Cloonsunna,
Castlebar,
Co. Mayo
[redacted]

25 March 2026

BY REGISTERED POST AND BY EMAIL

Registrar to Mr Justice Brian Cregan
Chancery List
High Court Central Office
Four Courts
Inns Quay
Dublin 7
[redacted]

Re: Enoch Burke v Seán Ó Longáin, Geraldine O'Brien and Jack Cleary
High Court Record Number 2026/18P

Dear Registrar,

We refer to paragraphs 102-104 of the judgment[1] of Judge Brian Cregan delivered on 4 March 2026 in the above. In paragraph 103 Judge Cregan stated, inter alia:

> *"I am ... considering making a direction under section 11 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act, 2020, and/or under the inherent jurisdiction of the court, that Mrs. Burke, Ms. Burke and Dr. Isaac Burke should not be permitted to attend any further hearings involving Mr. Enoch Burke, in person, but should only be allowed to attend those hearings remotely."*

In paragraph 104 Judge Cregan stated:

> *"If Mrs. Burke, or Ms. Burke, or Dr. Isaac Burke, object to such an intended order, they can file written legal submissions to the Registrar within three weeks setting out the reasons for their objections. I will then consider these submissions and decide whether I will, in fact, make such an order."*

A. The background

Before continuing, we note that the background to this matter is that our son and brother Enoch Burke has been jailed for over 620 days at this point. This context should be recognised. We fully realise that decorum and order are necessary to the proper functioning of courts. However, this is not a normal situation. The sole purpose of the Courts is to administer *"justice"* (Article 34.1 of the Constitution). Enoch Burke has not received this *"justice"*.

[1] 2026 IEHC 132

The Constitution guarantees *"freedom of conscience and the free profession and practice of religion"* (Article 44). No judge has engaged with this *"guarantee"* and given Enoch Burke the benefit of it from the first day of his case up to the present.

The Constitution must be upheld. This is of paramount importance. Every judge takes a solemn oath before Almighty God to uphold the Constitution and the laws (Article 34.6). Orders made in fundamental disregard of the Constitution cannot be considered as valid. Enoch Burke has high respect for the Constitution. It is this respect that prevents him from complying with the Order of Judge Alexander Owens made in 2023 which enforced his suspension from Wilson's Hospital School.

Principal Niamh McShane's instruction to call a child by a new name and the "they" pronoun is without legal authority and is contrary to the Constitution and the laws. It is furthermore an attack against the law of God. It ought to have been recognised as such the first day the Board of Management of Wilson's Hospital School petitioned the High Court for an injunction enforcing the terms of Enoch Burke's suspension. It was not. This then is the true background to this matter.

Judge Cregan has continually denied that Enoch Burke has experienced any unfairness by the Courts. As recently as 12 March 2026, in open court, he stated, *"Every judge has treated Enoch Burke with fairness."* Judge Cregan has also stated, *"No judge has said Enoch Burke's case is not about transgenderism."* These statements are not true.

Judge Stack

On 30 August 2022, when Enoch Burke's case first came before the High Court, it was heard by Judge Siobhán Stack. Rosemary Mallon BL, Counsel for the Board of Management of Wilson's Hospital School, informed the Court that the disciplinary allegations against Enoch Burke did not concern his views on transgenderism. She said: *"It is nothing to do with Mr Burke's views."* Nothing could be further from the truth. Notwithstanding this, Judge Stack concurred in Ms Mallon's statement, despite having the principal's disciplinary report in her hands which gave the lie to Ms Mallon's statement. She granted an interim injunction to Ms Mallon.

Judge Barrett

On 7 September 2022, Judge Max Barrett granted an interlocutory injunction to Ms Mallon. He stated, *"I accept that what's before me today is not about, it's not a transgender issue, its simply an application for an interlocutory injunction which I'm going to grant..."* The assertion by Judge Barrett that the case was not about transgenderism was again false.

Judge Roberts

Several days after this, Enoch Burke brought an application to the High Court from his prison cell seeking to restrain his suspension and secure his freedom. This was heard by Judge Eileen Roberts on 14 September 2022. In ruling against him, and thereby ensuring that he remained incarcerated, she cited only one law: the Equal Status Act 2000. She stated: *"The school is ... concerned to comply with its legal obligations under the Equal Status Act of 2000 in relation to all students and, in particular, the child concerned in this case."*

The Equal Status Act 2000 does not in fact provide any authority for the principal's instruction. It defines the *"gender ground"* as *"that one [person] is male and the other is female"* (Section 3(2)(a)). There is no reference to transgenderism or to anything connected with transgender ideology in the Equal Status Act 2000. Judge Roberts would have known all of this on 14 September 2022. Her judgment was therefore founded on a lie. This cannot be acceptable.

Judges Birmingham, Edwards and Whelan

When Enoch Burke subsequently appealed the injunction enforcing his suspension to the Court of Appeal, the three most senior members of that court, President George Birmingham, Judge John Edwards and Judge Máire Whelan agreed together that *"there is no evidence whatever"* that Enoch Burke was disciplined by the school as a result of the views he holds on transgenderism or because he maintains a conscientious objection to the principal's instruction to call a child by a new name and the "they" pronoun (see the judgment of Judge Edwards in *The Board of Management of Wilson's Hospital School v Burke* [2023] IECA 52 at paragraph 45).

This statement was a blatant and manifest lie. Not only so, it was made for the purpose of defrauding Enoch Burke of the constitutional protection guaranteed to him by his fundamental rights to freedom of conscience and freedom of religion under Article 44 of the Constitution. The same is evident from the judgment of Judge Edwards. At paragraph 45 of his judgment, he stated (utterly erroneously): *"There was no evidence before the court that the constitutional rights identified by Mr Burke in his counterclaim as rights to be enjoyed by him, were even engaged by the placing him on administrative leave, much less breached."*

This gross injustice was recently placed before the Supreme Court in separate proceedings (see Appendix 1 which is an Application for Leave to Appeal to the Supreme Court filed 5 December 2025). Ground of Appeal No. 8 in that document reads as follows:

> *"The [Court of Appeal] fundamentally erred in failing to recognise the gravity of the error made by Edwards J. (to which Birmingham P. (as he then was) and Whelan J. recorded their agreement). The applicant, in the [2023] IECA 52 proceedings, had formally invoked his constitutional rights to freedom of conscience and freedom of religion under Art. 44 of the Constitution. Birmingham P., Edwards J. and Whelan J., by erroneously asserting that the disciplinary action against the applicant related solely to the manner in which he had objected to the principal's instruction, and not to the fact that he objected to the principal's instruction or to the views he held on transgenderism, deprived the applicant of constitutional justice and of the protection of the constitutional rights which the applicant had formally invoked."*

Judge Cregan is aware of this matter. Enoch Burke has raised it on several occasions in oral submissions before him. Yet Judge Cregan has never acknowledged it despite having issued several written judgments. It is very difficult for us to listen to Judge Cregan say that *"Every judge has treated Enoch Burke with fairness"* when one considers (as set out above) the serious injustices visited on Enoch Burke by the judgments of the Court of Appeal delivered on 7 March 2023.

Judge Owens

On 19 May 2023, Judge Alexander Owens delivered a judgment granting a permanent injunction enforcing Enoch Burke's suspension. In that judgment, Judge Owens stated: *"It is unnecessary for this Court to determine claims by Enoch Burke that the Board interfered with his constitutional rights"* (paragraph 18). Judge Owens found that the issue of whether Enoch Burke should not be suspended hinged on whether he would comply with the principal's instruction. He found: *"...Enoch Burke did not address the issue of why he should not be suspended. In particular, he did not address whether he would comply with the school principal's direction"* (paragraph 96). However, Judge Owens did not conduct any analysis of the legitimacy of the principal's instruction. Judge Owens upheld the lawfulness of Enoch Burke's suspension without considering the legitimacy of the principal's instruction. This was manifestly unjust and wrong. Recently, on 22 January 2026, the Department of Education issued a statement to the Irish Times that there is *"no legal obligation"* on schools to use a student's *"preferred"* name or pronouns.

Judge Dignam

To mention one further example, on 20 December 2023 Judge Conor Dignam delivered a judgment rejecting Enoch Burke's claim of objective bias against Mr Kieran Christie, General Secretary of the ASTI, who sat on the Disciplinary Appeal Panel (DAP) to hear his appeal of his purported dismissal. In that judgment, Judge Dignam made a series of completely false statements about the reason for the disciplinary action against Enoch Burke. On this basis, he rejected Enoch Burke's claim. Relying on the findings of the Court of Appeal in the [2023] IECA 52 proceedings, Judge Dignam stated that Enoch Burke was not being disciplined because he objected to the principal's instruction or because he expressed his views. This, again, was a blatant and manifest lie. On 19 March 2024, at a time when imprisoned in Mountjoy Prison, Enoch Burke wrote a letter of complaint to the President of the High Court Judge David Barniville (see Appendix 2). He wrote:

> *"The contradiction between the findings of [Mr Justice Dignam] in these proceedings and the most elementary facts of the case is so clear and so blatant that I feel that you as President ought to be formally apprised of the matter. I believe that a fundamental denial of justice has taken place. [...] I am aghast and astonished at what can only be described as a conscious and deliberate denial of the truth by Mr Justice Dignam regarding an issue of critical and fundamental importance in this case, namely, the basis for the disciplinary action against me."*

Despite raising the matter in detail with the President of the High Court, the President took no action to remedy the gross injustice that had occurred. **It would be a full 16 months later before the matter was finally put right** by the judgment of the Court of Appeal in *Enoch Burke v Seán Ó Longáin, Kieran Christie and Jack Cleary* [2025] IECA 148 delivered on 25 July 2025 which overturned the entirety of the judgment of Judge Dignam. By that time, Enoch Burke had spent 513 days in Mountjoy Prison and had his salary stripped from him and over €40,000 in his bank account seized by the Courts.

In the judgment delivered on 25 July 2025, the Court of Appeal described the principal's instruction to call a child by a new name and the "they" pronoun as a *"kernel"* of Enoch Burke's case. The Court of Appeal found that *"...any reasonable reader of the principal's report would understand that the principal considered her overarching complaint against*

[Enoch Burke] to fall under the heading of refusal to comply with a legitimate instruction resulting in serious consequences, as provided for in the Circular" (paragraph 146).

B. The "intended order"

Each of the undersigned objects to such an "intended order" as is suggested by Judge Cregan at paragraph 103 of his judgment. We would note the following serious matters which we submit indicate that the Court does not have the authority to make the proposed order and that natural justice and fair procedures are not being followed by the Court in this matter:

(1) Firstly, the "intended order" is not an order that Judge Cregan has the power to make. The order appears to contemplate banning the undersigned from all future physical hearings involving Enoch Burke in all courts. The constitutional requirement in Article 34.1 of the Constitution that justice be administered in public is an essential guarantee of a courts system to which members of the public may have access as of right. Interference with that right is a solemn matter. The inherent jurisdiction of the High Court does not give Judge Cregan authority for the "intended order". The reference to *"section 11 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act, 2020"* is unclear. This section of the Act referred to states that a court may *"direct that ... proceedings ... shall proceed by remote hearing"*. The section deals with the entirety of proceedings being conducted on a remote basis. It does not provide authority for the "intended order".

(2) Secondly, the rules of natural justice require that when it is proposed to sanction a person, that person should be given specific details of the conduct alleged against him/her so that he/she can respond accordingly. That has not happened. We have not been furnished with the details of what conduct is alleged to merit the proposed "intended order". Only generalised assertions are made in paragraphs 102-104 of the judgment, namely: *"family circus"* (a pejorative term), *"all three persons have repeatedly interrupted court proceedings" "their disgraceful behaviour in court"* and *"Counsel for the school, and for the DAP, and, indeed, the court, are constantly shouted down and constantly interrupted"*. Generalised assertions are not sufficient to meet the requirements of fairness when dealing with a profoundly serious sanction such as exclusion from all future court hearings. The reason why details are important is because such details allow for proper responses to be furnished and there may well be explanations or justifications or mitigating factors available in those responses. The allegation that we have *"constantly shouted down [persons] and constantly interrupted"* is simply not true.

(3) Thirdly, and perhaps most importantly, we submit that Judge Cregan wholly lacks the impartiality that would be required to make such an "intended order" as he suggests. Over the past few months, Judge Cregan has repeatedly used his office to make slanderous statements designed to denigrate and debase Enoch Burke and the Burke family in the eyes of the public. Some of these include:

(a) *"This case is exceptional. And why is it exceptional? ... It could also be because [Enoch Burke] and his family wish to make money from this campaign. I note in this regard that Mr. Burke has refused to comply with a number of court orders directing him to furnish an affidavit of income and expenditure. It is clear that he has something to hide in this regard."* – [2025] IEHC 711 (9 December 2025) at paragraph 53. This statement had no evidentiary foundation. It was and is baseless. It should not have been made. It wrongly imparted to Enoch Burke and his family a mercenary motive for the stand that they have taken. It is sinister and was made

without a shred of evidence. It seems it was deliberately made to capture headlines (which it did; RTE News, the Irish Independent and The Journal ran the statement in their headlines on 9 December 2025).

(b) *"When I first heard this matter, I assumed that Mr. Burke was engaged in a bona fide defence of a legal case. The more this case has gone on, the more I have come to realise that Mr. Burke is not interested in defending this legal case at all. ... He is using the courts to pursue his political campaign against transgenderism."* – [2025] IEHC 711 (9 December 2025) at paragraph 55. This statement is completely untrue. Not only so, but it is also deeply offensive to Enoch Burke and to those members of his family who have worked tirelessly with him on pleadings, legal submissions, appeals, etc, since the beginning of his case.

(c) *"Mr. Burke has taken it upon himself to represent himself. He is a teacher of German and History. He has no knowledge of the law; he has no knowledge of constitutional law, of contract law, of employment law, or of procedural law."* – [2026] IEHC 31 (20 January 2026) at paragraph 8. This statement is pure slander. It was clearly intended to traduce Enoch Burke and was widely reported in the media. The statement was made only several months after judgment was handed down by the Court of Appeal in *Enoch Burke v Seán Ó Longáin, Kieran Christie and Jack Cleary* [2025] IECA 148, in which, after significant work by Enoch Burke, who represented himself throughout the proceedings, and by his family members who assisted him, **the Court of Appeal found for him on practically all of the points of appeal he had painstakingly raised. This is the same Enoch Burke of which Judge Cregan stated in a written judgment, "He has no knowledge of the law."** In those proceedings, Enoch Burke was opposed by Junior Counsel and Senior Counsel, namely Padraic Lyons SC and Hugh McDowell BL. Further, this statement was made several days after Enoch Burke initiated proceedings against the Disciplinary Appeal Panel (DAP) for the second time. Judge Cregan had read the pleadings in those proceedings, as he makes clear at paragraph 5 of his judgment in [2026] IEHC 31. Any judge would know from a cursory look at those pleadings (which took a considerable amount of time to draft) that they reflected a sound and in-depth knowledge of constitutional law, of contract law, of employment law, and of procedural law, and raised serious substantive issues. Indeed, this was clearly evidenced only several days later, when, on 3 February 2026, *"in light of issues arising from the proceedings"* two of the three members of the DAP panel resigned (a wholly unprecedented event).

(d) "Mr. Burke's statements after he was released on Wednesday, 14th January 2026 contained another avalanche of lies. He said that I had imprisoned him for life. That was a blatant lie and was known by him to be untrue." – [2026] IEHC 31 (20 January 2026) at paragraph 22. It is not clear what statements Judge Cregan is referring to here as none were set out on affidavit or otherwise mentioned before the Court by any party. It appears that the judge is simply working from information he may have seen in the news media or on social media. It is simply extraordinary that a High Court judge would, in a written judgment, describe *"statements"* by one party as being *"lies"* without (1) even mentioning what *"statements"* he is referring to or (2) giving that party an opportunity to respond to the very serious allegation of *"lies"*. Furthermore, the judge says the statements *"contained another avalanche of lies"* but subsequently goes on to mention only one alleged lie (which is not in

fact a lie). This behaviour is gravely concerning coming from a member of the judiciary who has taken a solemn oath before Almighty God to uphold, in particular, Article 40.3.2 of the Constitution, which states, *"The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the ... good name ... of every citizen."*

(e) *"Mr. Burke accuses everyone of lying. [...] Every single person who says something with which Mr. Burke disagrees with is accused of lying."* – [2026] IEHC 132 (4 March 2026) at paragraph 51. Both of these statements are plainly and obviously false. Judge Cregan has provided no evidence for these slanderous claims. They should not have been made. Clearly, the intended effect of these false statements is to traduce Enoch Burke and the arguments/case he is making.

(f) *"In the circumstances, I am of the view that Mr. Burke is not a credible witness. I would never take Mr. Burke's characterisation of an opponent's version of events as even remotely resembling the truth of the situation. Indeed, this very dispute reinforces me in my view that the DAP must have a stenographer present at the hearings – whether Mr. Burke agrees to it or not – in order to combat the amount of lies and misrepresentations which Mr. Burke and/other members of his family persist in. A transcript of the hearing will provide proof of who said what, and when."* – [2026] IEHC 132 (4 March 2026) at paragraph 53. To say that someone is not a credible witness is an extremely serious statement. For a High Court judge to say this about someone should only follow genuine findings of material inveracity that have been made following a rigorous adherence to fair procedures for the person involved. Nothing of the sort has happened here. The only allegedly false statement that Judge Cregan identifies is that Enoch Burke says he is in prison because he will not *"bow the knee to transgenderism"*. It is wholly unjust and improper for Judge Cregan to infer from this that Enoch Burke *"is not a credible witness"*. His statement that he *"would never take Mr. Burke's characterisation of an opponent's version of events as even remotely resembling the truth of the situation"* is simply astounding. In respect of the Disciplinary Appeal Panel (DAP) process, Enoch Burke carefully set out what happened at the DAP hearing on 13 December 2025 in two detailed affidavits delivered on 6 January 2026 and 22 January 2026 respectively. **Not one averment he makes in those affidavits has been proved or shown to be false. On the contrary, several days after delivery of Enoch Burke's second affidavit, two members of the DAP including the Chairperson Seán Ó Longáin tendered their resignations. This speaks for itself.** Judge Cregan goes on to mention the need for *"a stenographer [at the DAP hearing] ... to combat the amount of lies and misrepresentations which Mr. Burke and/other members of his family persist in."* This is an utter abuse of power by Judge Cregan. As already stated, not one averment which Enoch Burke makes in his affidavits has been found to be false. In addition, Judge Cregan here mentions *"other members of his family"* persisting in *"lies and misrepresentations"*. This statement is utterly false and defamatory. No member of the Burke family has engaged in lies or misrepresentations. Not one example of the alleged *"lies"* or *"misrepresentations"* is given nor does Judge Cregan clarify which members of the Burke family he is referring to. The statement is simply made without warning, without evidence, without proof, and without a right of reply. For a High Court judge to engage in such conduct is sobering and fearful.

(g) *"It is clear that Mr. Enoch Burke and other members of the Burke family, including Mrs. Burke and Ms. Burke, believe that they are above the law and that the law does not apply to them. The question is whether they should be exempt from the rule of law because they are, apparently, Christian evangelicals. The question only has to be stated in these terms to realise the answer is definitely no."* – [2026] IEHC 132 (4 March 2026) at paragraph 93. Neither Enoch Burke nor his family have ever argued that they should be exempt from the rule of law. We have never said that we are above the law. We have never said that the law does not apply to us. Rather, we have asked that the Constitution and the laws be upheld, in particular, Article 44 of the Constitution, which reads in part: *"The State acknowledges that the homage of public worship is due to Almighty God. It shall hold His Name in reverence, and shall respect and honour religion. Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen."* We have never used the term "Christian evangelicals". We have said that we are Christians and that we hold to the teachings of Scripture. It is a slur on our Christian beliefs to have a High Court judge grossly misrepresent our position and our Christian faith in such a manner. These statements are derogatory and disparaging and should not have been made.

We submit that these statements, coming from a High Court judge, are wholly unacceptable. We are gravely concerned by them. Not only are they slanderous and untrue, but they are also provocative and inflammatory. The behaviour of Judge Cregan shows a judge who has descended into the arena and abandoned his judicial obligations. His words are the words of someone who harbours a deep personal animus towards Enoch Burke and the Burke family (including ourselves). It is inappropriate that this man would now issue a decree banning us from future court hearings involving Enoch Burke, our son and brother; neither do we believe it is in his power to make such an order.

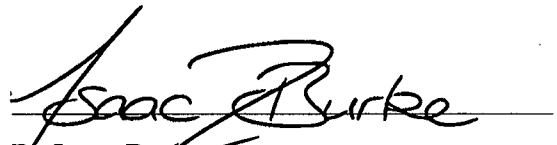
We have assisted Enoch Burke for the past four years. This is well known to the Courts. We have regularly assisted him in hearings at the High Court and at the Court of Appeal. On occasions we have moved important ex parte applications on behalf of Enoch Burke given that he is incarcerated. Recent examples of such are 5 January 2026 (2026/18P proceedings, before Judge Nolan), 23 February 2026 (2026/18P proceedings, before Judge Cregan) and 2 March 2026 (2022/4507P proceedings, before Judge Cregan). Enoch Burke has a right of access to the Courts. It is in the interests of justice that he be assisted in making his submissions and arguments. We believe that Judge Cregan's "intended order" is an unlawful attempt to curtail such access and assistance and as such we are gravely concerned.

We ask that the matters set forth in this correspondence be given due consideration.

Yours sincerely,

Martina Burke

Martina Burke



Dr Isaac Burke

Ammi Burke

Appendices (2)