involved in the logistics, meaning he stayed off the Garda radar.

The affection also ignores the many victims of the armed robberies he carried out, says Thornton, the former Bank of Ireland worker.

"In some ways when you are at the centre of these things you can be better off. It's the witnesses who have that feeling of helplessness where the impact seems to be greater."

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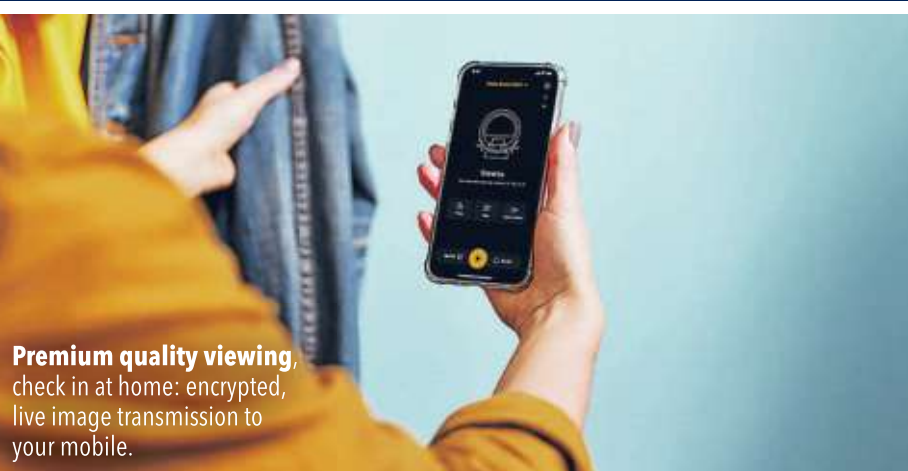
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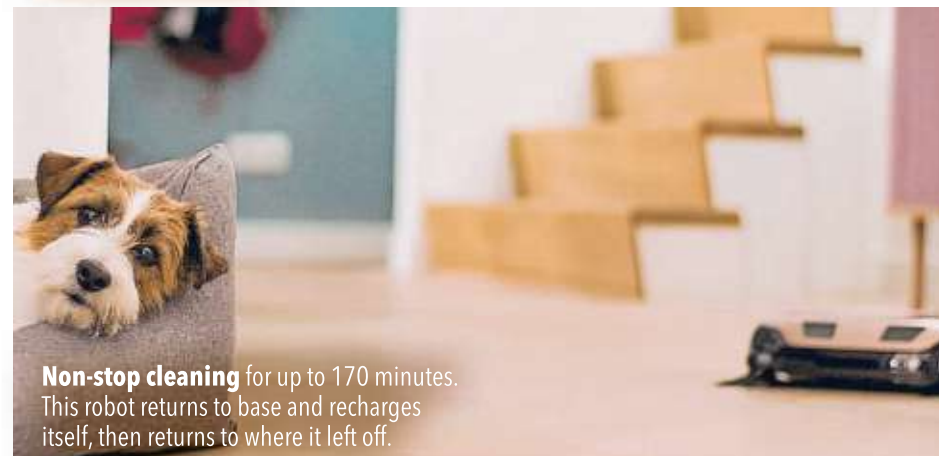
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Alleged war criminal found living in Ireland

Croatian extradited to face charges related to abuse and abduction in 1990s

CONOR GALLAGHER

An alleged war criminal accused of abusing civilians during the Balkan wars of the early 1990s has been located in Ireland, having lived here for many years.

Vojislav Buzakovic, a former member of a Serbian militia group, was arrested by gardai in February on foot of an arrest warrant from the Croatian Ministry of Justice. He has since been flown back to face trial in the Croatian city of Osijek.



■ Vojislav Buzakovic was detained by gardai on foot of an arrest warrant

Buzakovic was specifically accused of physically abusing four detainees. Croatian authorities issued a European Arrest Warrant for him last July, citing a single count of "war crimes". Buzakovic has yet to enter a plea.

He was arrested in Ireland on February 1st last when he triggered a "Article 26 alert" on the SIS system during an interaction with gardai. Under the system, when gardai enter a name into their computer system for any reason, it is automatically cross-referenced against the SIS database.

Buzakovic appeared in the High Court two days after his arrest. After a number of hearings, he consented to his extradition in mid-March and was flown to Croatia 10 days later.

Fugitives

He is one of the highest profile suspects to be arrested using the SIS database since gardai signed up to the initiative in March 2021. To date, SIS has resulted in the detection of more than 140 fugitives living in Ireland.

Buzakovic is not the first alleged war criminal sought in Ireland by the Croatian authorities. In 2014, Dorde Stojakovic was arrested by gardai in advance of his extradition to face trial over the inhumane treatment of Croatian prisoners of war in Serbia in 1991.

Stojakovic, who was a member of the Yugoslav National Army, was accused of taking the soldiers off a bus and torturing them mentally and physically. Over the course of a year, he fought his extradition to Croatia on the basis that it was not a sovereign state when the alleged offences occurred. The High Court disagreed and he was sent back in June 2015.

The alleged abuse occurred in an infamous militia premises, referred to in Croatian media as an "extermination centre", in the town of Petrovci, near Vukovar City. The town itself was the scene of extensive fighting and atrocities against civilians during this period.



Large crowds remember 'natural talent'



Shauna Bower in Headford, Galway

Secondary school student was one of two teenagers killed in Co Galway road crash on Monday

Teenager Kirsty Bohan was remembered as a sociable, creative and joyful person at her funeral Mass in Co Galway yesterday. Members of the Headford community and others from beyond gathered to pay tribute to the 14-year-old and to offer sympathy to her family and friends following their unexpected loss.

Kirsty and her schoolmate, Lukas Joyce (14), died in a road crash in the early hours of Monday and two other teenagers remain in hospital being treated for injuries they sustained in the incident.

Crowds gathered on the road outside St Patrick and St Couna Church to say farewell to the second-year student at Presentation College Headford, with members of her camogie club and school forming a guard of honour as the funeral process-

ion passed. Inside the church, parish priest Fr Dixy Faber paid tribute to Kirsty, who he described as someone who "loved life".

Several symbols were brought up to the altar to commemorate Kirsty's personality and interests. The first was her makeup bag, and a bottle of her favourite perfume to represent her "creative talent and love of beauty".

"Kirsty had no problem getting up at 7.30 on a school morning so she could look her best. But even though she was always the first one up, she was always the last one out the door," the congregation was told.

A Sylane jersey and a hurl from her local club was also placed on the altar, a sport which Kirsty had played since she was six. On Thursday of last week, Kirsty wore the number

seven jersey in her last game. A toy tractor and truck, representing her love for machinery and her father's career; one of her paintings; as she was a "natural talent"; and her headphones were also brought to the altar, with mourners being

very talented, and she loved to be in the company of her friends".

"She was joyful, lively and she enjoyed the company of her friends. Her dad Christy told a story when Kirsty was late for school and one day her father turned to her, pretending he would send her to Ballinrobe school [in Mayo] if she did not hurry up. Then she said, 'Dad, I'd have friends there too,'" Fr Faber told the Mass. "She was drawn to people and people were drawn to her. She was creative and she had a love for painting. Now she will be painting in heaven. She'll have lots of work."

Fr Faber compared the loss of Kirsty to experiencing an unexpected black-out. One moment, people are in light and smiling, and the next, they have been plunged into darkness

with no warning or chance to prepare. "Kirsty died in a tragic accident. To her family and friends, we all want to gather around you, to support you. We want to pray with you for Kirsty. We offer our most heartfelt sympathies to Kirsty's family and friends, to those who love her and mourn her. May she rest in peace," he added.

Kirsty is survived by her parents Christy and Theresa, and her sisters Martha and Ava.

The funeral of Lukas Joyce, who also died in the crash, will take place at St Brendan's Church, Annaghdown today.

■ Flowers at the scene outside Headford in Co Galway where Kirsty Bohan and Lukas Joyce were killed in a car crash on Monday morning. PHOTOGRAPH: HANY MARZOUK

DNA results of couple arrested in Kerry Baby case to be included in file for DPP

BARRY ROCHE
Southern Correspondent

DNA results confirming a couple arrested last month are the parents of the Kerry Baby are to be included in a file that An Garda Síochána is preparing on the infant's murder for the Director of Public Prosecutions (DPP), The Irish Times has learned.

The couple, who are in their early 60s and late 50s, were arrested last month in south Kerry in relation to the murder of Baby John and were questioned for 24 hours about the killing of the infant, before being released without charge.

The Irish Times has learned gardai took DNA samples from the couple upon their arrest in Kerry on March 23rd and rushed them to Forensic Science Ireland's laboratory in Dublin which confirmed that the couple are the parents of the infant, named Baby John.

It is understood from informed sources the results of the DNA samples were put

the couple at separate interviews at Listowel and Castleisland Garda stations and the couple made no admissions in relation to being the parents of the infant.

Their solicitor, Padraig O'Connell, said no DNA test results were put to his clients at interview and he said he was "very troubled by the synchronised leaking of information by gardai which is unacceptable and deplorable".

'No contact'

"I am saying that the results of the samples that were given on a voluntary basis by my clients at both stations, Castleisland and Listowel, were not put to them and there has been no contact by either the gardai or the State with either myself or behalf of my clients or my clients about them."

The Garda Press Office yesterday declined to comment on the nature of the investigation, which is headed up by Supt Flor Murphy of Tralee Garda station and is being carried out by a

cold case review team from the serious crime review team and local officers in the Kerry Garda Division.

"An Garda Síochána does not comment on the specifics of any particular line of inquiry or any criminal investigation. The investigation into the murder of Baby John is continuing and a file will be prepared for the Di-



■ The grave of five-day-old infant 'Baby John' in Holy Cross cemetery in Cahersiveen

rector of Public Prosecutions," the press office said in its statement.

Immediately following the couple's release, Mr O'Connell said they had made no admissions in relation to the offence for which they had been arrested, namely the murder of Baby John, and he urged the gardai to complete its file for the DPP

as quickly as possible.

"My clients absolutely and trenchantly deny the allegation of murder and there was not a scintilla of evidence put to them in interview that would substantiate an allegation of murder," said Mr O'Connell, adding he was confident that they would be fully exonerated.

Stab wounds

A postmortem examination by State Pathologist on the remains of Baby John, which were washed up near Cahersiveen in 1984, found he had suffered 28 stab wounds including four that pierced his heart as well as a broken neck.

A fresh investigation into the "Kerry Babies" case began in 2018 following a Garda apology to Kerry woman Joanne Hayes, who had been wrongly accused of the murder.

In September 2021, as part of the cold case review, Gardai exhumed the baby's remains at Holy Cross Cemetery in Cahersiveen and DNA samples were taken for analysis.

Simeon Burke lawfully detained and trial will proceed, judge rules

MARY CAROLAN

Law student Simeon Burke is lawfully detained on a public order charge and his trial on that charge on Monday can proceed, a High Court judge has ruled.

Mr Justice Brian Cregan, in a lengthy judgment yesterday evening, dismissed claims by Mr Burke that his arrest and detention following events at the Court on Appeal (CoA) on March 7th was unlawful and unconstitutional.

Mr Burke and members of his family were removed from the CoA by gardai that day after disruption of the delivery of the CoA judgment dismissing teacher Enoch Burke's appeal over orders requiring him to stay away from Wilson's Hospital School pending a disciplinary process.

Simeon Burke declined to take up bail, arguing the process which led to his arrest and detention was unlawful.

In his judgment yesterday following an inquiry sought by Mr Burke under article 40 of the Constitution, Mr Justice Cregan said it "goes without saying" it was "disgraceful" the Burke family behaved in such a way in the CoA on March 7th.

It was "even more astonishing" Ammi Burke, a qualified solicitor and officer of the court, and Simeon Burke, a graduate of the Kings Inns, should behave in such a way in any court.

'Completely unacceptable'

Ms Burke's conduct during the hearing of the inquiry into her brother's detention was "completely unacceptable", the judge said.

Mr Burke himself had refused to engage with his own inquiry and had constantly repeated the "mantra" the inquiry was not being conducted in accordance with law and the Constitution. Mr Burke could walk out of jail this evening but said he could not do so because he is a



■ Simeon Burke at his own request, was not in court for the ruling

man of principle, the judge said. The court found it difficult to see what principle he was standing on; he had no right to disrupt the business of the court. He rejected Mr Burke's claims he was not properly arrested. He held that both his arrest and detention was lawful, no excessive force was used and there was no conscious or deliberate violation of his constitutional rights.

About 12 gardai had made statements about the events of March 7th and their evidence about the circumstances of the arrest and detention of Mr Burke told "a different story", the judge said.

Mr Burke had been described as "highly aggressive" and "abusive" towards gardai, to have made "obscene" statements about "transgenderism" and to have been "totally frantic" when a garda was attempting to handcuff him. The garda evidence was they had complied with the law in their dealings with Mr Burke, the judge said.

It was "completely unacceptable" for Mr Burke to make "wild and unfounded" allegations that the gardai were telling lies. It was also completely unacceptable the gardai were called to give evidence and then Mr Burke "simply refused" to cross-examine them.

Mr Burke, at his own request, was not in court for the ruling at 6pm yesterday and remained in another courtroom with a prison escort.

His parents, sister Ammi and brothers Isaac and Josiah, who were in court earlier, had absented themselves deliberately for the ruling, the judge stated.



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